

ACLU magazine

FOR PASSIONATE GUARDIANS OF CIVIL LIBERTIES

The ACLU is challenging voter suppression across the South to ensure free and fair elections in 2024 and beyond.

PUTTING
FAIRNESS
ON THE MAP

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CLOCKWISE FROM TOP: LYNSEY WEATHERSPOON; ANDREA MORALES; COURTESY OF GRACE J. KIM; DANIEL BERMAN

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Putting Fairness on the Map

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By Shayla Love

On the cover: Dr. Dorothy Nairne is a Louisiana resident and plaintiff in the ACLU's lawsuit challenging the state's racist congressional maps. Photograph by Lynsey Weatherspoon

Last fall, while closing this issue of *ACLU Magazine*, we had cause to celebrate a historic victory for abortion rights: Voters in Ohio passed Issue 1, a ballot initiative that enshrined broad reproductive freedom in the state’s constitution (see Priorities, p. 4). Just as in Michigan in 2022, the ACLU played a critical role in supporting a ballot committee to secure these fundamental rights through direct democracy. Other key elections in Pennsylvania and Virginia further demonstrate that voters insist on keeping their bodily autonomy free from government interference.

With the 2024 elections approaching, the ACLU has ambitious plans, and there’s reason to be hopeful. By amplifying our political advocacy to match

our legal power, we have an opportunity to make progress on our core issues on a huge scale. And we must: Anti-democracy forces have spent billions over the past five decades to remake the courts and state legislatures. This year, we will match might with might.

We recently established the ACLU Voter Education Fund to help us better inform voters about state and local officials who have significant authority to affect civil liberties. This federal PAC will expand our reach by capitalizing

“Progress toward justice and equality is possible so long as we stay in the fight.”



on two of our greatest strengths: voter education and mobilization. As we have done for over 103 years, we won’t endorse or oppose candidates for office. The ACLU is staunchly nonpartisan and will remain so. We won’t give funds to candidates. Our goal is to provide voters with information on candidates’ records and to make sure that voters cast an informed vote. When our rights and liberties are on the ballot, voters need a trusted source of information to inform their decisions at the polls.

As you’ll also read in this issue, the ACLU has the unrivaled ability to make long-term impact at both the national and the state level. “Protecting Pregnant Workers” (p. 24) details the ACLU’s leadership role in the 10-year fight to pass the Pregnant Workers Fairness Act, a groundbreaking anti-discrimination law that sets a template for securing future federal protections. In “Putting Fairness on the Map” (p. 10), we celebrate the Southern advocates who scored a crucial win for Black voters with the Alabama redistricting case *Allen v. Milligan*, a U.S. Supreme Court ruling that will have a major impact on our fair maps cases in Louisiana, Georgia, and Mississippi. And “Busting Bias in AI” (p. 18) illustrates the ACLU’s work to ensure that advances in artificial intelligence don’t deepen racial inequities in housing, employment, and lending or enable authoritarianism by expanding institutional surveillance.

We know that this mission requires patience and persistence, and the ACLU has always had the resilience to play the long game. Together, we must keep our eyes on the horizon. Progress toward justice and equality is possible so long as we stay in the fight.

Anthony D. Romero
Executive Director

PHOTOGRAPH BY BRYAN DERBALLA



The Fall 2023 issue of ACLU Magazine features a new generation of advocates and their paths for social justice.

Thank you for another great issue. There is so much good work being done that goes unseen. I admire Zoraima Pelaez for sharing a personal abortion story, and her observation that the “practice of hope is the thing that becomes a radical act.” I am inspired to do whatever I can to “practice hope.” I am glad to know there is a new generation of advocates at the ACLU who are doing the same.

Lucinda E. White
Freeport, ME

Reading about these amazing, smart, caring young people doing something positive for our country made me cry. At 75, I may not witness the changes they work toward, but I have hope for my granddaughter.

Bonnie Golden
Taos, NM

I loved the Fall 2023 magazine, first, for the variety of issues and the diversity of persons highlighted for their work. I especially appreciate

the ACLU’s expansion into areas such as jury and algorithmic bias, gender issues, and advocacy work. We have grown in our understanding of how to tackle civil liberties challenges over the last 40 years. I also loved seeing La Morena’s image in a tribute to Missing and Murdered Indigenous Women, a matter only too real to us in Arizona and the Western U.S.

Nancy Hicks Marshall
(executive director of the ACLU of Arizona, 1975–1979)
Phoenix, AZ

Thank you for the great [photo] of Mary Beth Tinker [in “*Tinker v. Des Moines*”]. She and her brother John transferred to my high school after their suspension. I was proud to tell my U.S. history students for 42 years that I was friends with students who stood up for their constitutional rights and won a Supreme Court case in our home state of Iowa!

Peggy M. Spates
Hyattsville, MD

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

A note from the chair of the ACLU National Board’s 2024 Nominating Committee: Please be advised that ACLU members may submit nominations to the National Board for consideration by the Nominating Committee for the 2024 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.

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FRONT LINE

PRIORITIES

Abortion Rights on the Ballot

With key election wins, the ACLU continues to defend reproductive freedom state by state.

In November, Ohio became the latest state to enshrine broad reproductive rights in its constitution. In a significant victory, voters overwhelmingly passed Issue 1, a ballot measure that ended the state's extreme six-week abortion ban, while guaranteeing Ohioans access to abortion, contraception, miscarriage care, and fertility care. The ballot initiative was largely the work of Ohioans United for Reproductive Rights (OURR), a campaign that

CONTINUED FROM PAGE 5

included support from the ACLU, the ACLU of Ohio, and organizers and activists who collected nearly half a million signatures to get the measure on the ballot. The win struck another blow to anti-abortion extremists and underlined the effectiveness of the ACLU’s efforts to secure these fundamental rights directly at the ballot box.

Since the U.S. Supreme Court’s decision to rip away the federal protections of *Roe v. Wade*, the battleground for reproductive rights is constantly shifting, as abortion opponents throw new obstacles in the way. In Ohio, they spent tens of millions of dollars opposing Issue 1, calling a special election to raise the voting threshold for passing citizen-initiated constitutional amendments and then using misleading language to describe the measure on the ballot. Ohio voters saw through the ruse in part because of a relentless statewide campaign to clarify the stakes, resulting in a crucial win that builds on the momentum of recent victories in Michigan, Kentucky, Vermont, and California.

The ACLU also helped to secure a win for reproductive freedom in Pennsylvania with the election of a pro-abortion rights justice to the state’s supreme court. Just as in Wisconsin in April, the ACLU and the ACLU of Pennsylvania educated voters about the candidates’ stances on abortion and democracy, mobilizing them on a large scale to protect both. The ACLU also focused its advocacy on the General Assembly races in Virginia, which resulted in pro-abortion rights legislators securing a majority in both the House of Delegates and the state Senate. The successful outcome effectively blocked Gov. Glenn Youngkin’s plan for a 15-week abortion ban, making Virginia the sole Southern state free of new restrictions since the fall of *Roe*.

“Voters across the country sent the clear message that they want elected leaders to fight for reproductive freedom,” says Deirdre Schifeling, the ACLU’s chief political and advocacy officer. “We will continue this fight until every person in our country has access to abortion and all reproductive health care—it is fundamental to equality.”

These victories illustrate the power of the ACLU’s electoral program in the states to educate and mobilize voters in the run-up to the critical 2024 elections. While fighting in the courts to block draconian bans and keep medication abortion available and accessible, the ACLU will continue to deploy electoral strategies to ensure that everyone has the right to make personal health care decisions free from government interference. —JAY A. FERNANDEZ



Discrimination State

A xenophobic property law in Florida extends a racist legacy. The ACLU is suing to block it.

Last year, the ACLU, the Asian American Legal Defense and Education Fund, and other partners filed a lawsuit, *Shen v. Simpson*, challenging Florida’s discriminatory property law SB 264. The law bans Chinese citizens from purchasing property in many parts of the state, violating the Fair Housing Act and the Constitution’s equal protection guarantee.

What’s at Stake

Signed by Gov. Ron DeSantis in May, SB 264 prohibits people who are not U.S. citizens and whose permanent home is in China from purchasing property, with extremely narrow exceptions. A similar but less restrictive rule applies to citizens of Iran, Cuba, Venezuela, and

other “countries of concern.” Those who already own property must register with the state.

