



THE TORCH

Summer 2021 Newsletter of the American Civil Liberties Union of Kentucky



LEGAL UPDATE

Following an active election season, the legal team had a busy winter and spring supporting the advocacy team through the legislative session and continuing litigation in ongoing lawsuits. They provided legal analysis for several bills affecting civil rights and liberties, including priority legislation affecting voting rights, freedom of speech, justice reform, and reproductive freedom. The legal team also prepared to file emergency litigation and correspondences should those actions have been warranted.

VOTING RIGHTS

The legal team is building on a new and successful partnership with the Lawyers' Committee for Civil Rights Under the Law's national Election Protection program to enhance our voting rights efforts.

The program, in coalition with other Kentucky organizations, operates a hotline on which Kentuckians can learn how to vote and report issues. The coalition also supports legal organizations like ours with



SUPREME COURT CASE

In late March, the Supreme Court of the United States agreed to hear arguments concerning a very narrow question in our case against Kentucky's ban on a standard abortion care procedure known as "D&E" that was passed in 2018.

In 2019 the United States District Court for the Western District of Kentucky struck down the ban, finding it would have unconstitutionally restricted access to safe and legal abortion care. The Sixth Circuit for the United States Court of Appeals agreed with us and affirmed the lower court's decision in 2020.

Our litigation started before the current attorney general was elected, so he was not part of the case. He attempted to intervene at the eleventh hour, but the Sixth Circuit denied his request, finding it untimely. The AG appealed to the Supreme Court and they decided to consider his request to intervene. This is a very specific procedural question that will not affect the substance of the case. If the court disagrees with the Sixth Circuit's decision, the AG's request to intervene will be sent back to the Sixth Circuit for reconsideration.

[Read more about this case at ACLU-KY.org/DandEScotus](https://www.aclu-ky.org/DandEScotus)

emergency litigation planning and strategies. The legal team worked extensively during the 2020 election to monitor the implementation of emergency voting procedures and recruited several volunteers throughout the commonwealth who we plan to engage moving forward.

The coalition continues to meet and develop strategies to enhance and protect voting rights in future elections. We are focusing on issues that may arise in advance of the next election (i.e. purging voters from the rolls, ensuring people with past convictions whose voting rights were restored are notified and able to register to vote, etc.).

[Read more about our election work at ACLU-KY.org/GOTV2020](https://www.aclu-ky.org/GOTV2020)

POLICING

Our federal lawsuit against Louisville-Jefferson County Metro Government and Louisville Metro Police Department continues. We are suing for their militaristic response to protesters and unlawful use of chemical agents.

