

DEFENDING SPEECH IN THE CLASSROOM

More than a dozen states have passed laws aimed at censoring discussions of race and gender in the classroom, but first they must get past the Constitution—and the ACLU.

In states across the country, the ACLU is fighting back against an onslaught of legislation attempting to censor free speech in schools. In Florida, we achieved an important win against House Bill (HB) 7—known as the Stop Wrongs Against Our Kids and Employees (“Stop W.O.K.E.”) Act—which severely restricts educators’ ability to discuss issues related to race and gender in the classroom.

Federal Judge Mark Walker issued an order that immediately blocked HB 7 from being enforced in the state’s colleges and universities, calling the law “positively dystopian.” Though it is now on appeal, his ruling marks the first time a court has found this type of classroom censorship law unconstitutional. In addition to our case in Florida, we’re challenging classroom censorship laws in Oklahoma and New Hampshire, and we hope Judge Walker’s findings will bolster our efforts around the country.

At the same time, politicians and school boards are making moves to ban books from public schools and libraries—predominantly those by Black and LGBTQ authors. The ACLU of Missouri filed a lawsuit on behalf of the Missouri Association of School Librarians and the Missouri Library Association challenging a government censorship law that caused school districts across the state to remove hundreds of titles from library shelves.

All of these laws are animated by a common motive. As ACLU of Florida staff attorney Jerry Edwards observed about HB 7: “The people in power are terrified of students learning the truth about horrific racial violence that many residents in this state either survived or perpetuated. If we do not learn from the past, we are merely damned to repeat its gruesomeness.”

“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.”

—ANTHONY CRAWFORD, high school teacher and ACLU client in Oklahoma



Photo: AJ Stegall/ACLU



In state legislatures across the country, our bodies have become battlegrounds as politicians seek to pass extreme bans on abortion, restrict access to birth control and medication abortion, and criminalize essential health care for transgender youth. These insidious efforts deliberately target people who are already marginalized. The ACLU is defending the freedom of everyone to fully control our bodies, lives, and futures.

Last November, in every state where abortion was on the ballot, voters showed up to send the message that they want legal, accessible abortion in their state. In an unequivocal response to the Supreme Court’s shameful *Dobbs* decision, voters made clear their belief that politicians shouldn’t be in control of our lives and our bodies—we should. But some politicians haven’t gotten the message. We’ve already seen attempts by lawmakers to find even more extreme ways to control our bodies—with abortion banned in more than a dozen states and gender-affirming care for trans youth banned in four states.

The fights for access to abortion and gender-affirming care are linked by a simple belief: You are the rightful author of your own life story. Both abortion and gender-affirming care give us the freedom to determine our own paths and to defy barriers that oppress and erase women and LGBTQ people. States seeking to strip us of

that freedom want to write your story for you, deciding who you are, what you do with your body, and if or when you start a family.

We know these attacks won’t stop with abortion and gender-affirming care; the same politicians seeking to control the bodies of pregnant and trans people are coming for our right to access birth control, to marry whom we love, to learn freely in our classrooms, and even to vote.

The ACLU is determined to ensure that people are able to make their own decisions about their bodies and their lives without government interference. With teams in all 50 states, D.C., and Puerto Rico, we are mobilizing an organization-wide response to these extreme attacks on essential health care in state legislatures across the country. We’re deeply grateful for the support of our dedicated community in this fight for freedom and bodily autonomy.

PROTECTING OUR REPRODUCTIVE FREEDOM

As we navigate the first year without the protections of *Roe v. Wade*, access to medication abortion has become more critical than ever.

With *Roe* overturned, anti-abortion extremists took the next step in their plan to ban abortion nationwide by filing a baseless lawsuit that seeks to force the Food and Drug Administration (FDA) to withdraw its longstanding approval of mifepristone, one of two drugs used in the medication abortion process. The outlandish claims in this case distort decades of scientific evidence, but the organization behind the lawsuit handpicked a judge who, since his appointment to the bench by former President Trump in 2019, has issued a series of radical decisions on everything from immigrants' rights to trans justice to birth control.

Here is the truth about mifepristone:

- 1 Mifepristone is a safe and effective medication used for abortion.** Mifepristone has been available for over 20 years and is endorsed by leading medical authorities including the American College of Obstetricians and Gynecologists.
- 2 Medication abortion accounts for more than half of abortions across the country.** Since being approved in 2000, mifepristone has increasingly become an essential part of abortion access across the country.
- 3 ACLU lawsuits have prompted the FDA to repeal some past restrictions on access to mifepristone.** In recent years, ACLU litigation has forced the FDA to allow patients to access medication abortion prescriptions in a pharmacy, rather than requiring a costly visit to a hospital or medical office.