A group of Chinese immigrants who live, work, and raise families in Florida are suing the state with the support of the ACLU, arguing that the law will codify and expand housing discrimination against people of Asian descent.

“The Chinese-American community has been singled out,” says co-plaintiff Jian Song, a 20-year Orlando resident and owner of a real estate firm damaged by the law. “If all Chinese immigrants are

considered a danger, then what’s next? I am really worried about where this is heading. Now I am treated as a criminal or a spy.”

A spate of similarly xenophobic bills targeting Chinese immigrants was recently introduced in other state legislatures, but the Florida law is especially broad and far-reaching. It recalls the “alien land laws” of the early 1900s that prevented Japanese and Chinese immigrants from becoming landowners and encouraged violence and discrimination against these immigrant communities. By extending this racist legacy, SB 264 has had a chilling effect, as lenders increasingly refuse to do business with Chinese nationals regardless of whether they are subject to the new law’s restrictions.

“There’s no evidence that allowing Chinese immigrants to buy homes in Florida endangers national security,” says Ashley Gorski, senior staff attorney with the ACLU National Security Project. “Our case is really about the ability of ordinary people who happen to be Chinese to buy a home without facing discrimination.”

In August, a federal district court judge refused to block SB 264. The ACLU and its partners are pursuing an expedited appeal to prevent the state from enforcing the law and to declare it unconstitutional.

“It’s a profoundly anti-immigrant bill,” Gorski adds. “It strikes at the heart of people’s ability to participate in society on equal footing and build a livelihood here.” —JAY A. FERNANDEZ

Visit aclu.org/national-security to learn more.



Protesters’ Rights

Heading to a peaceful protest? Know your rights before you go! Test your knowledge with this brief quiz.

- You need a permit to protest or march.
False: You don’t need a permit to demonstrate on sidewalks as long as marchers don’t obstruct traffic. Always check your local jurisdiction for permit rules.
- You have the right to speak freely on public property.
True: Your rights are strongest in public forums such as streets, sidewalks, and parks. Private property owners can set rules for speech on their property.
- In a public space, you have the right to photograph anything, including federal buildings and the police.
True: When you are lawfully present in any public space, you have the right to photograph anything in view. On private property, the owner may set rules related to photography or video.
- Police may disperse a protest without warning.
False: Shutting down a protest through a dispersal order must be law enforcement’s last resort. Police may not break up a gathering unless there is a clear and present danger.

To learn more, visit aclu.org/kyr.

Defending Free Speech

The ACLU is fighting restrictive state laws to protect freedom of expression online.

From classroom censorship and student privacy to freedom of the press and the right to protest, the ACLU champions free expression in all its forms. In recent years, this work extends to fighting government efforts to censor and chill speech online.

In a pair of digital free speech cases last year in which the ACLU filed amicus briefs, the U.S. Supreme Court ruled unanimously to protect political discourse and diversity online. This term, the court is considering two cases that concern whether public officials are engaging in prohibited censorship when they block members of the public on their social media accounts. The ACLU and three state affiliates filed amicus briefs in the cases arguing that when public officials are representing their offices online, they are subject to prohibitions on government censorship.

“This is the first time the court will address the line between government

officials’ public and private actions in the digital age,” says ACLU Staff Attorney Evelyn Danforth-Scott. “The decision will have important consequences for how we can enforce and defend our constitutional rights.”

Here are some other places where the ACLU is defending online speech:

Montana

In August, the ACLU of Montana and the Electronic Frontier Foundation (EFF) filed an amicus brief in lawsuits brought by TikTok and five TikTok creators that successfully blocked the state’s sweeping ban on the platform.

Arkansas

The ACLU of Arkansas and the EFF filed an amicus brief in support of a challenge to the state’s Social Media Safety Act, which places unconstitutional age-verification and parental consent requirements on social media users. In September, a district judge

blocked the law while the case moves through the courts.

California

In July, the ACLU of Northern California successfully quashed a subpoena sought by a pharmaceutical magnate trying to compel Google to reveal the identity of an internet user who had criticized him anonymously online.

South Carolina

In September, the ACLU of South Carolina and its partners reached a settlement on behalf of the South Carolina NAACP in a case that expands digital free speech rights and improves access to court documents relating to evictions in the state.

Texas

The U.S. Supreme Court is weighing the constitutionality of a Texas law that bars huge social media companies from restricting content based on users’ political views. (The court is also reviewing a similar law passed in Florida.) The ACLU of Texas joined an amicus brief in 2022 that persuaded the court to put the law on hold by arguing it violates the First Amendment. —JAY A. FERNANDEZ

Learn more about online speech at aclu.org/freespeech.



Justice for All

ACLU National Board President Deborah N. Archer answers readers’ questions about student speech and family separation.

Q:

I was pleased to see that the ACLU Moment [in the Fall 2023 issue] featured the case *Tinker v. Des Moines* about students’ freedom of speech. I’d like to hear more about how the ACLU is protecting speech in schools against state legislatures suppressing opinions they don’t like.

All young people have a First Amendment right to read and learn free of censorship and discrimination. The ACLU is committed to defending this right. In the past few years, state legislatures have introduced hundreds of new bills that restrict discussions of race and gender in schools. These attacks come as local school boards also push to ban books by and about Black and LGBTQ people from school libraries.

The ACLU filed the first case in the country to challenge a law that censored instruction about systemic sexism and racism in Oklahoma and blocked the state of Florida from enforcing the Stop W.O.K.E. Act, which prohibits instruction on systemic racism and sexism, in colleges and universities. The discussion of race and gender belongs in schools because it equips students to process the world around them. Without it, students miss the opportunity to learn about historic oppression and push for justice.



In a previous issue of *ACLU Magazine*, you provided an update on thousands of families cruelly separated at the border under Trump. Will the families get to remain in the country?

Last fall, the ACLU reached a settlement with the Biden administration after a yearslong fight on behalf of immigrant families separated at the U.S.-Mexico border. This settlement closes a truly horrific chapter in our country’s history. And though no resolution can correct the trauma inflicted on the thousands of children who were torn apart from their parents, this settlement provides

a pathway for them to seek asylum here.

Affected families will also have an opportunity to apply for work visas, housing and legal assistance, and medical services. Most importantly, the settlement ensures the government cannot reinstate the Trump administration’s “zero tolerance” policy. The ACLU for its part will continue to work to reunite separated families. And we will always defend the rights of those fleeing danger at home, seeking safe harbor for themselves and their families.

Please send your questions to ACLUmagazine@aclu.org.

QUINN RUSSELL BROWN

PUTTING FAIRNESS ON THE MAP

In a wave of lawsuits across the country, the ACLU is fighting back against racist district maps that render Black voters invisible.

BY ANITA LITTLE

PHOTOGRAPHS BY LYNSEY WEATHERSPOON

Sherman Lofton Jr. is the former Georgia district director of Alpha Phi Alpha Fraternity, a plaintiff in the ACLU's challenge against the state's legislative maps.



The Black Belt is a region of the Southern United States that stretches hundreds of miles from Arkansas to Georgia to Virginia, known for its rich, fertile black soil that could produce endless fields of cotton. But the Black Belt would eventually come to be a geopolitical moniker as well, referring to the mass of Southern counties where Black people outnumbered white people. This agricultural zone thrived on the fruits of slave labor, symbolizing how America's emergence as a global power rested on two things: black soil and Black people.

Despite the great numbers of Black Americans in this region, they have been politically oppressed throughout history, systemically robbed of the rights of full citizenship, chief among them the right to vote.

Today, in the Black Belt, the echoes of white supremacy are still disenfranchising Black Americans. Places like Georgia, Alabama, Mississippi, Louisiana, South Carolina, and Florida are where the battles for representation are being waged, as activists, litigators, and everyday citizens fight to ensure that each vote matters.

"All citizens of voting age should be able to cast their ballot and know their elected representatives fairly reflect the demographics of that state," says Sophia Lin Lakin, director of the Voting Rights Project at the ACLU. "The demographics of this country are changing quite rapidly, and if we are

a democracy, those elected should represent the people that live in their states."

