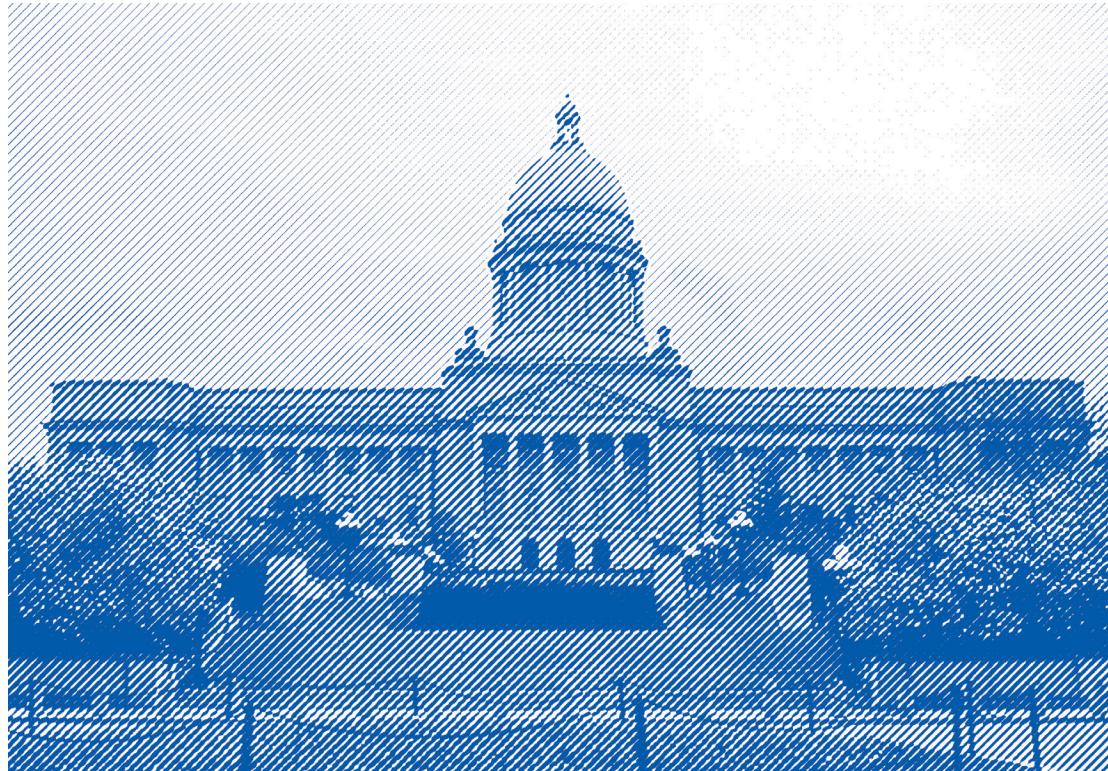




THE TORCH

Fall 2019 Newsletter of the American Civil Liberties Union of Kentucky Foundation



LEGAL UPDATE

This September we doubled our legal team! Our new legal fellows, Mashayla Hays and Aaron Tucek, are helping us take on even more challenges in our fight to protect the civil liberties of all Kentuckians. Learn more about Aaron and Mashayla on pages four and five.

Reproductive Rights Legal Docket

Our reproductive rights cases remain a primary part of our legal work. As we close out 2019, we have four lawsuits pending in federal court that challenge five different state laws. All five laws have been blocked as the cases continue, including the mandatory narrated ultrasound law passed in 2017; the transfer/transport agreement required for a clinic to operate; the ban on the

D&E abortion procedure passed in 2018; and the six-week ban and reason ban, both of which were passed by the General Assembly earlier this year.

The lawsuit challenging the mandatory narrated ultrasound bill is our longest pending abortion case to date, and is the furthest along in litigation. We won in the trial court, but the decision was overturned by an appellate court. In October, we petitioned the U.S. Supreme Court to review the appellate court's decision. We are asking the court to agree that the law violates doctors' First Amendment rights and should be struck down. The Supreme Court could decide any day now whether or not to hear the case.

The state of Kentucky appealed our win in the transfer/transport agreement case to the Sixth Circuit and oral arguments were heard in August. We are waiting for a decision from the court. We are also up at the Sixth Circuit on another abortion case in which we successfully challenged a law that would have effectively banned a procedure known as D&E, the most common second-trimester abortion procedure. We won that case after a five-day trial in November 2018, and the state of Kentucky has appealed. Preliminary work in the appeals process for this case is complete, and we are waiting to hear from the Sixth Circuit when oral arguments will be held. We won permanent injunctions in both cases, meaning the laws are not in effect while the state appeals.

