

FACING NEW FREE SPEECH THREATS

The ACLU's fight against a new string of classroom censorship attacks is part of our ongoing movement to defend the right to a complete and inclusive education.

Freedom of speech has been a bedrock of the ACLU's mission since our founding. Today, these battles have taken on new forms: Teachers are now fighting laws aimed at censoring discussions around race and gender in the classroom, just as their predecessors in the 1920s fought bans on teaching evolution.

This year, state legislatures have introduced over 100 classroom censorship bills across 33 states. It's clear the goal of these efforts is to gain political points in a crucial midterm election year. While politicians grasp at power, the legacy of race and sex discrimination and lived experiences of people of color, women and girls, and LGBTQ+ individuals are being

systematically erased in curriculums—and teachers are being punished for simply discussing these truths.

Classrooms aren't the only free speech battleground where the ACLU is active. In Arizona, we're challenging a law that makes it a crime to record police officers within eight feet of law enforcement activity. The constitutional right to record on-duty officers is one of our most effective accountability tools against police wrongdoing.

By engaging in the democratic process and voting for candidates at all levels—school boards, sheriffs, prosecutors, state court justices—we can all be part of the fight to protect our First Amendment rights.



"I teach my students about slavery and mass incarceration to help them understand what kind of society they live in and how this reality came into being."

—ANTHONY CRAWFORD,
ACLU client

PURSUING PROGRESS IN THE COURTS

The ACLU's participation in more cases before the Supreme Court than any other nongovernmental organization has taught us that progress is possible, even after major setbacks.

The last Supreme Court term may seem like a bad dream, but the ACLU is wide awake and ready to fight back in every forum we can find. In its new term, the court has chosen to hear several cases that, if overturned, could set civil liberties and civil rights back decades. History shows that when the court departs from where the country is on fundamental issues—and the people respond—it is eventually forced to correct itself. If we want to retain and expand the protection of our rights, we must mobilize, demonstrate, and take action.



ACLU Supreme Court Preview

- **Merrill v. Milligan.** With civil rights and faith groups, the ACLU is challenging Alabama's newly drawn congressional redistricting maps that use gerrymandering to dilute Black voting power. *Argument date: October 4.*
- **Students for Fair Admissions v. Harvard** and **Students for Fair Admissions v. University of North Carolina.** In these two cases, the ACLU is urging the court to uphold the consideration of race in college admissions. *Argument date: October 31.*
- **Haaland v. Brackeen.** The ACLU is asking the court to uphold the Indian Child Welfare Act, which protects Native American children from forced removal from their families, tribes, and culture. *Argument date: November 9.*

ACLU

IMPACT REPORT
FALL 2022



TAKING THE FIGHT TO THE POLLS

As the midterms approach, our country is confronting severe threats to our democracy. From racial justice to abortion rights to free speech to voting rights, everything is on the line—and the ACLU is ready for the fight. We're asking our community of donors, activists, and social media followers to engage their networks to ensure that the will of the people—and not lawmakers—determine our path forward.

The ACLU is zeroing in on the coming election with a targeted plan of action to educate and engage voters on what's at stake. Our Vote Your Values, Fight for Your Rights campaign is rallying 6 million ACLU members, activists, and supporters. We're not just asking our community to vote—we're encouraging them to engage their personal networks to vote intentionally and knowledgeably, especially for often overlooked but critical down-ballot offices.

With voters historically turning out in lower numbers for midterm elections, it is our shared responsibility to get out the vote. Our campaign explains in detail how specific elected offices and ballot questions will have a direct

impact on key civil liberties and civil rights issues, including:

- **Secretaries of State:** In most states, the secretary of state serves as the chief elections officer and is responsible for voter registration, maintaining voter rolls, and administering elections.
- **State Supreme Courts:** With so many of our fights moving to the state level, state supreme court justices will be the last line of defense to uphold reproductive freedom and other civil liberties per state constitutions.
- **Local Prosecutors and District Attorneys (DAs):** Local prosecutors will be on the front lines of

decisions to prosecute individuals accused of violating an abortion ban, and DAs will use their prosecutorial discretion to decide whether or not to enforce these bans.

- **Sheriffs:** Sheriffs make decisions every day that impact the health and safety of our communities. Particularly affected are Black and Brown people who face bias in policing and undocumented people who risk being handed over to immigration enforcement.

Now more than ever, we rely on supporters like you to take early action, spread the word, and vote for the values and liberties we cherish. **Thank you for all you do.**

EMPOWERING VOTERS, PROTECTING THE VOTE

Election protection is an all-hands-on-deck priority for the ACLU. The push is particularly acute in battleground states, where narrow vote margins determine every-thing from the president to the local sheriff.