Lakin has spent much of the past year on the road, acting as lead counsel in multiple voting rights cases across the country. The ACLU is at the forefront of the fight against discriminatory voting laws, and its Voting Rights Project has been especially entrenched in the political participation of Black and Brown voters since its inception in 1965, the same year the Voting Rights Act passed.

There are many ways to disenfranchise a voter. One is by making voting difficult. The U.S. witnessed this most recently in the 2020 election when voter ID laws, restrictions on voting by mail, the closing of polling places, and other voter suppression tactics created considerable barriers for voters in states like Georgia.

Alabamian and civil rights activist Evan Milligan worked with the ACLU and the Legal Defense Fund on a landmark win for voting rights, *Allen v. Milligan*.

AND RICE



Another way is to make sure that the votes cast are effectively rendered invisible by unfair district maps. Gerrymandering is the practice of drawing district maps that can dictate election outcomes with the unfair amplification of one voting group. Every decade, district lines are redrawn based on the U.S. Census, and lawmakers get an opportunity to influence which votes count and where.

“Georgia and other Southern states are ground zero for gerrymandering and voter suppression, but these practices are happening across the country in places where Black voters are changing election outcomes,” says Alicia Garza. She is the founder of Black Futures Lab, an organization that engages Black voters to drive progressive change at the local, state, and national level.

“Our electoral processes are being taken hostage by a small faction of people who are extreme in their beliefs and want to impose those beliefs on others. You have candidates picking their voters instead of voters picking their candidates,” says Garza. “Organizations like the ACLU are really on the front lines of challenging this.”

“**P**acking and cracking” is a term sometimes used to explain how district maps are drawn in the South. If it sounds violent, that’s because it is. This practice strips constitutional rights from voters by diluting the voting power of certain demographics. Lawmakers can crack open a majority Black district, scattering the voting power of that district, or isolate Black votes in just a few districts. Both are used in tandem to erase the voices of Black voters.

This is what the state legislature in Alabama tried to do with their congressional maps. Though 27 percent of the voting-age population is Black, that demographic truth was only reflected in one of seven districts. Moving quickly, the ACLU, along with the Legal Defense Fund (LDF) and other groups, mounted a legal challenge in November 2021. It resulted in a landmark win in *Allen v. Milligan*, where the Supreme Court ruled in favor of Black voters. Evan Milligan, a lifelong civil rights activist in the state and the executive director for voter engagement organization Alabama Forward, worked closely with ACLU and LDF attorneys on the case. The decisive win signaled a sea change for Lakin.

“This is a major moment for the country,” says Lakin. “The Supreme Court upheld the standards that had been in place for decades and supported new maps that would give to Black voters a fair opportunity to elect their preferred candidates in

a second congressional district for the first time in Alabama’s history.”

In its decision, the court affirmed that under Section 2 of the Voting Rights Act, race can be considered in the redistricting process to provide equal opportunities to communities of color. Alabama especially has a well-documented history of lawmakers attempting to silence voters of color and the court recognized this, ordering the Alabama legislature to redraw their maps to comply with federal law. The *Allen v. Milligan* plaintiffs overcame the odds, which gives Lakin hope for the wave of redistricting cases winding their way through the courts in other states.

“We had been cautiously optimistic that the court wouldn’t destroy the last few remnants of the Voting Rights Act in this case, but I think the outcome still surprised so many of us,” says Lakin. “Now

BREAKING BARRIERS TO THE BALLOT

During the 2020 elections, nearly 18 million Americans with disabilities cast their vote, representing a 56 percent increase from 2016. To exercise their voting rights, people with disabilities rely on important provisions, including assistance with mail-in or absentee ballots.

“The fact is every facet of voting was designed for able-bodied people. Whether it is writing on a voter registration form or traversing a polling location, there are a lot of moments in the voting process that could be difficult if you have a disability,” says Jane Walton, the communications director of Disability Rights Mississippi.

Last summer, the ACLU blocked a new Mississippi law that would have cut off access to the ballot for Mississippians with disabilities. The law threatened draconian criminal penalties to those who help their friends, neighbors, and community members vote by absentee ballot.

Says Walton, “I think this law speaks to an attitude by these lawmakers that some voters matter more than others. Having a disability does not disqualify anyone from their right to vote.”

GET OUT THE VOTE

Verónica Herrera-Lucha calls Central Florida her home and has long been passionate about civic engagement, knocking on countless doors, canvassing for political candidates, and now acting as the state director for Mi Vecino, an organization that aims to organize Hispanic voters. But Herrera-Lucha was born in El Salvador, and under a new

Florida law, her organization would have been fined \$50,000 for having a noncitizen collect voter registration forms.

The bill targets community-driven organizations that perform voter registration, hindering the many organizations in Florida that rely on a combination of citizen and noncitizen staff to execute their programs. It chills political speech

and civic engagement, violating the Constitution.

The ACLU quickly sued the state on behalf of Herrera-Lucha and other clients. In July, a federal judge blocked a provision of SB 7050, deeming the law unconstitutional, as the case against it moves forward.

we have a lot more momentum moving forward. And we’re already seeing the ripple effects in other states where we’ve brought similar claims.”

One of those crucial states is Georgia. Black voters and the ACLU recently prevailed in a challenge against the state’s legislative maps, arguing, as they did in Alabama, that the maps violate Section 2 of the Voting Rights Act by stifling the voting strength of Black voters. Black voters comprise nearly 50 percent of the growth of Georgia’s electorate, and Black residents now make up a third of the state’s population, the impact of which influenced the 2020 election.

In October, the federal court in Georgia ruled that the state’s failure to draw new Black opportunity districts in the state Senate and the state House violated the Voting Rights Act and ordered the legislature to draw new maps. In its ruling, the court held that while Georgia has made progress since 1965, it “has not reached the point where the polit-

ical process has equal openness and equal opportunity for everyone.”

“We’re moving as quickly as we can to get the discriminatory maps in the South and elsewhere struck down and redrawn so that there are fairer elections across the board. After Alabama and Georgia, we have a path forward in other states, so we need to take advantage of this moment and nail down as many wins as possible ahead of 2024,” says Lakin.

The plaintiffs in the Georgia case included the Sixth District of the African Methodist Episcopal Church, one of the nation’s oldest Black churches, and Alpha Phi Alpha, America’s oldest Black fraternity. Both organizations have long advocated for the civil rights of Black Americans and encourage civic participation in the democratic process.

Sherman Lofton Jr. is the former Georgia district director of Alpha Phi Alpha Fraternity. He would often spend election season with his fraternity brothers in front of grocery stores, barber shops, and local schools aiming to get Black residents to register to vote. But this work started to get more and more difficult thanks to the legislative actions of the state. That’s because politicians’ grasp for power goes beyond just maps. Lawmakers are also targeting those who help people register to vote or help people submit their ballots. In Florida, proposed legislation would hurt voter registration groups, and in Mississippi, a new law would have increased barriers for voters with disabilities (see sidebars). Georgia has seen a glut of these types of anti-voting laws in recent years.

“OUR ELECTORAL PROCESSES ARE BEING TAKEN HOSTAGE BY A SMALL FACTION OF PEOPLE WHO ARE EXTREME IN THEIR BELIEFS.”

“‘A voteless people is a hopeless people.’ That is the mantra of our oldest national program, when the focus was on voter registration,” says Lofton. “But that strategy had to evolve because of the current landscape in the state of Georgia.”

In the past 20 years, Georgia has seen the advent of voter ID laws and the unjust purging of voter rolls—all perniciously designed to turn voting into an almost herculean effort for Black communities. So Alpha Phi Alpha expanded its focus to educating voters about these laws, training poll workers, and verifying voter status to ensure registrations are still current. Community-driven organizations like Alpha Phi Alpha represent the resilience and adaptability Black voters have had to resort to in order to exercise their rights under the 15th Amendment. Now, they’ve been tackling unfair districting as a plaintiff in this lawsuit.

“After the census in 2020, we became hopeful about new district maps because we’ve seen immense population growth in the Black population of Georgia. We wanted the new maps to capture that growth,” says Lofton.

Both Lofton and Lakin believe the unfair district maps in states like Georgia are driven by fear.