We filed our fourth abortion lawsuit after this year's legislative session challenging two laws at once. One law would have banned abortion after a fetal "heartbeat" can be detected, which is typically about six weeks into pregnancy, before many people even know they are pregnant. The second law would have banned abortion if the patient's reason for the abortion was, in whole or in part, the race, color, sex, national origin, or disability status of the fetus or embryo. We won temporary restraining orders on both laws as litigation continues, meaning neither of these laws is in effect.

Our lawsuits have protected abortion access in the face of politicians' desire to roll it back. Patients need access to this care no matter the political landscape. We are proud to represent the doctors and staff who work tirelessly to provide crucial care at Kentucky's last clinic, EMW Women's Surgical Center.

Other Civil Liberties Challenges

Our legal battles extend beyond abortion access, from religious liberty to free speech and voting rights. Our religious freedom work has been very active in 2019. We updated our Student Rights Handbook to include revised information about religion in school. We also conducted an extensive open records investigation into whether any school districts were offering Bible Literacy classes. Our investigation resulted in at least one school district deciding to abandon its plans to offer such a class.

We have also been working tirelessly on free speech issues throughout Kentucky. We recently won an important First Amendment challenge to the Kentucky Transportation Cabinet in federal court. The Cabinet arbitrarily denied a request from our client to purchase a vanity license plate reading "IM GOD". The court agreed that the First Amendment protected our client's speech. We've also continued to litigate our case challenging Governor Bevin's practice of blocking individuals on social media, with the assistance of cooperating counsel at Kaplan, Johnson, Abate & Bird LLP. Bevin violated the First Amendment by blocking certain peoples' access to official government information. We are waiting for the judge to either issue a decision or move the case to a jury trial. Even with the election of a new governor, we will continue fighting for free speech on official government social media pages in this case.

Additionally, we successfully pushed for positive changes to a Louisville city ordinance aimed at reducing panhandling under the guise of "pedestrian safety". The original draft would have restricted free

speech on sidewalks and even outlawed the use of some city bus stops. In conjunction with labor organizations, we convinced Louisville Metro Council to amend the ordinance to preserve First Amendment protections for speech on all sidewalks. Nevertheless, we remain concerned about potential unintended consequences and will continue to monitor the effects of the ordinance.

Kentuckians are constantly facing other challenges to other civil liberties from all levels of government. The State Board of Elections recently put the voting rights of hundreds of thousands of registered voters at risk by creating a list of "inactive voters". We challenged their actions and sent a letter, on behalf of the League of Women Voters of Kentucky, to the Secretary of State and the Board. We demanded more information and requested guarantees that the Board would not inadvertently purge voters from the rolls.

We've also been working on juvenile justice. We wrote to the Department of Juvenile Justice and Louisville Mayor Greg Fischer regarding the pending closure of the Jefferson County Youth Detention Center. Under the current plan, many detained youth would be housed in detention facilities hours away from Jefferson County before seeing a judge. We expressed our concerns that closing the center would violate the constitutional rights of these young people by separating them from their families and limiting their ability to interact with their counsel. We continue to monitor the situation.

We encourage ACLU members and supporters to follow @ACLUofKY on Facebook, Twitter, and Instagram, and regularly visit our website to stay up to date on these important cases.



◀ Senator Jimmy Higdon presents ACLU-KY Smart Justice Field Organizer Amanda Hall with the first signed copy of Kentucky's new expungement law as ACLU Juvenile Justice Organizer Keturah Herron looks on. Senate Bill 57 expands the list of Class D felony convictions eligible for expungement. The law also cuts the expungement filing fee from \$500 to \$250.

LEGISLATIVE PREVIEW

The Kentucky General Assembly convenes on January 7, 2020. The ACLU-KY Advocacy Team is preparing for a very active 60-day session. While the Executive Branch administration has changed, the House of Representatives and the Senate remain the same.

During the legislative session, we will focus on promoting common-sense justice reforms, with a specific emphasis on reforming our probation and parole systems. Over 50,000 Kentuckians are on probation or parole and are at risk of returning to jail or prison because of simple technical violations. These violations happen when a probationer or parolee breaks the conditions of their supervision. They can be as simple as arriving late to a meeting because of a wreck on the highway. These reforms will reduce Kentucky's skyrocketing incarcerated population. If Kentucky were its own country, it would have the third-highest rate of women's incarceration in the world. We will fight to give people the tools they need to successfully continue life after incarceration.