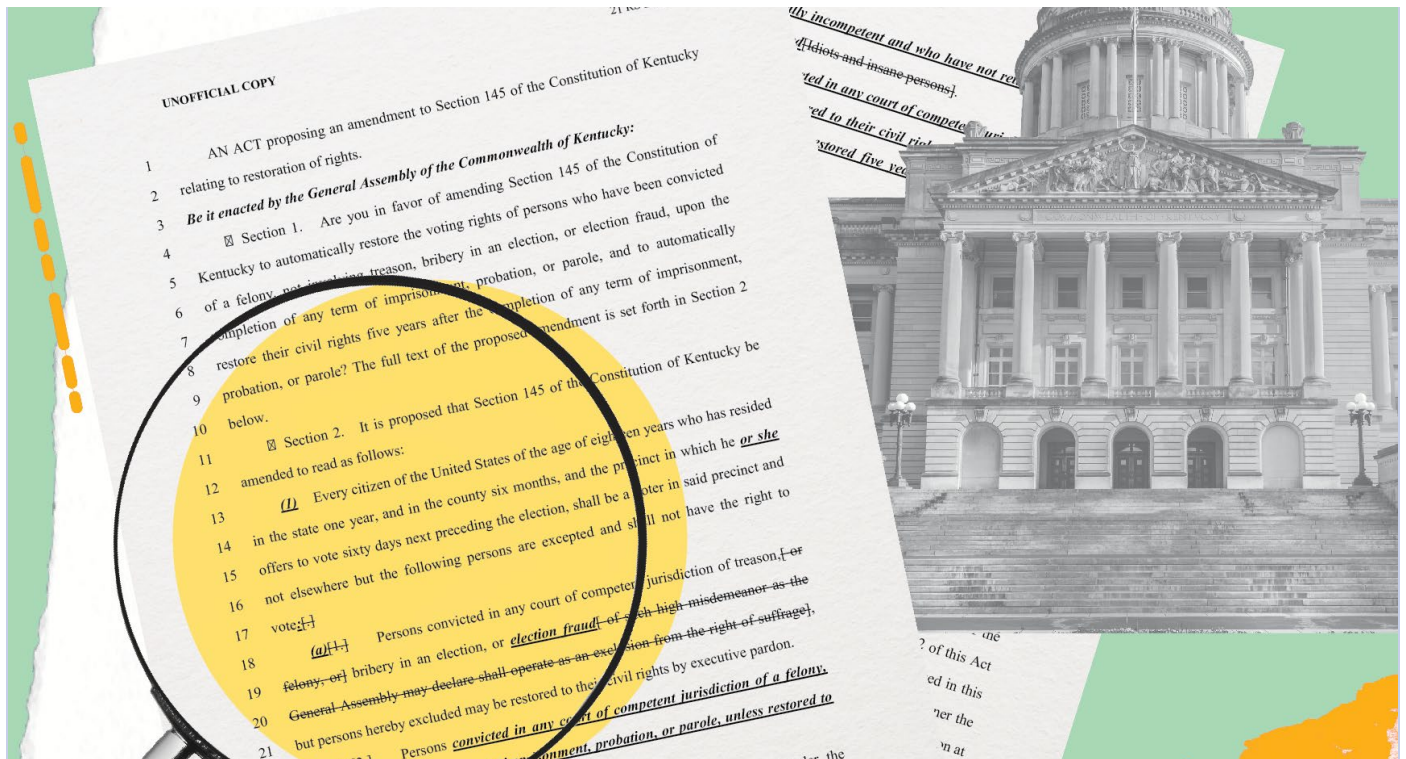
We represent seven individuals and the Kentucky Alliance Against Racist and Political Repression and filed the suit in conjunction with the NAACP Legal Defense and Educational Fund and Louisville firm Emery, Celli, Brinckerhoff, Abady, Ward, and Maazel. We are seeking damages for harms suffered by our clients as well as injunctive relief – substantive policy change by court order – to prevent this from happening again.

[Read more about this case at ACLU-KY.org/LMPDLawsuit](https://www.aclu-ky.org/LMPDLawsuit)

COVID-19 UPDATE

The ACLU-KY team continues to work "healthy at home," but is looking forward to a full return to the office on July 28 as life returns to a new normal. We are balancing the needs of our staff and their families and followed guidance from public health professionals to develop a reopening plan that worked for everyone and kept our staff and the broader community healthy and safe.

The pandemic made for a particularly challenging legislative session. Despite being unable to attend committee meetings and hearings in person, we still testified remotely, connected Kentuckians with their lawmakers, and met with legislators to protect civil liberties for every person in Kentucky.



2021 LEGISLATIVE SESSION AND ADVOCACY UPDATE

The ACLU of Kentucky works closely with Kentuckians who have experiences relating to our work, from people who have faced obstacles to accessing abortion care, experienced incarceration, or faced discrimination based on who they love. We center the voices of those most affected by certain issues because the people closest to the problem often have the best solution.

During the 30-day legislative session, several bills affecting civil liberties advanced to the governor's desk and the ACLU of Kentucky played a crucial role in creating 8 new laws. As expected, lawmakers continued their years-long effort to restrict

access to abortion care. At the same time, they passed several positive justice reforms that will reduce incarceration rates and give Kentuckians and their communities the resources they need to combat the root causes of incarceration.

REPRODUCTIVE FREEDOM

All Kentuckians deserve the legal rights and equitable access to healthcare to make their own decisions about what is best for themselves – whether that's to continue a pregnancy or seek abortion care.