“Those in power in Georgia know that when voter turnout is high, they will lose. They will lose on issues of representation, on issues of social justice,” Lofton says. “They resort to oppressive tactics in order to suppress the numbers so they can still affect the outcome of these elections.”

Eventually, as the population continues to change as it has in Georgia, notes Lofton, suppression isn’t enough. The legislature moves to draw unfair maps.

Adds Lakin, “People are nervous about change. They’re nervous about falling out of power. They want to maintain the structures that keep them in place, despite the changing demographics of this country. There’s been a lot of political stagnation in certain states where politicians no longer reflect the people they serve and yet they’re passing policies that impact their lives.”

Georgia’s maps may now be on a path to a remedy, but this is just one of 11 cases in seven states the ACLU has filed challenging congressional or legislative maps, mostly in the South.

In South Carolina, the ACLU, along with other voting rights organizations, argued successfully before a federal court that the state racially gerrymandered against Black voters when it moved thousands of Black Carolinians out of a congressional district. The Equal Protection Clause forbids actions such as this, and the Supreme Court will decide whether to uphold the lower court’s ruling.

And in Louisiana, following the triumphant win of the Alabama redistricting case, the Supreme Court lifted a temporary halt on the ACLU’s lawsuit challenging racist congressional maps. In *Robinson v. Ardoin*, litigators from the ACLU, the ACLU of Louisiana, and the LDF are arguing that the state is diluting the voting power of Black Louisianans by not adding a second majority Black district. Mirroring the Alabama case, the suit states that the maps unlawfully diminish the voices of Louisiana’s Black population.

One of the plaintiffs in this case is Dr. Dorothy Nairne, a Louisiana resident, small-business owner, and mother of three. She grew up in the state, moved away to raise her children, and recently moved back home to a rural community outside of Baton Rouge to care for her late mother. A longtime social entrepreneur, she’s the co-founder and CEO of local environmental nonprofit Delta Builds, which recycles glass waste for construction use and manufactures sustainable Mardi Gras beads and baubles. Her organization provides jobs to the formerly incarcerated, and she’s deeply invested in improving quality of life for Black people in Louisiana.

“I left and I came back. I couldn’t believe how little things had changed. It felt like people were stuck in time. They were living in the same trailers they grew up in, no hope and no progress,” says Nairne, who has a degree in African-American studies and a doctorate in international development.

“And I asked myself how could so little have changed here when so much has changed everywhere else? If you look at all the lists of the best places to live, Louisiana is last for years in a row. Unfair representation is what underpins it all.”

This is why she became a plaintiff in this redistricting case. In her community, the district lines

THE ACLU IS WORKING TO PROTECT THE FOUNDING BELIEF OF A DEMOCRACY, THAT EVERY VOTE SHOULD COUNT.



ACLU client and social entrepreneur Dr. Dorothy Nairne, pictured here with her neighbors, is deeply invested in improving life for Black people in Louisiana.

are so jaggedly drawn that she votes in one district while her neighbors vote in another one.

“It’s all so random. The way [the lines are] structured is so chaotic and confusing. That makes it harder for the people to organize,” says Nairne.

“You’re on your own and you feel powerless. That has to change, because everybody will benefit. If a third of your population is underwhelmed and languishing, then that brings everybody down.”

Megan Keenan of the ACLU is a litigator on this case and believes the Supreme Court victory in the Alabama case has the state of Louisiana desperately attempting to impede their case from moving forward.

“Louisiana has one of the largest Black populations in the country—we’re talking about a third of the state’s residents. Yet there are six congressional districts in Louisiana, and only one is majority-Black. That is not fair representation, plain and simple,” says Keenan.

Despite the obstructions Keenan and her team have faced in Southern states, she feels they have no other choice but to press on and persevere.

“People like Dr. Nairne remind me every day how important this work is—how energized they are and how they’re fighting so tirelessly,” she says. “This work is exhausting, but the clients keep us going. Our plaintiffs and their local communities deserve fairness.”

There’s a lot on the line, not just for these majority-Black districts across Louisiana, Georgia, Alabama, and other states but for the entire country. The ACLU is working to protect the founding belief of a democracy, that every vote should count and count equally. In the outcome of these cases, the promise of America’s Black Belt may be realized.

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

Artificial intelligence is reshaping many aspects of public life from housing to employment.

Without regulation, AI has the potential to amplify discrimination.

BY WUDAN YAN

ILLUSTRATIONS BY GRACE J. KIM

BUSTING

BIAS

IN

AI

A

ADVANCES IN TECHNOLOGY, including artificial intelligence, have greatly outpaced U.S. privacy protections. It's been nearly 40 years since Congress passed a comprehensive digital privacy law. Since then, surveillance laws, including the Patriot Act, have granted the government power to monitor people's personal data—such as medical records, travel histories, and search queries. With artificial intelligence, the government can now interpret this data on an unprecedented scale.

AI software works because it is trained on data from the real world to learn patterns and make predictions. It studies the past to make decisions. The existing data that feeds artificial intelligence is ripe with implicit bias, which AI then perpetuates. Without thorough regulation, this technology has the potential to deepen privacy violations and amplify discrimination in public life.

“The ACLU has been working closely with other civil rights and tech equity organizations to push the federal government to center civil rights in its AI policymaking,” says Olga Akselrod, senior staff attorney for the ACLU's Racial Justice Program. “AI is not exempt from existing laws that govern human decision-making.”

In October, the Biden administration issued an executive order that includes recommendations for mitigating AI's risks and promoting safety and equity in national AI policy. However, the order fails to address AI's use in national security and offers insufficient protection from law enforcement uses of AI. The order exempts AI systems involved in national security, including those that routinely impact Americans in the context of surveillance.

“We're encouraged that the Biden administration recognizes the need to address discrimination and other real-world harms of artificial intelligence,” says ReNika Moore, director of the ACLU's Racial Justice Program. “But the administration essentially kicks the can down the road for these tools in national security and law enforcement, areas where the use of AI is widespread and growing.”

Here are three ways artificial intelligence is threatening civil rights and civil liberties in public life—and how you can help.

ELECTRONIC COMMUNICATIONS

Although the Fourth Amendment and various state and federal laws offer protections for the privacy of electronic communications, the law is not as strong as it should be. In 2017, for example, former President Trump overturned Obama-era protections that governed internet privacy. Now, internet service providers can sell their customers' information, including browser histories and personal data, to advertisers without government oversight.

That only contributes to the vast amount of information that gets moni-

tored, notes Jay Stanley, a senior policy analyst at the ACLU's Speech, Privacy, and Technology Project.

ChatGPT, one of the most well-known artificial intelligence programs, utilizes a large language model (LLM) to process that public data and natural language from blog posts, social media

posts, and the web to generate human-like responses.

“[ChatGPT] reads something pretty close to the whole internet, soaks up all the language that people have published online over the years, and trains on that,” says Stanley. And when the software trains on biased language, it is likely to spew those biases right back out.

In December 2022, the head of UC Berkeley's Computation and Language Lab, Steven T. Piantadosi, shared

“The ACLU has been working to push the federal government to center civil rights in its AI policymaking.”



a series of ChatGPT results that demonstrated bias. He prompted ChatGPT to produce computational scripts. When asked for code that could check whether someone would be a good scientist, the algorithm answered that white male scientists would be the most successful. When Piantadosi asked for a program to check if a child's life should be saved, ChatGPT made exceptions based on race and gender.

In these scenarios, the LLM is taking the wealth of language available on the internet, absorbing the racism and other biases that permeate our culture, and reflecting them back to us. “Very crude racial biases can be dressed up as seemingly objective computer algorithms,” Stanley says.

In addition to amplifying existing biases, AI's ability to understand conversations could mean an enormous scaling up of the number of monitored communications. If government agencies are not already monitoring what we say, LLMs like ChatGPT may be enlisted in the task.

Take Action

Urge Congress to vote “no” on reauthorizing Section 702, which permits the mass surveillance of Americans' online communications with friends, family, and others abroad. Send a message to your legislators at [aclu.org/section702](https://www.aclu.org/section702).

“Everybody over time will become aware that everything they're writing is being judged,” Stanley says. “Those kinds of chilling effects really put a damper on the kind of freedom that Americans have always enjoyed.”