As of this writing, we await a decision in this case. If the lawsuit succeeds, health care professionals could be barred from prescribing mifepristone in every state in the nation—even in states where abortion is legal.

While this case develops, we continue to fight state abortion bans: We've blocked bans in Arizona, Indiana,

Iowa, Michigan, Ohio, and Utah, and we're seeking to end bans in Florida, Georgia, and Kentucky. Most recently, we took new legal actions in Guam and West Virginia to block abortion bans in these regions. We will not stop fighting until everyone can get the care they need, no matter who they are, where they live, or how much money they have.

Abortion Criminal Defense Initiative

The ACLU's new **Abortion Criminal Defense Initiative** is one way we're confronting the criminalization of abortion care in the aftermath of the reversal of *Roe v. Wade*. Through this initiative, we're establishing and working alongside a network of experienced criminal defense attorneys prepared to defend those facing prosecution related to abortion care.

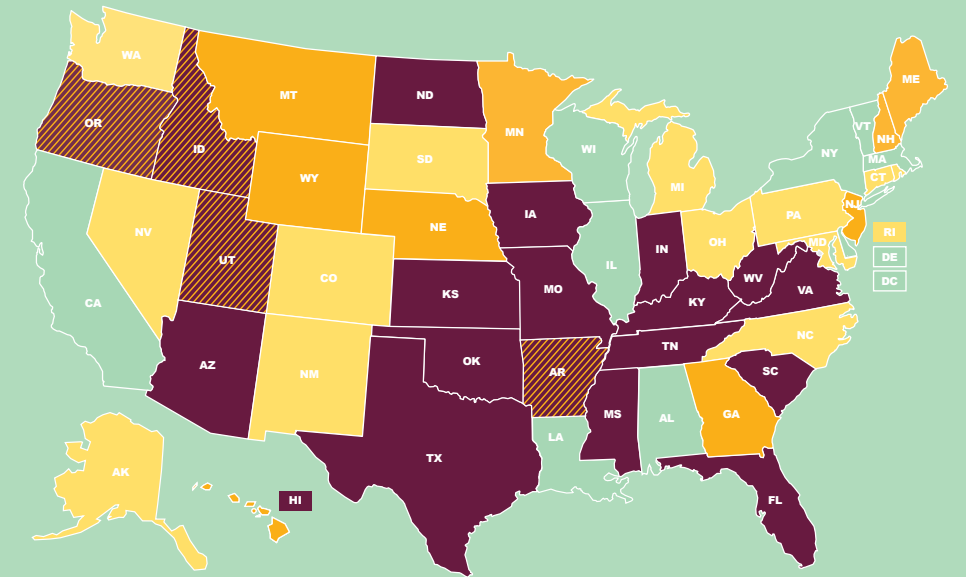
Learn more at aclu.org/acdi.



Photo: Allison Shelley/ACLU

TRACKING— AND DEFEATING —ANTI-LGBTQ LEGISLATION

The ACLU is documenting a record number of anti-LGBTQ bills and working with our national network of affiliates to support LGBTQ people everywhere.



Number of anti-LGBTQ bills per state

○ 0 ● 1-3 ● 4-6 ● 7-9 ● 10+

In 2023, more than 400 anti-LGBTQ bills have been introduced in state legislatures. The ACLU has launched a new nationwide bill tracking system to publicly document and categorize these bills, and guide users to learn more about efforts to protect LGBTQ people. The goal of this tracker is to help advocates, organizers, and allies take action against these bills while also revealing them for what they are: a coordinated, political attack on LGBTQ people nationwide.

As state lawmakers continue to target access to gender-affirming care, the ACLU is fighting back. In Arkansas, for example, we blocked a cruel and dangerous law aimed at banning health care professionals from providing or even referring transgender adolescents for medically necessary, often lifesaving care. We defended our injunction on appeal and recently took the case to trial to ensure this law never goes into effect.

This fight means everything to ACLU clients Lacey and Aaron

Jennen of Fayetteville, Arkansas, who joined three other families and two doctors in challenging the law. Their oldest daughter, Sabrina, is trans and currently receiving gender-affirming health care. Because of this care, they have watched Sabrina go from experiencing severe distress to becoming the joyful, thriving person she is today.

"I wish that those politicians who passed this law would take the time to listen to the experiences

of trans youth and to get to know people like our daughter," said Lacey. "I can't imagine anyone who truly got to know and understand how this care has impacted Sabrina could take action that would jeopardize her joy, her smile, and her sense of possibility for her future."

The ACLU is also engaged in litigation to protect trans people in Idaho, Iowa, Montana, Ohio, Oklahoma, Tennessee, West Virginia, and Wisconsin. Learn more at aclu.org/lgbtq.

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—**LACEY JENNEN**, mother and ACLU client in Arkansas



Photo: Rana Young