Two of our priority bills to reduce racial disparities in maternal

health outcomes became law. Currently, pregnant people of color are three-times more likely to die from pregnancy-related complications than their white peers. This trend is even worse for Black people, who face maternal mortality rates nearly four-times greater than their white peers. These disturbing trends apply regardless of income or education.

House Bill 212 will require Kentucky's annual report on maternal and child mortality to include an analysis of demographics by race, income, and geography. Including this information will help policymakers and advocates better understand the issues facing pregnant Kentuckians and children.



Senate Bill 84, dubbed “Dignity Bill 2,” will build on a 2018 law to give pregnant incarcerated people the necessary resources for safe and healthy pregnancies. This bill was more pressing than ever because Kentucky has the third-highest women’s incarceration rate and the second-highest rate of children with an incarcerated parent. SB 84 will:

- end solitary confinement during pregnancy and in the post-partum period
- provide 6-weeks of post-partum care
- expand pregnancy medical release to include easily accessible substance use disorder treatment
- provide social workers who can help incarcerated people find care for their infant and develop a reunification plan
- allow families to spend time together to bond with their new children

Dignity Bill 1 was among the first in the nation and served as a model for other states, including Tennessee and California.

Despite those victories, the General Assembly continued its years-long effort to restrict access to abortion care. They overrode the governor’s veto and implemented **House Bill 2**. It will allow the attorney general to interfere with and undermine oversight of abortion care providers, instead of leaving those duties to career health experts in the Cabinet for Health and Family Services.

They also passed **House Bill 91**, a proposal to amend the Kentucky Constitution to ban all access to abortion care – even in cases of rape, incest, or life-threatening conditions – if *Roe v. Wade* is ever weakened or overturned. This extreme proposal will appear on ballots in 2022 and be decided by the voters.

JUSTICE REFORM

Our team has built a network of grassroots justice reform advocates from all corners of the commonwealth, known as the ACLU-KY Smart Justice Advocates. These Kentuckians inform our work and share their stories with the General Assembly so lawmakers can understand how their decisions affect the everyday lives of other people. We also work in partnership with a number of other organizations that have shared justice reform goals.

The most significant legislative victory of the 2021 legislative session was **Senate Bill 4, a version of Breonna’s Law**. This law will severely limit the use of deadly no-knock warrants and strengthen the process for obtaining a warrant.

A majority of these deadly raids are used to search for drugs and are a staple of the failed war on drugs. No-knock raids are especially dangerous in states like Kentucky that adhere to the Castle Doctrine, or the legal right to defend your property with lethal force if you believe you are in danger. As Commonwealth Attorney Tom Wine said, no amount of drugs or drug money is worth a human life.

SB 4 is a small step forward in reimagining the role of police in public safety. It does not deliver justice for Breonna Taylor, who was murdered when Louisville Metro Police Department officers invaded her home in the dark of night searching for drugs that did not exist and a person their own department already had in custody.

We will continue supporting the community’s calls for justice, working with lawmakers to fully ban no-knock warrants, and promoting community-driven policies that will truly protect and serve all people fairly under the law.

Many justice reform measures address issues stemming from mass incarceration. These reforms are necessary, but often neglect the root causes of incarceration. Some new laws will begin to address past legislative failures that prioritized punishment over rehabilitation.

House Bill 497 will give incarcerated Kentuckians a better chance at getting back on their feet. Among many provisions, HB 497 will help people build resumes and earn work certificates, end the

Continued on page 6

2021 LEGISLATIVE SESSION BY THE NUMBERS



880 bills filed

157 signed into law

32 enacted over the governor's vetoes

39 vetoed

11 enacted without the governor's signature

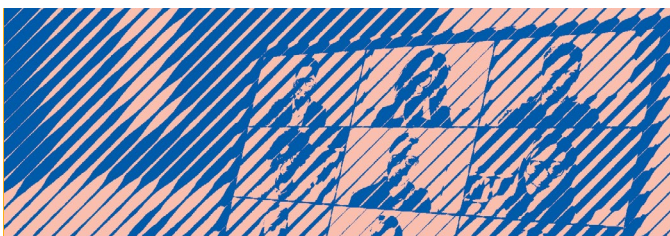
2 proposed amendments to the Kentucky Constitution passed (They now go to the voters and will appear on ballots in 2022. Proposed amendments must be passed by the General Assembly but do not need approval from the governor.)