Individuals can always opt to make sure they are communicating through secure, end-to-end encrypted means (such as the secure messaging app Signal), set their social media accounts to private, and check they're using secure web browsers.

But individual responsibility isn't enough, Stanley notes. “We need transparency so that we can monitor what our government agencies are doing,” he says, “and laws that prevent them from using AI to watch over everybody all the time.”

HIRING

In today's tight labor market, employers are turning to artificial intelligence to aid efficiency in hiring. From recommending job listings on platforms like Glassdoor or LinkedIn to screening job hunters during the interview process, AI can help employers target candidates and accelerate the hiring process. But these algorithms come with significant implications for equity and fairness in the workplace.

"Many of these tools pose a danger of amplifying existing discrimination in the labor market and the harmful barriers to employment based on race, gender, disability, and other protected characteristics that already exist," says staff attorney Olga Akselrod.

Because companies are not legally required to disclose whether they are turning to AI to make hiring decisions, it can be difficult to determine how these technologies are used. One report by Harvard Business School said that 99

percent of Fortune 500 companies utilize software that is based on AI, machine learning, or natural language processing. A *Fast Company* report said that 70 percent of companies use automated tools to rank candidates and conduct background and employment checks and match applicants' skills to open jobs.

In 2023, ReNika Moore testified before the U.S. Equal Employment Opportunity Commission (EEOC) at a public hearing about employment discrimination and AI. "The lack of transparency in the use of these tools only adds to the harm," she wrote. "Applicants often do not have enough information about the process to know whether to seek an accommodation or alternative evaluation method."

The use of chatbots or video interviews, personality tests, or other digital assessments during an application process is a sign of algorithmic use. AI could also be involved if employers ask an applicant to upload a résumé. The data from

all résumés eventually feeds into machine learning systems, which learn what constitutes a "good" candidate.

Between 2014 and 2017, when Amazon attempted to build an algorithmic system to suggest the best hires, the software reportedly ranked résumés with the word "women" lower, creating bias against female applicants. In another example, a third-party company's résumé screening tool tended to rank applicants higher if they played high school lacrosse or if their name was Jared.

Some of these tools, Akselrod explains, are trained on employers' staff of prior applicant pools, which reflects existing institutional biases. The proxies, like playing lacrosse in high school, then, typically do not have a connection with being a successful employee.

"The discrimination is embedded in the tools, because they are trained in an area where discrimination is already occurring," Akselrod says.

The ACLU is working with other civil rights organizations to push the EEOC to issue additional guidance on how existing discrimination laws cover the use of AI in employment and increase enforcement measures. "We must have comprehensive public oversight, transparency, and accountability to guarantee that job seekers and employees do not face the same old discrimination dressed up in new clothes," says Moore.



AI's potential to exacerbate housing discrimination doesn't only affect renters. Banks and other lenders are also turning to artificial intelligence to determine loan-worthiness for homebuyers. Although companies are legally prohibited under the Equal Credit Opportunity Act from denying people a line of credit based on race, sex, marital status, or age, many consumers of color continue to experience disparate impacts on lending. Black homebuyers, for instance, are more likely than others to be denied a mortgage. In the U.S., this goes back to the 1930s, when redlining made it difficult for people of color to access credit because of where they lived.

Race also figures into appraisals, which is the value that a real estate appraiser determines to be the fair market value of a home. Home value, in turn, can affect how much equity homeowners can take out for a loan or how much they are expected to pay in taxes. Black homeowners have historically had their homes appraised for less than those belonging to their white neighbors, which further perpetuates systemic inequalities.

Fair housing remains the key to addressing deepening income inequality. Discriminatory housing practices, including unregulated AI use by banks and institutions, shape who has access to quality education, health care, and opportunity.

"Robust regulation is critical to ensure that AI and other automated systems do not serve to further exacerbate barriers to economic opportunity for Black and Brown communities," says Akselrod. "Federal agencies that regulate industries using AI have not taken the steps necessary to ensure that AI systems are accountable to the people they impact." ■

HOUSING

Landlords and rental management companies are also starting to use artificial intelligence to decide whether to offer people tenancy. Like how credit scores predict the likelihood that a loan will be repaid, screening companies are offering tenant scores for landlords to determine whether a tenant will fulfill their lease obligation.

Not only do these scores rely on data that is inherently biased, but the scores are not always accurate. They depend on "abbreviated records, which might not have as much information to accurately match a record with [a] particular person," says Ariel Nelson, staff attorney at the National Consumer Law Center. "Because they're relying on older databases, they report a record that's been sealed or expunged, even though it no longer exists."

As such, these tenant screening scores can be a huge barrier to housing. Credit history and eviction records, for example, are historically biased against people of color. In 2021, Black people had a median credit score of 677; their white counterparts had a score of 734.

"It's incredibly important to use independent auditors to evaluate these algorithms and mitigate discriminatory impacts," says Amanda Meyer, staff attorney for the ACLU's Racial Justice Program. "This [technology] disproportionately impacts Black and Latinx applicants with devastating effects on their ability to access housing."

And because these scores are contingent on credit, they also work against immigrants or young people who have not built up enough credit to have a strong credit history, survivors of domestic violence forced into debt, or individuals who receive housing vouchers from the government.

The ACLU is engaging in advocacy to confirm that housing providers and tenant screening companies are complying with their legal obligations. Under the Fair Credit Reporting Act (FCRA), if a tenant is denied housing due to a tenant screening process, they have the right to learn why they were denied. Complying with the FCRA reduces discrimination as it covers eviction records, credit reports, and background checks. The ACLU has also advocated for companies to stop using data like criminal history and eviction records that lock people of color out of housing.

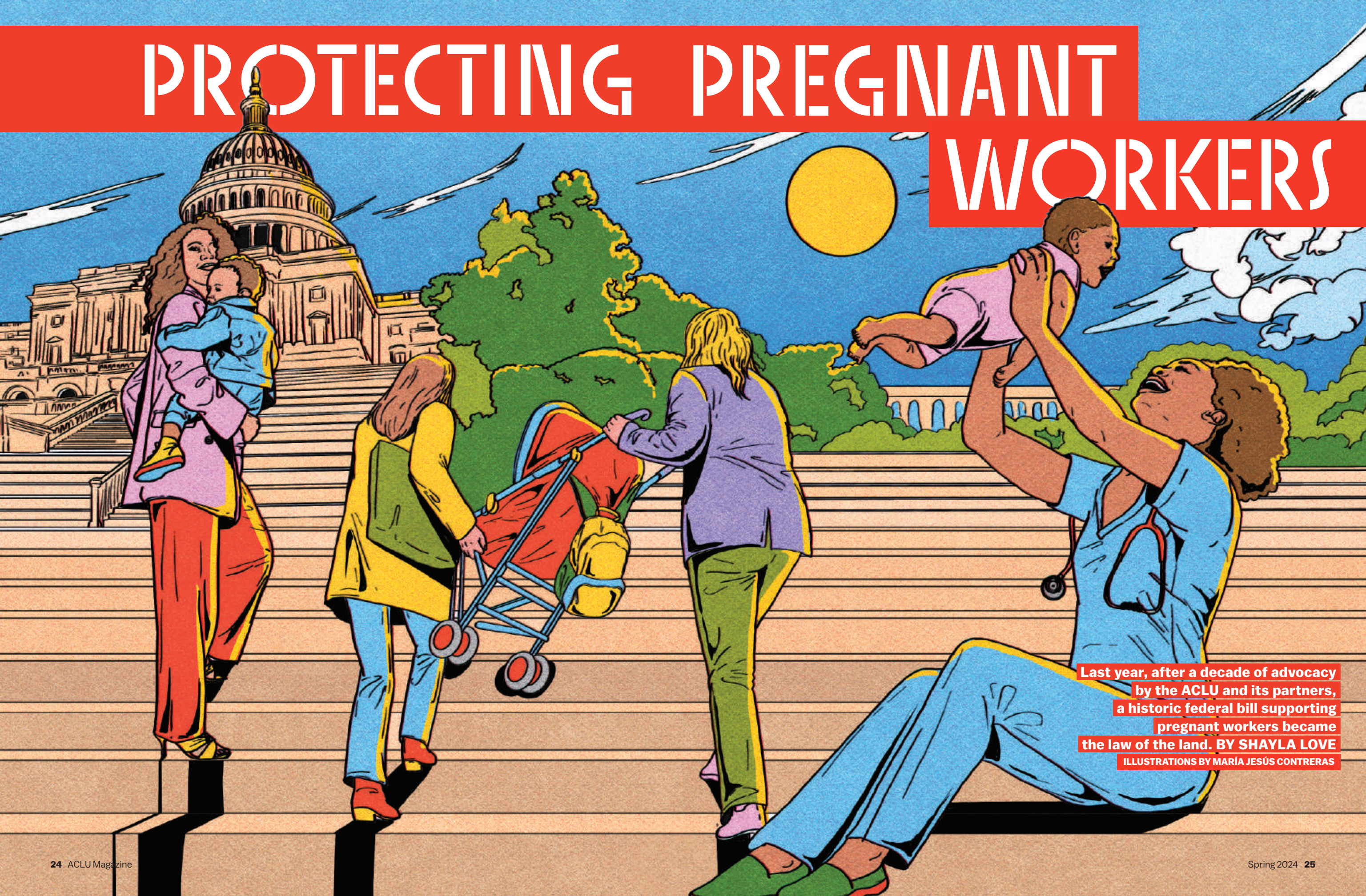
"Robust regulation is critical to ensure that AI and other systems do not further exacerbate barriers to economic opportunity."



