

DEFENDING LGBTQ+ RIGHTS

State legislative attacks on LGBTQ+ rights have dramatically escalated this year, primarily targeting children and young adults in every area of their lives, from health care to sports to school.

This year alone, more than 30 state legislatures across the country introduced more than 100 anti-trans bills, and a record 13 have passed—more than in the previous 10 years combined.

Fighting alongside trans youth and their families, in July, the ACLU brought a halt to Arkansas’ first-in-the-nation ban on gender-affirming health care for minors.

“It hurt that the State of West Virginia would try to block me from pursuing my dreams. I just want to play.”

—BECKY PEPPER-JACKSON
ACLU client

This cruel and unconstitutional law prohibits healthcare professionals from providing or even referring transgender young people for medically necessary health care. We also secured a ruling in West

Virginia blocking the state from enforcing a law that bans transgender girls and women from participating in school sports. The ACLU represents 11-year-old Becky Pepper-Jackson, who wants to try out for the girls’ cross-country and track teams at her middle school.

These attacks—and our wins—are not limited to any region of the country:

- In **Connecticut**, we successfully defended in court a trans-inclusive policy for high school sports.
- In **Idaho**, we’re defending our win in the first appeals court case about a law banning trans women and girls from sports.
- In **Virginia**, we secured a Supreme Court decision that lets stand Gavin Grimm’s victory for trans-inclusive bathroom policies in schools.

These and other key wins send a clear message to states that if they pass laws attacking trans people, they will see us in court. Our work is far from over.



Key 2021 Trans Justice Updates

ALABAMA

Helped stop a bill that would have banned gender-affirming health care for trans youth.

ARKANSAS

Filed a lawsuit to stop a ban on gender-affirming health care for trans youth.

CONNECTICUT

Defended in court a trans-inclusive policy for high school sports.

IDAHO

Argued the first appeals court case about a law banning trans women and girls from sports.

VIRGINIA

The Supreme Court **issued a decision that lets stand** Gavin Grimm’s victory for trans-inclusive bathroom policies in schools.

WEST VIRGINIA

Filed a lawsuit to stop a ban on trans people in sports.

TENNESSEE

Helped stop a new law requiring businesses to post a government-prescribed warning sign in restrooms if those businesses allowed people to use the restroom that matches their gender.



FIGHTING—AND WINNING—STATE BATTLES

After four years of fending off the Trump Administration’s relentless attacks on civil rights at the federal level, the ACLU’s focus has shifted to the states, where anti-civil rights policies have taken hold in many legislatures. It is on these front lines that the ACLU’s strength shines brightest, opposing bad bills and championing the movement for justice and equality.

There is no mistaking the threats to civil liberties we face in many states. We’re up against a coordinated effort to erase transgender rights, abortion rights, and the right to vote: In 2021 alone, state lawmakers introduced 389 bills of state-sanctioned voter suppression; 561 bills blocking access to abortion; and more than 100 bills restricting transgender rights. Years of partisan and racial gerrymandering undoubtedly bolstered these harmful bills. The ACLU’s coordinated response to these assaults includes a nationwide

effort to fight for fairer political maps as districts are redrawn in the wake of the 2020 census.

At the same time, we’re invoking state claims to advance civil rights and civil liberties. As we saw with the fight for marriage equality, a win on state constitutional grounds can pave the way for similar victories in other states—and open the door to federal recognition of a right. In addition, our Southern Collective is mobilizing across 12 key states to address systemic inequities and strengthen

Black communities that suffer from the legacies of slavery. We focused efforts on voting rights in Georgia, for instance, which now has one of the highest voter registration rates in the nation, with 95 percent of citizens over 18 signed up to vote.

In this critical struggle over two competing visions of our country—one that is fair and free for all versus one that is fair and free for some—we’re counting on your support to ensure that justice wins out.

[More about our impact →](#)

PROTECTING FREE AND FAIR ELECTIONS

Voting rights continue to come under severe attacks across states. Defeating these efforts is a top priority.

Across the country, we're witnessing overt attempts to disenfranchise Black, Latinx, and Indigenous voters through attacks on vote-by-mail, cuts to early voting periods, and unnecessary and burdensome identification requirements. As of May, legislators have introduced 389 bills with restrictive provisions in 48 states. In Georgia, where the presidential and Senate elections saw a record turnout of voters, particularly Black voters, the governor and state lawmakers passed a sweeping law that attacks absentee voting, criminalizes giving water to voters waiting in line, and guts state funding for local elections. The ACLU and our allies lost no time in challenging the law, which illegally targets voters of color, new citizens, and religious communities.

Although we have many uphill battles ahead, we are fighting—and winning—across states:

- In **Indiana**, a federal court recently upheld the ACLU's challenge to a law that allowed officials to purge voters from the rolls based solely on second-hand information and without notice or an opportunity to correct the record.
- In **Montana**, last year, a court permanently struck down a law that severely restricted the right to

vote for Indigenous people living on rural reservations. Now the ACLU and its allies are challenging two new laws that hinder Native American participation in the state's electoral process.

- In **Minnesota**, we're asking the state's highest court to restore the voting rights of more than 53,000 people with felony convictions who are barred from voting, even after they have finished any prison term and even if they have never spent a day in prison.