270 bills tracked by
ACLU-KY

76 priority bills

39 opposed by ACLU-KY:
8 became law (3 signed by governor,
1 enacted without governor's signature,
4 enacted over governor's veto)

37 supported by ACLU-KY:
11 became law with
governor's signature



53 legislative meetings where ACLU-KY connected people directly impacted by the issues with lawmakers.

Dozens of meetings between ACLU-KY staff, lawmakers, and government officials

18 committee hearings included testimony from or coordinated by ACLU-KY

310,644 text messages sent by over 50 volunteers in 8 text banks encouraging other Kentuckians to take action

5,300 emails from ACLU-KY supporters to lawmakers



prohibition on people with past felony convictions from accessing SNAP benefits, and ensure people have a valid ID upon release so they can immediately start looking for jobs, find housing, seek healthcare, and more. This will strengthen Kentuckians, keep families together, and grow our economy.

After years of advocacy, lawmakers passed **Senate Bill 32 to keep children out of adult court**. SB 32 will end the automatic transfer of children to adult court for some charges by giving judges more discretion. Children placed in adult court are more likely to wind up back in the criminal legal system and are disproportionately Black. 53% of children charged as adults in Kentucky are Black, despite Black people of all ages comprising only 8% of the state's population. Kids need support, not adult courts and prisons.

House Bill 126 will modernize Kentucky's felony theft threshold, getting it closer to all of our surrounding states. HB126

will change the value of stolen property that determines if a person is charged with a felony or a misdemeanor from \$500 to \$1,000. Kentucky's past threshold lagged behind inflation and fell far behind surrounding states. This ballooned incarceration rates and punished people with overly harsh sentences.

Last, House Bills 7 and 51 recognize we cannot incarcerate our way out of substance use disorder. HB 7 will help local governments support people seeking treatment. Advocates successfully persuaded lawmakers to include people with personal experiences related to substance use disorder and recovery on the council. HB 51 will help Kentuckians more easily access treatment for substance use disorder by reducing administrative hurdles from insurance companies.

Despite these positive developments, lawmakers filed several bills that would increase incarceration rates by enhancing penalties and creating new crimes.

Senate Bill 11 became law over the governor's veto and serves only to intimidate low-income Kentuckians struggling to keep a roof over their head. It will enhance criminal penalties and create new felonies for renters convicted of property damage even though landlords already have ways to recoup losses and hold tenants accountable within the legal system. Passing SB 11 was especially cruel to do during a pandemic when losing one's housing would have been particularly dangerous.

LGBTQ EQUALITY

Kentucky lawmakers followed disturbing national trends and filed a record number of bills attacking LGBTQ Kentuckians. Some of the worst went after transgender children, targeting some of the most vulnerable people in our commonwealth.

Some bills would have banned access to gender-affirming healthcare for children, kicked students out of sports, and invaded the privacy of how children use the bathroom. None of these bills advanced out of committee; however, similar legislation has already been filed for the 2022 legislative session and we expect these bills to gain traction.

On the other side, our allies at the Fairness Campaign and Ban Conversion Therapy Kentucky made progress in the effort to ban the torturous practice known as conversion therapy and to pass a statewide Fairness law that would protect LGBTQ people from discrimination in housing, employment, and public accommodations. Bills have been pre-filed for both issues for the 2022 legislative session.

ABOLITION OF THE DEATH PENALTY

Legislation to limit the use of the death penalty made it significantly further than in past years. **House Bill 148** to abolish the use of the death penalty against people diagnosed with a severe mental illness passed the House of Representatives. **Senate Bill 60** to entirely abolish the death penalty garnered support from lawmakers in both parties. The death penalty must be abolished entirely and we will continue promoting these measures.