Equal Access, Better Futures

To learn how you can support the ACLU's efforts to fight systemic barriers to housing, employment, and more, visit aclu.org/systemicequality.

PROTECTING PREGNANT WORKERS



Last year, after a decade of advocacy by the ACLU and its partners, a historic federal bill supporting pregnant workers became the law of the land. BY SHAYLA LOVE
ILLUSTRATIONS BY MARÍA JESÚS CONTRERAS

M

MICHELLE DURHAM was 22 when she started to work for a private ambulance company in Gadsden, Alabama, as an emergency medical technician (EMT). It was her dream job. “I loved creating that direct relationship with people in need,” she later noted during a congressional hearing. “I felt a calling to help others.”

Then she became pregnant. At one of her first prenatal appointments, Durham’s doctor told her she shouldn’t carry anything heavier than 50 pounds. As an EMT, she was expected to regularly lift patients and stretchers that exceed that weight—and so she asked her employer for a temporary reassignment.

The company already had policies in place that gave “light duty” or “modified duty” job assignments to EMTs who had

become injured. At the time, Durham had seen postings for dispatcher jobs that didn’t require any lifting at all.

Her manager told her that those alternate jobs were only for EMTs who had gotten hurt while working, not for people who were pregnant, and that the only option for her was an unpaid leave of absence for 90 days. If, after that, she still couldn’t come back to work, she would be fired. Durham was stunned.

“I was six months away from my due date,” she said. “How was I supposed to live for six months without a paycheck? How would I support my son after he was born?”

Durham took the forced leave. She left her job in September 2015 and spent the next seven months unemployed. Even with some support from her friends and family, she had to give up her apartment and amassed credit card debt paying for essentials for her son and repaying loans for her EMT training. She still has medical bills from when she gave birth in March 2016. “My career as an EMT ended the day I was put on leave,” Durham says.

Gillian Thomas, senior staff attorney at the ACLU’s Women’s Rights Project, and lawyers across the country had been hearing for years from people like Durham who were denied basic accommodations to aid their healthy pregnancies. For more than two decades, the ACLU and its affiliates have been at the forefront of fighting for pregnant workers’ right to stay safe while also remaining on the job. “These workers were given an impossible choice,” Thomas says. “Keep working without the job changes your doctor says you need, or stop working altogether.”

**When [the law] passed,
“there were tears,
there was joy...
There was just an incredible
amount of relief.”**

It’s been over a decade-long journey, but pregnant workers like Durham finally have new protections under federal law. In June, after years of advocacy, led by Vania Leveille, senior legislative counsel at the ACLU’s National Political Advocacy Department, the Pregnant Workers Fairness Act (PWFA) was signed into law. It requires employers to give reasonable accommodations to workers who have limitations caused by pregnancy, childbirth, or related medical conditions—unless providing those accommodations would impose an undue hardship.

Since it was first introduced in 2012, the ACLU, its partners, and pregnant workers who shared their stories of discrimination have been fighting to prove how the PWFA made sense economically, for pregnant people’s health, and how other laws were not providing adequate protections for pregnant workers. They did so by representing pregnant workers, passing state laws, and finding unlikely collaborators in the business world.

“Workers get pregnant, and they want to go to work,” says Leveille. “Pregnancy should be a normal condition of employment, and Congress needed to act.”

W

WOMEN MAKE UP nearly 60 percent of the workforce, and more than 80 percent of all working women will have at least one child. Prior to the PWFA’s passage, there were laws that were supposed to prevent discrimination against pregnant workers who needed temporary job modifications, but they didn’t always succeed.

Pregnant people were falling through the cracks of the pre-existing laws. And at the end of the day, Leveille says, some employers thought of their pregnant workers as expendable. “They say, ‘I can find another cashier, I can find another food service worker,’” Leveille says. “They found it easier just to get rid of someone.”

In 2012, *The New York Times* published an article documenting how pregnant workers, especially Black and Brown women in low-wage, physically demanding jobs, were being forced to choose between their jobs and healthy pregnancies. Rep. Jerrold Nadler of New York was spurred to action. As chair of the House Judiciary Committee, he told advocates he wanted to address the problem by fixing the law.

Soon after, the ACLU, coalition partners A Better Balance and the National Women’s Law Center, and other women’s rights organizations worked with Nadler to draft a new federal statute that would assure pregnant workers’ right to reasonable accommodations. In May 2012, the bill was introduced in the House, and a few months later, in the Senate.

But everyone knew that it wasn’t likely to succeed on the federal level because

Congress was too divided. Instead, the ACLU and its partners began the painstaking work of educating federal legislators and the public about the need for change, while focusing on winning victories at the state level.

Between 2013 and 2021, more than two dozen states and cities passed laws to protect pregnant workers—in both Republican and Democratic jurisdictions. “That strategy helped us build



support on Capitol Hill because it allowed members of Congress from both red and blue states to recognize it was a good thing,” Leveille says. Nebraska, North Dakota, and South Carolina are consistently Republican states, and Illinois, New York, and Washington are consistently Democratic states, but they all passed accommodation protections for pregnant workers that outstripped federal law.

The strategy worked. The bipartisan support at the state level encouraged bipartisan federal support. Even when state campaigns were unsuccessful, they helped to bolster the federal bill, according to Deborah Widiss, a law professor at Indiana University who wrote a case study of how the legislation passed.

“In Indiana, four of Indiana’s seven Republican representatives, as well as the state’s two Democratic representatives, voted in favor of the bill,” Widiss noted.

In the midst of these changes in laws at the state level, the U.S. Supreme Court issued a decision that advocates hoped would cement pregnant workers’ right to accommodation under federal law. In 2015, the U.S. Supreme Court decided *Young v. United Parcel Service, Inc.*, handing a victory to a UPS delivery driver named Peggy Young. When Young was pregnant, her doctor advised her not to lift more than 20 pounds. Even though UPS had a policy of giving light duty to workers who had disabilities, were injured on the job, or lost their commercial driver’s licenses, it refused to extend the policy to Young. With no ability to keep working safely, she had to take an unpaid leave of absence.

Young lost her health insurance and sued UPS for discrimination under the Pregnancy Discrimination Act (PDA). The Supreme Court found in her favor, ruling that the PDA requires employers to have a compelling reason for denying accommodations to pregnant workers if they’re giving those same accommodations to others.

Yet even after the *Young* ruling, employers kept denying pregnant workers the job modifications they needed, and courts kept approving those denials.

In the first four years after *Young*, more than two-thirds of workers who sued their employers for failure to accommodate their pregnancies lost their cases in court.

Many of the accommodations that pregnant people have asked for have been minor: a stool to sit on if a pregnant cashier is on their feet the whole day. More frequent bathroom breaks. Small alterations to a worker’s schedule to go to doctors’ appointments. If a person is standing all day on the floor of a department store, they might need a bottle of water. Changing bodies means that some people will need larger uniforms.