Other priorities include advancing juvenile justice reforms and fighting to keep Kentucky's last abortion clinic open. We will also seek common ground on other reproductive rights issues. For example, our newest field

organizer, Jackie McGranahan, will connect directly affected Kentuckians with lawmakers to discuss abortion and reduce the stigma and secrecy often associated with those conversations.

We will continue our efforts to promote legislation abolishing the death penalty, implementing statewide anti-discrimination fairness protections for LGBTQ Kentuckians, and restoring voting rights for all individuals with past felony convictions. We anticipate fighting back against bills that further restrict access to abortion; limit First Amendment religious freedom protections; target immigrants; and create harsher prison sentences, which would further increase our incarcerated population.

We need your help to protect civil liberties. Legislation moves very quickly, so it is important that you follow us on social media and sign-up for email action alerts on our website to stay informed. The most important way you can contribute is by calling the legislative message line at 1-800-372-7181 to share your views with your legislators on the issues you care about most. A call only takes two minutes and will generate a green or red slip of paper that legislators often count and consult when deciding how to vote on an issue. All you need to know is your address and your message will be routed to the correct legislators.

SAVE THE DATE
for these legislative events, and keep an eye on the event section of ACLU-KY.org for additional events, including weekly lobbying opportunities on the issues you care about.

February 13, 2020:
Ban Conversion Therapy Day at the Capitol

February 19, 2020:
Fairness Rally Day at the Capitol

March 17, 2020:
Immigrant and Refugee Day at the Capitol

March 19, 2020:
Reproductive Freedom Rally Day at the Capitol

NEW STAFF MEMBERS

The ACLU-KY team has grown again! Meet the newest members of our staff:



Samuel Crankshaw **Communications Associate**

Samuel Crankshaw joined ACLU-KY in July. His work primarily focuses on designing outreach materials, managing digital outreach, and documenting the ACLU's work with photos and videos.

Before joining the ACLU, Sam worked for the City of Lexington, KY, as a Graphic and Digital Communications Coordinator, was on the design and planning teams for the 2018 Kentucky Bike-Walk Summit, and was the Deputy Field Director for a congressional campaign. Sam graduated from Transylvania University with majors in French Language and Literature and International Affairs, and a minor in Studio Art.

Sam is a native of Winchester, KY. He got involved with politics at a young age, canvassing for a candidate for the first time at the age of 9.

Mashayla Hays **Legal Fellow**

Former ACLU-KY legal intern Mashayla Hays began her work as a Legal Fellow in September. Previously, she worked as an If/ When/How Reproductive Justice State Fellow in Pittsburgh, PA, where she focused on high impact litigation around equal access to reproductive healthcare, challenging sex and gender discrimination, and advocating for reproductive justice policies at the state and federal levels.

Mashayla is a Louisville native and graduate of Central High School. A product of Central High School Partnership, Mashayla taught in both Street Law and Marshall Brennan Constitutional Programs. The effort, designed to promote diversity in the legal profession, is one of the University of Louisville's Signature Partnerships.



Jackie McGranahan

Reproductive Freedom Organizer

Jackie McGranahan joined ACLU-KY in June as the organization's first Reproductive Rights Field Organizer. Jackie works with people across the Commonwealth to build grassroots power at a statewide level to change public policy, galvanize supporters, and normalize and de-stigmatize conversations about abortion.

Before joining the ACLU, Jackie was an active volunteer with our Smart Justice Advocates group. She traveled to Frankfort to speak with legislators about criminal justice reform and participated in efforts to restore voting rights of Kentuckians with past felony convictions. Previously, Jackie served on the staff of The Healing Place in Louisville.



Jay Todd Richey

Development Assistant

Jay Todd Richey joined the team as the Development Assistant in June. He is a recent graduate of the London School of Economics and Political Science, where he earned a MSc in Human Rights and completed a dissertation that analyzes how far-right groups in Kentucky use rights-based discourse to combat LGBTQ rights and reproductive justice. He earned his undergraduate degree from Western Kentucky University, majoring in political science and Asian religions and cultures, and minoring in legal studies.

Jay Todd is thrilled to join ACLU-KY's Development Team to help secure the funding necessary to keep lawmakers and governments accountable to the people.