FREEDOM OF SPEECH

Several bills attacking free speech were filed this year, including legislation to reduce government transparency and make it illegal to say something insulting to a police officer. Some passed, but pressure from your emails and phone calls helped us stop the most extreme measures in their tracks.

House Bill 479 and **Senate Bill 211** were naked attempts to stifle dissent after the 2020 racial justice protests and A.G. Cameron's failed leadership in the investigation of Breonna Taylor's murder. They both failed, but HB 479 passed out of committee and SB 211 passed the Senate.

HB 479 would have allowed the Attorney General to personally prosecute people for protest-related charges, even if local prosecutors declined to do so. SB 211 would have made it illegal to say insulting things to law enforcement officers, enhanced penalties for protest-related charges, and made it illegal to camp in public spaces. The camping provision clearly targeted peaceful occupiers demanding justice for Breonna Taylor at Injustice Square in downtown Louisville, but it would have also made it illegal for homeless people to camp outside even if all shelters were full.

Senate Bill 48 passed both chambers but was vetoed by the governor. It would have restricted access to public records about public officials – even basic information like proof lawmakers live in the districts they represent.

Unfortunately, some bills restricted speech and government transparency became law.

House Bill 312 will make the General Assembly its own referee when it comes to open records requests for legislative records. It will remove the option for the public to appeal

a denial of records to a court. It will also require anyone requesting records to live in Kentucky, limiting access to journalists and researchers elsewhere. Lawmakers should be accountable to the people, not themselves.

Senate Bill 267, a so-called “anti-doxing bill,” will make it illegal for someone to exercise speech that may make another person feel threatened. It also allows prosecution if a member of that person's family believes they may be threatened but the person does not. The intention of this law was positive, but it was written too broadly to both meet its goals and protect free speech.

The advocacy team is monitoring the interim session and all pre-filed bills for issues of interest to ACLU-KY. Staff will work with lawmakers to draft proactive legislation for the 2022 legislative session and gather testimony for committees meeting in the interim. Priorities for 2022 include reproductive freedom, LGBTQ equality, freedom of speech, and justice reform.

[View all priority bills from the 2021 legislative session at ACLU-KY.org/Legislation](https://www.aclu-ky.org/Legislation)



GET INVOLVED

Do you have time to help stuff envelopes? Make calls for a phone bank? Have special IT or research skills? Fill out our volunteer form at [ACLU-KY.org/Act](https://www.aclu-ky.org/Act).

After you finish reading this newsletter, pass it on to a friend or family member. They just might read something that inspires them to join our ranks of members and supporters!

Make sure your voice is heard! Sign a petition, meet with your legislators, write an op-ed, or attend a virtual rally day at the Capitol.

NEW STAFF AND BOARD

LEGAL INTERNS



Frank Bencomo-Suarez

Second year, University of
Louisville Louis D. Brandeis
School of Law



Katie DeAngelis

Second year, University of North
Carolina School of Law



Sara Rastoder

Second year, University of
Louisville Louis D. Brandeis
School of Law

Our legal fellows, Mashayla Hays and Aaron Tucek, completed the 2-year fellowship program earlier this year. Mashayla works in Louisville and is legal counsel with the The Lawyering Project, a legal advocacy organization that seeks to maintain access to reproductive healthcare and uphold the dignity of patients and providers. Aaron moved to Chicago where he is a clerk in the United States District Court for the Northern District of Illinois. We're now seeking someone for our 2-year sponsored legal fellowship.

Learn more about it at
[ACLU-KY.org/Jobs](https://www.aclu-ky.org/jobs)

BOARD OF DIRECTORS

The ACLU of Kentucky's Board of Directors recently held elections to fill seats vacated due to term limits. The board is elected by ACLU of Kentucky members. Our new board members bring a variety of skills to the table and represent many regions of Kentucky. Their voices will strengthen our operations and represent the diversity of our commonwealth.