Losing employment can also mean giving up affordable or high-quality health care when regular doctors’ appointments are crucial for checking on the health of the pregnant person and the developing fetus.

Durham was forced to make an impossible decision between work and her

pregnancy. “I couldn’t pay my rent and had to move in with my grandmother,” she said. “As excited as I was about meeting my baby, his approaching birth terrified me. I worried all the time how I would provide for him.”

A

A FEDERAL BILL for pregnant workers was introduced in the House for a fifth time in May 2019. By that time, there were almost 30 states with similar laws, and the ACLU and its coalition partners were ramping up their federal advocacy efforts.

That fall, Durham boarded a plane for the first time in her life to testify before Congress about the ripple effects of the lack of pregnancy accommodations from

her employer. “Pregnancy should be a time of joy,” she told representatives. “A time of anticipation and of possibility. But for me, pregnancy was a time of anxiety, fear, and sadness.”

A few months later, in February 2020, the ACLU sponsored a lobby day where affiliates and coalition partners from across the country came to Washington, D.C., to meet with members of Congress and make the case that no one should have to choose between their job and a healthy pregnancy. Dozens of advocates, many with babies in tow, spoke about how this law would combat pregnancy discrimination and help address the country’s steep rise in maternal mortality, especially among Black women and other women of color.

By that point, the bill also had support from maternal health organizations and business groups like the U.S. Chamber of Commerce, the Society for



“This will change workers’ lives. It will give them protection they should have had and didn’t.”

Human Resource Management, and the National Retail Federation. “Our business partners understood how this was important for workers and for the bottom line,” Leveille says. Uniform federal protections would lead to clarity in HR offices, employees staying longer at their jobs, less turnover rates, boosts in employee morale, and improved public perception of companies—all of which can decrease costs and keep a business running successfully.

In March 2021, the ACLU and the National Partnership for Women & Families convened the support of dozens of companies, including Levi Strauss & Co, Yum! Brands, and Danone North America, in a letter to Congress advocating for the law.

Two months later, the bill passed the House with overwhelming bipartisan support. But more than a year passed without action in the full Senate. In December 2022, the ACLU helped organize a rally on Capitol Hill to call for final passage of the PWFPA. Sen. Patty Murray of Washington, Sen. Richard Burr of North Carolina, Sen. Bob Casey of Pennsylvania, and Sen. Bill Cassidy of Louisiana also continued the fight.

Persistence paid off. On the last day of the legislative session, Senate Majority Leader Chuck Schumer pressed the chamber to consider the PWFPA, and 73 senators voted “yes” to pass it. The president signed it into law on December 29, 2022. When it passed, “there were tears, there was joy, there was champagne,” Leveille says. “There was just an incredible amount of relief.”

In late 2023, the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency tasked with enforcing the PWFPA, issued draft reg-

ulations that will help courts, employers, and workers understand the scope of the new statute. At press time, final regulations had not been issued. The ACLU submitted comments applauding the EEOC’s draft and proposed additional provisions to help the statute fully realize its purpose.

Now, pregnant workers can point to the PWFPA to remind their employers it benefits everyone to find the best way for them to keep their jobs. The new law, says Thomas, sends the message to employers, clearly and unequivocally, that they have the obligation to accommodate pregnant workers.

“It’s just not fair to ask women to choose between their careers and families,” says Jennifer Panattoni, an ACLU client and Illinois police officer who faced discrimination during her first pregnancy and was forced off the job for seven months without a paycheck. “This will change workers’ lives,” Leveille says. “It will give them protection that they should have had and didn’t have.”

Panattoni now has two children. “They are my perfect little humans, and I’m just blessed all around,” she says.

Other workers used to contact Panattoni all the time to ask for her advice. They were afraid of losing their jobs if they became pregnant. “I’ve had people just break down and say, ‘I love my job, but I feel like I’m being forced to choose between a family and my career that I’ve worked so hard for,’” Panattoni says. She used to feel torn as to how to help them, unsure about the best advice. With the PWFPA, the path forward is clearer.

“The law is easier to interpret,” Panattoni says. “It truly is so exciting to see.” ■

VOICES



ADVOCACY INSTITUTE

Arms Linked for Trans Justice

Students in the ACLU National Advocacy Institute protested anti-LGBTQ legislation.

Lifting pink and blue “Trans People Belong” signs, 150 high school students marched in Washington, D.C., last summer to protest the approximately 500 anti-LGBTQ bills that have been introduced nationwide. Their rally was part of the ACLU National Advocacy Institute (NAI), an annual program that engages high school and college students from across the country to learn about grassroots organizing, connect with ACLU staff and student peers, and gain skills to advocate in their own communities. Ahead of the rally, they heard from people impacted by anti-trans legislation. “It was the stories of the speakers and their loved ones that touched me the most,” says Kiran Yeh, an intern and participant in the NAI. “It helped me understand the magnitude of the issue.” —TOM VELLNER

High school students with the ACLU National Advocacy Institute rally for transgender justice in Washington, D.C.

Art for a Fair Alaska

The ACLU of Alaska is telling the stories of incarcerated people through their own artwork.

In September 2022, more than 300 people showed up to Williwaw Social, a venue in Anchorage, Alaska, to check out a new art exhibition. It wasn't an average gallery opening, though: The work on display at "DEcarcerated," organized by the ACLU of Alaska Prison Project, was made by incarcerated Alaskans.

The pieces ranged from paintings and drawings—many featuring bars and other carceral motifs—to an array of traditional carved-wood objects, a reminder of a stark reality: Alaska Native people make up 44 percent of Alaska's prison population, but only 22 percent of the state population.

DEcarcerated returned to Williwaw for a second time this past October, with a particular emphasis on the disproportionate rate of Indigenous incarceration in the state. The event series is not only a fundraiser—with ticket sales and a silent auction of the art supporting the Prison Project—but also a space to build community.

"It serves as an opportunity to pause and lean on each other as we collectively face the impact of an unjust criminal legal system," says Megan Edge, director of the Prison Project. —WILLY BLACKMORE

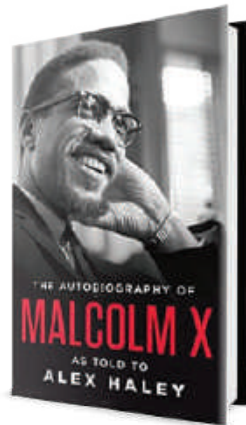
AUGUST COCHRAN



A Native wooden whale carving was among the art created by incarcerated Alaskans for the ACLU of Alaska's inaugural "DEcarcerated" event.

Demand Justice for Incarcerated Alaskans

Learn more about the ACLU of Alaska Prison Project at acluak.org/aclu-alaska-prison-project.



Formative Speech

By Emerson J. Sykes, Senior Staff Attorney, ACLU Speech, Privacy, and Technology Project

The most formative book of my young life was *The Autobiography of Malcolm X: As Told to Alex Haley*. Reading about race, prison, and violence in such vivid prose was mind-opening—I even later converted to Islam. At the ACLU, I think a great deal about my colleagues and forebears, including Rep. Eleanor Holmes Norton and Pauli Murray. Murray's *Song in a Weary Throat* speaks to the unique experience of a queer, Black legal scholar whose wide-ranging impact is only now being recognized. Finally, my 9-year-old loved *Melissa* by Alex Gino and was so excited when I got to do a talkback with Alex after a screening of the documentary *Judy Blume Forever*. What a treat!

Visit aclu.org/freespeech.

Let Us Read, Let Us Grow

Illustration and text by David Huang

Books are precious gardens that need to be cared for and protected. In every book, we follow the path of letters with the eye of our mind, strolling gently as each word blooms like vibrant flowers filled with emotions and experiences. Sometimes we stop to harvest and arrange them with care. Then, in the deep solarium of our minds, we place them in vases laced with bouquets of deep amazement, love, anger, melancholy, and joy.



A Welcoming Face at the Border

For many asylum seekers arriving in Arizona, Fernie Quiroz is there to ease the journey.

NAME: Fernando “Fernie” Quiroz
LOCATION: Yuma, AZ
FOCUS: Immigrants’ Rights
ACTIVIST: Since 2000

Few people are more familiar with who is crossing the U.S.-Mexico border outside of Yuma, Arizona, than Fernie Quiroz. For more than 20 years, he’s been the first point of contact for asylum seekers who come to turn themselves in to U.S. Customs and Border Protection (CBP) there in the desert. On a recent day, he helped people from

12 different countries, as far away as Uzbekistan and Nepal, who made the long journey to seek asylum in the United States.

