

FIGHTING TO UPHOLD *ROE V. WADE*

Like the slew of anti-trans bills introduced nationwide, attacks on reproductive freedom have ramped up, too. While these battles may be about abortion rights, they also intersect with racial and economic justice.

Despite the fact that Americans overwhelmingly support abortion rights, our country is facing a direct challenge to *Roe v. Wade*. In May, the Supreme Court agreed to hear arguments in *Dobbs v. Jackson Women's Health Organization*, in which the Center for Reproductive Rights is challenging Mississippi's ban on abortion at 15 weeks of pregnancy. But this case will decide a much broader issue: a ruling upholding the ban could decimate, if not take away entirely, the constitutional right to abortion.

In response, the ACLU is consulting with our allies to craft smart and strategic legal arguments and targeted

friend-of-the-court briefs, educating the media about what's at stake, and organizing people around the country to stand up for *Roe*.

The ACLU is committed to doing everything we can to prevent politicians from co-opting reproductive decisions that belong to individuals.

Meanwhile, state legislators are continuing to unleash a barrage of devastating restrictions on access to

abortion. As these efforts against abortion access continue to intensify, so has our reproductive freedom work. For example, the ACLU and Planned Parenthood are challenging an Arkansas law that—in another direct challenge to *Roe*—outlaws abortion. The Arkansas ban, signed into law by Gov. Asa Hutchinson in March, prohibits abortion in nearly every case and imposes stiff criminal penalties on doctors for providing care.

Crucially, these retrograde bans have a disparate impact on people of color, due to longstanding racial disparities in access to contraception, discrimination in health care, and economic inequalities, among other reasons. With your help, the ACLU is committed to doing everything we can to prevent politicians from co-opting reproductive decisions that belong to individuals.

ACLU

IMPACT REPORT
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INSIDE (AND OUTSIDE) THE SUPREME COURT

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Photo: Michelle Frankfurter/ACLU

The ACLU defends our civil rights and liberties at every level and from every angle—from state courts to the Supreme Court. Over our 101-year history, **the ACLU has brought many of the ground-breaking cases that laid the precedent for protecting our rights today.**

Now, we're using those hard-won precedents to further our vision for true justice and equality.

In the first half of 2021, the ACLU defended LGBTQ equality and free speech before the Supreme Court, while continuing to confront legal attacks on immigrants' rights, challenge racist dog whistles, and defend reproductive freedom. We've also been tackling some of the biggest voter suppression challenges we've ever faced—including dozens of restrictions to voting by mail—and taking on a record number of anti-trans bills across the country.

We took part in **27 Supreme Court cases** this term.

Despite a conservative supermajority, the ACLU won critical civil liberty victories this term. We know that the battle for civil liberties and civil rights is never waged only before the nine justices. Historically, the Supreme Court

did not initially deliver equal protection for women or marriage equality. The feminist and LGBTQ movements did that—together with the ACLU, through painstaking advocacy and legal work. The high court then recognized the advances that had been won outside its four walls and ruled accordingly.

Today, the ACLU is increasingly focused on bringing cases in state courts, which can pave the way for similar victories in other states and can ultimately lead to federal recognition of a particular right. Our integrated advocacy approach feeds into this strategy as well, combining litigation work with public education and organizing, winning key rulings, gaining earned media on ACLU priorities, and shifting public opinion.

Despite who is sitting on the Supreme Court, we know we can count on *your* advocacy and support to create the change we need.

[More about our impact →](#)

PROTECTING FREE SPEECH AT EVERY TURN

The ACLU has always been at the forefront of free speech battles—and this year is no exception. Whether we’re defending a student punished by her school for a Snapchat post or challenging anti-protest bills, we’re on the case.



Photo: Danna Singer/ACLU

In April, the ACLU appeared before the Supreme Court in a case with huge implications for students’ free speech rights. It involved a Pennsylvania teenager, Brandi Levy (pictured above), who was removed from her high school’s junior varsity cheerleading team in 2017 after she posted a Snapchat image of herself and a friend with their middle fingers extended and text that read, “fuck school fuck softball fuck cheer fuck everything.” The Snapchat was created and temporarily posted on a Saturday while they were at a local convenience store.

This case harkens back to a landmark 1969 ruling, *Tinker v. Des Moines*—also brought by the ACLU—in which the Supreme Court famously ruled that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” In June, the Supreme Court ruled in our favor, affirming that protecting students’ full free speech rights when they are outside of school is equally vital. The 8–1 decision safeguards 50 million young people’s free speech rights and their ability to engage in political, social, or religious expression without fear of punishment.

In another school-related free speech controversy, the ACLU is battling a nationwide attempt to censor

discussions of race in the classroom. In Idaho, Louisiana, Tennessee, and elsewhere, we’ve been opposing state lawmakers’ attempts to ban educators in public schools and universities from teaching courses on critical race theory. This censorship wouldn’t just set back progress in addressing systemic issues; it would also rob young people of an inclusive education and blatantly suppress speech about race.

ACLU affiliates are also defending activists in places such as Missouri and Nebraska whose protests over police brutality were met with

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militarized force and mass arrests based on vague and unconstitutional ordinances around public gatherings.

To ensure true equal protection under the law, our country must acknowledge its history of systemic racism and reckon with present-day impacts of racial discrimination. This includes being able to teach and talk about these concepts in our schools—and on our streets.

CHAMPIONING LGBTQ EQUALITY

At the Supreme Court and in states across the country, the ACLU is battling a record number of anti-LGBTQ bills and policies, **and we’re not slowing down.**

Last November, the Supreme Court heard *Fulton v. City of Philadelphia*, an ACLU case challenging a taxpayer-funded foster care agency that will not accept same-sex couples—in violation of the city’s non-discrimination requirement. That agency, Catholic Social Services (CSS), had sued the city, claiming a constitutional right to discriminate against qualified same-sex parent families because CSS has a religious objection to accepting them.

In June, the Supreme Court ruled that Philadelphia couldn’t refuse to renew CSS’s foster care contract because of language in this specific contract. While any loss is painful for the LGBTQ community, what’s important is that the court did not recognize a license to discriminate based on religious beliefs in this very narrow ruling. State and local governments may continue to enforce laws protecting LGBTQ people and others. Discrimination should have no place



Photo: Sydney Rasch

in our foster care system. Children’s lives and well-being are at stake.

The ACLU continues to fight for the lives and well-being of transgender and non-binary youth, too, confronting an unprecedented wave of anti-trans legislation. In Arkansas, for instance, we’re representing four families of trans

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youth and two doctors who are challenging a law—the first in the nation—that would prohibit health care professionals from providing or even referring trans young people for medically necessary health care. We’re also challenging states across the country that are attempting to ban trans students from participating in school sports.

Not only do these proposed laws discriminate against trans youth in ways that compromise their health, social and emotional development, and safety, but they also raise a host of privacy concerns. These bans are creating “solutions” to “problems” that don’t exist—and harming young people in the process.



Photo: Sydney Rasch