Cody Angel, Mount Sterling, student of social work

Sofia Calleja, Lexington, staff attorney, Fayette County Family Court Division 1

Shellie Dreistadt, Louisville, VP, Chief Security Officer, Appriss

Mary Hargis, Morehead, community activist

Stephanie M. Johnson, Louisville, Associate VP of Service and Process Management, Nationwide Financial

Meryem Kahloon, Louisville, family law attorney

Savvy Shabazz, Louisville, Bail Disrupter, The Bail Project, and ACLU-KY Smart Justice Advocate

Tytianna Wells, Louisville, CEO and founder of Honey Tree Publishing

Terrance Sullivan, Louisville/Frankfort, Executive Director, Kentucky Commission on Human Rights

We'd like to send a special thank you to the departing board members who served the organization:

Erin Kennedy Startzman
(immediate past president)

Steven Barger

Stafford Easterling

Brandon Edwards

Jenny Heitkemper

Lee Look

Randy Strobo

Enid Trucios-Haynes

Meet our full staff and board at [ACLU-KY.org/OurTeam](https://aclu-ky.org/OurTeam)

Board of Directors

Soha Saiyed, President

Kungu Njuguna, Vice President

Dominique Olbert, Treasurer Pro-Tem

Glenn Crothers, Secretary

Dr. Cherie Dawson-Edwards, National Board Representative and National Deputy Affiliate Equity Officer

Omar Salinas-Chacón, Equity Officer

Daniel Kirchner, At-Large

Kelsie Smithson, At-Large

Cody Angel

Shadonna Banks

Sofia Calleja

Jason Crosby

Shellie Dreistadt

Mary Hargis

Tim Heine

Stephanie Johnson

Meryem Kahloon

Jessica Loving

Bridget Pitcock

Savvy Shabazz

Dr. Angela Singla

Terrance Sullivan

Tytianna Wells

JoAnne Wheeler Bland

Curtis Stauffer

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Amber Duke, Deputy Director

Savanah Taylor, Executive Administrator

Kate Miller, Advocacy Director

Heather Ayer, Campaign Coordinator

Richelle Harris,

Advocacy Administrative Assistant

Keturah Herron, Policy Strategist

Marcus Jackson, Organizing Coordinator

Jackie McGranahan, Policy Strategist

Angela Cooper, Communications Director

Samuel Crankshaw,

Communications Manager

Charlene Buckles, Development Director

Jay Todd Richey, Development Assistant

Corey Shapiro, Legal Director

Heather Gatnarek, Staff Attorney

Tracy Martin-Wray, Legal Assistant



FAREWELL TO AMANDA HALL

ACLU-KY staff wish Policy Strategist Amanda Hall farewell and best wishes as she begins the next phase of her career with the Dream Corps Justice Team. All of us will miss Amanda's passion and expertise.

SUPPORT OUR WORK

It has been a busy year for the ACLU of Kentucky and there is no sign of the work letting up. Will you help defend civil liberties by making a contribution? You will have an immediate impact on the ACLU of Kentucky's work, from helping us keep the doors open at Kentucky's abortion care providers to collaborating with policymakers to ease overcrowding in our jails and prisons.

With your support during the 2021 legislative session, we had the resources to face unprecedented challenges on the state and national levels. We hope you will renew your commitment and support our work defending liberty and democracy.

Support our work with a tax-deductible donation:

No matter the amount, tax-deductible donations keep our lights on and support a wide variety of legal and organizational work funded by our 501(c)3. These donations do not make you a member of the ACLU of Kentucky. We will send a receipt for your records.

Visit [ACLU-KY.org/Give to:](https://www.aclu-ky.org/give)

- Make a tax-deductible donation online
- Honor or remember someone special by making a gift in their name

Contact Development Assistant Jay Todd Richey at Jay@ACLU-KY.org or 502-209-7394 to:

- Become a sustainer and have an automatic monthly tax-deductible donation charged to your credit card
- Donate over the phone
- Request a remittance envelope to donate by mail

Contact Development Director Charlene Buckles at Charlene@ACLU-KY.org to:

- Consider planned giving through your will or trust to establish a legacy gift that will sustain our work for years to come

Become a card-carrying member

You can join the ACLU of Kentucky for as little as \$5. With you by our side, we can continue fighting to protect the rights guaranteed to every Kentuckian under the U.S. and Kentucky Constitutions. As a member of the ACLU of Kentucky, your dues will directly support our work in the courts, Frankfort, and communities throughout the commonwealth. Memberships are not tax-deductible and support our non-partisan political advocacy funded by our 501(c)4.