Elections have serious consequences, and not just at the presidential level. This November, there are 36 gubernatorial seats, 27 secretary of state offices, and 1,100 district attorney offices up for grabs, as well as dozens of contests for smaller offices and hundreds of ballot initiatives. With so much on the line, the ACLU is doubling down on election protection and voter expansion efforts.

Over the summer, we hosted a weekly series of online trainings for activists, and we're now connecting them to local rallies, protests, speak-outs, and other organizing opportunities using our online mobilization tool, People Power. We're also engaging in innovative, hyperlocal election protection efforts:

- **In Michigan**, the ACLU identified the 1,600 city, county, and township clerks overseeing elections and is working with them to prepare for voter intimidation, advocate for improvements at polling sites, provide signs in multiple languages, recruit poll workers, and expand election protection hotlines.
- **In Georgia**, the ACLU is recruiting and a new generation of poll workers and providing them with community support and supplemental training. Through our new Local Election Advocates and Defenders pilot program, ACLU volunteers are monitoring board of elections meetings and flagging potential issues, such as plans to curtail early voting options or shut down polling places in majority-minority precincts.



“If there’s anything we’ve learned from the past few years, it’s that our democracy is fragile—but there are plenty of people who are siding with what’s right and just. We have to be bold, and we have to back each other up to make real, impactful change.”

—CHRISTOPHER E. BRUCE, policy and advocacy director, ACLU of Georgia

- **In Ohio**, the ACLU is focusing on 23 rural—and often overlooked—Appalachian counties to bring people together in a deeper understanding of the voting rights landscape and to find overlapping values that can coalesce in policy changes. The program includes a public education campaign about how votes are counted and certified to build trust in the process, as well as how racial injustice impacts the voting system.

Our fight doesn’t start and end at the polls, but voting remains one of the most powerful tools available to hold politicians accountable and to influence policy.

BUILDING A FIREWALL FOR ABORTION RIGHTS

Now that the Supreme Court has overturned *Roe*, our strategy is to mitigate harm, while laying the groundwork for a long-term battle to win back abortion rights nationwide.

The majority decision in *Dobbs v. Jackson Women’s Health Organization*, driven in part by three Trump-nominated justices, proved that elections directly affect our rights and well-being. This is the moment to open the public’s eyes about the impact this decision will have on our lives—particularly for low-income people and people of color—and to sound the warning on the rights conservative lawmakers are coming for next, including contraception, LGBTQ+ rights, and voting rights.

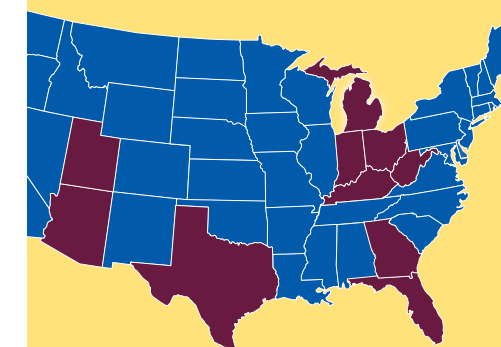
Through storytelling, public engagement, and paid advertising, the ACLU is communicating

the harmful ripple effects the Supreme Court’s decision is having on racial, economic, and gender justice. For example, our powerful “forced pregnancy” online and television advertisements reframed the issue as a battle between government-mandated forced pregnancy and reproductive freedom and highlighted the harms of abortion restrictions, especially on communities of color. The ads were seen by over 11 million people, drove high levels of activist engagement, and doubled the online use of the term of “forced pregnancy.”

Abortion rights are also front and center in our political advocacy work with 80 percent of our entire national organizing capacity committed to reproductive freedom efforts this year.

Our Abortion Activist Series briefed more than 20,000 activists from every single state about our strategies for protecting and expanding reproductive freedom through state-level ballot initiatives and legislation and provided tools to effectively engage with candidates ahead of the midterms.

Bottom line: We cannot advance abortion rights until politicians who push extreme anti-abortion laws—that are not aligned with their constituents’ values—are held to account. We must steal away their power and their momentum. And we must give abortion rights back to the people.



Post-Dobbs Litigation Docket

ARIZONA

Challenge to the state’s “personhood” provision

FLORIDA

Challenge to the state’s 15-week abortion ban

GEORGIA

Challenge to six-week abortion ban

INDIANA

Challenge to the state’s near-total abortion ban **BAN BLOCKED***

KENTUCKY

Challenge to two state abortion bans: 1) a 2019 trigger ban, and 2) a six-week ban

MICHIGAN

Challenge to enforcement of the state’s pre-Roe ban **BAN BLOCKED***

OHIO

Challenge to enforcement of the state’s six-week abortion ban **BAN BLOCKED***

TEXAS

Challenge to enforcement of the state’s antiquated trigger ban

UTAH

Challenge to enforcement of the state’s trigger ban **BAN BLOCKED***

WEST VIRGINIA

Challenge to enforcement of the state’s pre-Roe ban

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