Through his organization, the Arizona-California Humanitarian Coalition, he makes the difficult process significantly more humane for migrants by advocating for shade structures, dumpsters, and bathrooms to be installed at the main crossing areas. He also helps migrants navigate what will happen when they’re detained by CBP. “I tell them

their bags will be disposed of, and to make calls now because they won’t have a phone when they’re detained.”

Backpacks full of personal belongings such as family ashes, photographs, medications, laptops, instruments, prayer rugs, artwork, bibles, documents—it all ends up in the trash because of an unlawful practice enforced along the Yuma Sector border, where Border Patrol agents force asylum seekers to discard nearly all of their belongings, only allowing them to bring a small plastic bag of personal items into custody.

The ACLU of Arizona is working with Quiroz to end the practice, which violates CBP policies. There have been petitions and meetings in Washington, D.C., but so far, the only change has been a shift from putting backpacks directly in the dumpster to using a bag-check system with an impossible-to-meet 30-day deadline for migrants to come collect their belongings before they’re destroyed. “The majority of them never come back,” he says.

Still, Quiroz is on the border almost every day. A son of immigrants himself, he’s there “to make sure they have something to drink and something to eat, and a friendly smile.” —WILLY BLACKMORE

Fernie Quiroz provides aid at the U.S.-Mexico border in Yuma, Arizona.

Take Action

Tell the Biden administration to restore asylum at aclu.org/asylum.

PHOTOGRAPH BY CASSIDY ARAIZA



Hayden Kirby, pictured at the John Gould Fletcher Library in Little Rock, Arkansas, is fighting library censorship.

For the Love of Libraries

By Hayden Kirby

My love of books started early in life. Every Christmas, my grandmother, a librarian, would give me a book—almost always an award-winning one that challenged me. I’m an independent thinker in part because of my early exposure to books. As I have grown over the years, books and libraries have served as safe havens. In middle school, it was a public library and its librarians that kept me safe every day after school while I waited for my parents to pick me up. I came to appreciate that libraries are not only repositories of books but also spaces where people can gather in community.

But there was something created to stop that community in my home state of Arkansas: Act 372. Act 372 slipped under the radar. There was no press coverage, no infographics being shared on social media, and no one who really even knew of its presence. This was odd to me because if signed into law, Act 372 would dramatically change the way children think, learn, and grow. Kids would not be allowed to access books in the library that are

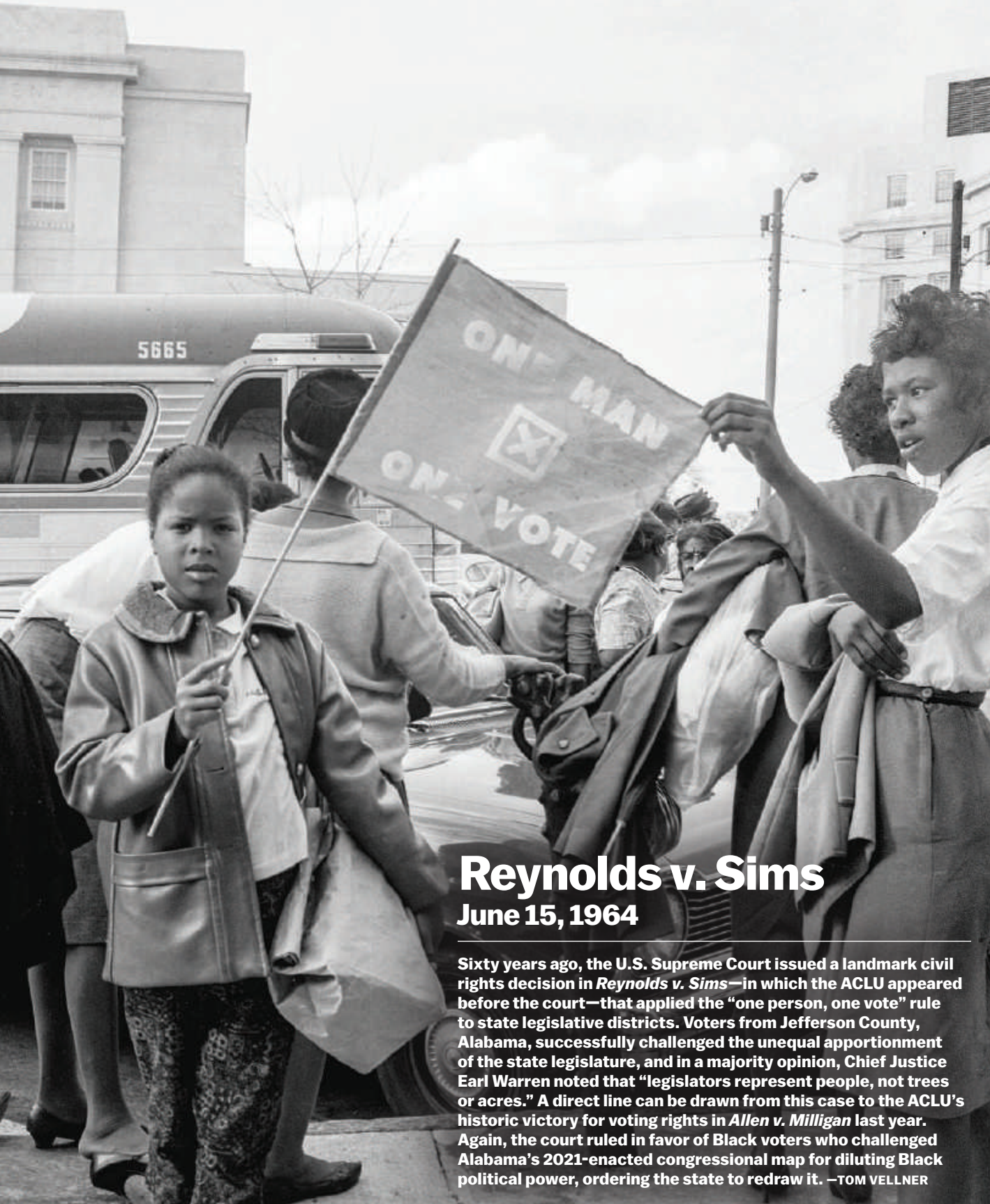
considered too adult or mature. The librarians that take care of them would be persecuted for allowing them to check out these books, and what’s considered too mature would be determined by adults they don’t even know.

I learned from a member at my church that there were two things I could do to help. The first was to give the ACLU my deposition. It reads: “I am 17 years old, I love my library, and I don’t believe that a government official, librarian, other parents, or other person has the right to dictate what I can read.” The second was to be willing to defend my stance against those who would try to take away my rights.

I have known for a long time that our freedoms and our democracy are fragile. Without books, without libraries, our system of government is threatened. I’m honored to be part of the lawsuit to defend the Central Arkansas Library System and librarians in our state. Getting to work with the ACLU and spend time with their lawyers has been inspiring. I’m grateful for the work they’re doing and to have an organization like this defending our freedoms. Advocating for our freedoms and being proactive in defense of democracy should be every American’s highest calling—and I know that it is mine.

Join the ACLU’s fight against book bans and censorship at aclu.org/righttolearn.

PHOTOGRAPH BY ANDREA MORALES



Reynolds v. Sims June 15, 1964

Sixty years ago, the U.S. Supreme Court issued a landmark civil rights decision in *Reynolds v. Sims*—in which the ACLU appeared before the court—that applied the “one person, one vote” rule to state legislative districts. Voters from Jefferson County, Alabama, successfully challenged the unequal apportionment of the state legislature, and in a majority opinion, Chief Justice Earl Warren noted that “legislators represent people, not trees or acres.” A direct line can be drawn from this case to the ACLU’s historic victory for voting rights in *Allen v. Milligan* last year. Again, the court ruled in favor of Black voters who challenged Alabama’s 2021-enacted congressional map for diluting Black political power, ordering the state to redraw it. —TOM VELLNER

CHARLES SHAW/GETTY IMAGES

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