Become a member at [ACLU-KY.org/Join](https://www.aclu-ky.org/join). Memberships cannot be processed using the enclosed remittance envelope.

COMMUNICATIONS

The Communications Department has undergone recent changes! Angela Cooper joined the team as communications director last fall when Amber transitioned to deputy director. Around the same time, Samuel Crankshaw transitioned from communications associate to communications manager.

The communications team serves the entire staff and board of directors to keep our members and supporters engaged and informed about our work. Sam and Angela manage all external communications – including the website, social media, advertisements, interviews with reporters, and print materials – to help each team meet their strategic goals.

Their work ranges from large scale campaigns like the 2020 Get Out The Vote effort that distilled complicated pandemic voting procedures and reached over 2.2 million people, to video and event production, to communicating with journalists about the effects of different policies and connecting them with people who can share their personal experiences.

Feel free to reach out to Sam or Angela with questions about ACLU-KY communications.

Welcome back!

The ACLU of Kentucky family is excited to welcome Development Director Charlene Buckles back from maternity leave!



DR. CHERIE DAWSON-EDWARDS

Dr. Dawson-Edwards has served on the Board of Directors for 14 years and represents Kentucky on the ACLU's national board. In May, she was appointed Deputy Equity Affiliate Officer to help

state offices live up to their values around equity, diversity, inclusion, and belonging. She will play an active part in the affiliate executive director search process, and will oversee the annual demographics survey and report to the national board in the areas of: affiliate staff, affiliate boards, and national board composition. She is the Associate Dean for Diversity, Engagement, Culture and Climate and an Associate Professor of the Department of Criminal Justice in the College of Arts and Sciences at the University of Louisville.



Volunteer spotlight: Alexa Hughes

Alexa Hughes is a labor and post-partum doula, and placenta encapsulation and lactation educator in Louisville. Alexa volunteers with ACLU-KY's Reproductive Freedom Project to educate Kentuckians about maternal health, particularly for

Black Kentuckians who are pregnant. "The ACLU has empowered the voices of birthing people and birthworkers by using their platform to bring together all birthing organizations," said Alexa. "My nonprofit, Granny's Girls Birth Initiative, emphasizes the needs of birthing people and families transitioning out of homelessness, foster care, or the penal system, and reducing black maternal health disparities. I came together with ACLU when they began pushing a bill, Dignity Bill 2, that focused on the rights of birthing people in the penal system. I love working with ACLU as a community partner."



Kentucky

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INSIDE: 2021 LEGISLATIVE ROUNDUP, LEGAL UPDATE, AND NEW BOARD AND STAFF

2021 VIRTUAL EVENTS

We celebrated a year of progress at the **2021 Virtual Annual Meeting** with musical performances from Ben Sollee and Scott T Smith, poetry from Tytianna Wells, and a conversation with Angela Davis. Catch the highlights at [ACLU-KY.org/2021AnnualMeeting](https://www.aclu-ky.org/2021AnnualMeeting)

While the pandemic didn't let us gather in person, we still joined the Fairness Campaign for our **We The People Dinner** to bring the magic of the Speed Museum to homes around Kentucky. Catch the performances from Kentucky artists and remarks from Governor Beshear, the first governor to attend, at [ACLU-KY.org/WTP2021](https://www.aclu-ky.org/WTP2021)

STAY UP TO DATE:

- For **@ACLUofKY** on Facebook, Twitter, and Instagram for the latest information.
- View upcoming events at **[ACLU-KY.org/Events](https://www.aclu-ky.org/Events)**
- Sign up for email action alerts at **[ACLU-KY.org](https://www.aclu-ky.org)** at the top of the page