At the same time, the ACLU's Redistricting Project is working to expose and halt the secretive subversion of democracy, which every 10 years entrenches disproportionately white and partisan state legislatures. The ACLU's combination of litigation expertise, mapping and evaluation capacity, and affiliate advocacy



"It's a full-scale assault on voting rights in response to record levels of turnout that we saw in the 2020 Presidential Election."

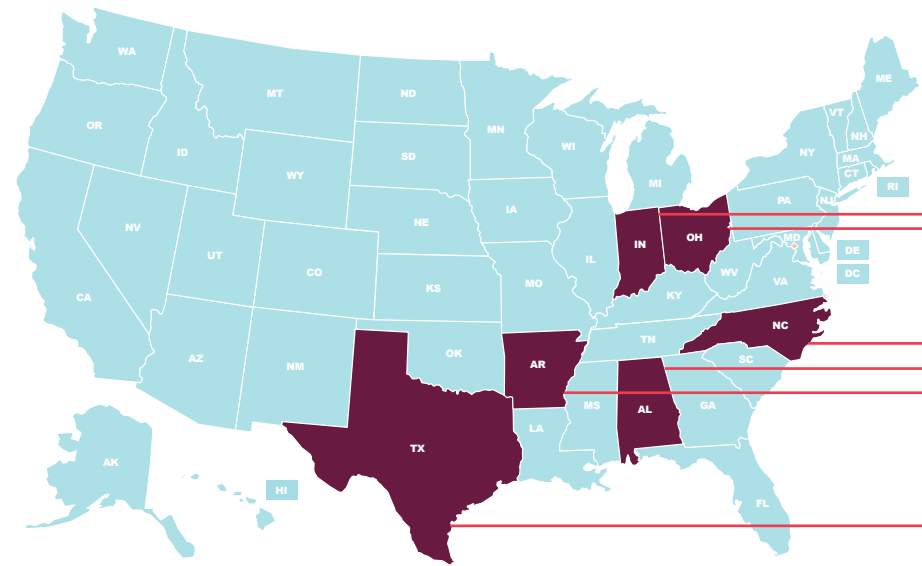
—SOPHIA LIN LAKIN
deputy director of the
ACLU Voting Rights Project

networks will help ensure that districting maps more accurately and fairly represent eligible voters and that voters choose their politicians—not the other way around.



BATTLING EXTREMIST ABORTION LAWS

The ACLU is holding the line against an unprecedented flood of extreme abortion laws in the states, while pushing relentlessly to expand abortion access on all levels.



Across the United States, legislatures have passed more restrictions on abortion in 2021 than in any other year since *Roe v. Wade* was decided in 1973. That landmark decision is also at grave risk: This fall, the Supreme Court will review a Mississippi law—a direct assault on *Roe*—that bans abortion after 15 weeks of pregnancy.

Our litigation is blocking a variety of abortion restrictions around the country, including 'reason bans' that criminalize abortion if the reason is a fetal disability. In North Carolina, we're pressing to dismantle a host of unjust laws, including: a law prohibiting qualified medical professionals from providing abortion, a ban on the use of telehealth for medication abortions, and a mandatory 72-hour waiting period between the patient's consultation with their provider and when they can actually have the abortion. Taking extremism a step further, Texas' Senate Bill 8

authorizes private individuals to file civil lawsuits to "enforce" the state's unconstitutional abortion ban. This infamous law encourages vigilantism by providing a \$10,000 bounty to anyone—a relative, an abusive partner, or even a stranger—who seeks to stop an abortion as early as six weeks of pregnancy. We and our partners filed a strategic lawsuit and took the case all the way to the Supreme Court, but the unprecedented law went into effect on Sept. 1. We will continue battling in court to block the law; in the meantime, we are advising clinics on compliance strategies and preparing defense strategies for the inevitable lawsuits to come.

It's no coincidence that these radical laws get passed when partisan gerrymandering of political districts allows lawmakers to subvert the will of a majority of voters, as they've done in Texas. It takes a multi-issue organization like the ACLU to connect the dots and fight back.

Key 2021 Reproductive Rights Updates

INDIANA

→ **Blocked a measure** that would have forced health providers to share dangerous, false, and misleading information about "reversing" a medication abortion. Courts in North Dakota, Oklahoma, and Tennessee have blocked similar restrictions.

OHIO

→ **Secured a temporary halt** to a law that requires tissue from an abortion be buried or cremated.

→ Awaiting a permanent decision after a federal judge granted a **temporary restraining order** to block the state's six-week abortion ban in July 2019, when the ACLU and allies filed suit to stop the law.

NORTH CAROLINA

→ **We are fighting to block:**

- A law prohibiting medical professionals from providing abortion.
- A ban on the telehealth for medication abortions.
- A mandatory 72-hour waiting period for patients seeking an abortion.

ALABAMA

→ An appeals court **agreed with the ACLU** that a law subjecting minors seeking an abortion to be cross-examined and for a lawyer to represent the embryo or fetus is unconstitutional.

ARKANSAS

→ **Stopped a ban** that would have prohibited abortion in nearly every case and imposed criminal penalties on doctors for providing care.

TEXAS

→ **Continuing to battle** SB 8, which bans abortion at six weeks and deputizes private individuals to "enforce" the ban.