Aaron Tucek

Legal Fellow

Aaron graduated from Emory University with an undergraduate degree in political science and economics. He then attended the University of Chicago Law School, where he graduated with pro bono honors.

Aaron brings a background in criminal justice reform issues to his legal fellowship at ACLU-KY. Prior to attending law school, he worked as an assistant paralegal with the legal team handling death penalty appeals at the Federal Defender Program in Atlanta, Georgia. He also worked to challenge immigration detention practices during a legal internship at the National Immigrant Justice Center in Chicago, and on a variety of prisoners' rights issues during a second legal internship at the ACLU of Alaska.



We wish all the best to **George Eklund!** He left ACLU-KY this fall after serving as Field Organizer for three years. George is now the Education and Advocacy Director with the Louisville Coalition for the Homeless.

EMPOWERING YOUTH ACTIVISTS



◀ ACLU-KY Field Organizer George Eklund created our first-ever Youth Organizing Institute this summer. 25 high schoolers from across the Commonwealth spent a week on the campus of Kentucky State University learning how to build community, run productive meetings, lobby their elected officials, the role of art in movement building, and more. Participants are now able to apply for grants from ACLU-KY for a community development project of their choosing.



◀ The ACLU was proud to support students who organized the Activating Student Activism forum at the University of Louisville in November. Community leader Joshua Poe, poet Hannah Drake, and State Representative Attica Scott joined students for a day of learning about organizing, mobilizing, and creating social change. Photo Courtesy State Rep. Attica Scott.



VOLUNTEER SPOTLIGHT

Tori Markiewicz Thompson

We're grateful to volunteers who help with projects throughout the year. Tori Markiewicz Thompson visits the ACLU-KY office weekly to support our communications team. Currently, Tori is organizing our digital media files and an archive of our press coverage. Tori is the co-owner of a small business and mom to an active toddler. We really appreciate her for taking time out of her busy schedule to share her expertise and talents with our team.

We rely on our members in all corners of the Commonwealth to help us protect civil liberties. If you're interested in volunteering with the ACLU of Kentucky, please visit our website and click on the "Get Involved" tab on the home page.



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↑ ACLU-KY Board and Staff gathered for a retreat at Bernheim Arboretum and Research Forest this fall.



RFP 30TH ANNIVERSARY CELEBRATION

On a beautiful October afternoon, more than 200 supporters of reproductive freedom gathered at Harrod's Creek Farm to celebrate the 30th anniversary of ACLU-KY's Reproductive Freedom Project (RFP). Together, we raised nearly \$95,000 to protect reproductive freedom in Kentucky.

Thank you to our volunteers and sponsors, as well as Bourbonville Buskers, Ephemeral Florals, Old Town Wine and Spirits, Play Cousins Collective, Wiltshire Pantry, and our host, Eleanor Bingham Miller, for such a wonderful afternoon.

RFP is a critical voice in Kentucky's legislature and the courts. We are proud to work closely with coalition partners at Planned Parenthood of Indiana and Kentucky, the Louisville Clinic Escorts, the Kentucky Support Network, A-Fund, the Kentucky Health Justice Network, the Kentucky Religious Coalition for Reproductive Choice, and others, to ensure access to reproductive healthcare for all Kentuckians.

IT'S NOT TOO LATE FOR YOU TO SHOW YOUR SUPPORT!

SEND A DONATION TO ACLU-KY, 325 W. MAIN ST., SUITE 2210, LOUISVILLE, KY, 40202.
PLEASE ADD "RFP" TO THE MEMO LINE ON YOUR CHECK.

THANK YOU



Families enjoyed a hayride tour of the farm.



Bingham Miller and Michael Aldridge welcome guests.



Eleanor Bingham Miller matched gifts of \$3,000 and above, up to \$30,000, in honor of the 30th Anniversary. We extend a special thank you to those who rose to the challenge!

Emily Bingham and Stephen Reily
Sandra Frazier
Martha and Peter Hasselbacher
Caroline and Tim Heine
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Dominique Olbert
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John and Teouline Rose
Edwin and Marcia Segal
Curtis Stauffer and Rachel Cutler
Robert and Ruth Straus
Dona Wells

The ACLU of Kentucky also thanks the following for their support of the Reproductive Freedom Project through major funding provided outside of the annual celebration.

The Joan and Lee Thomas Initiative for the Protection of Reproductive Rights
The Oak Hill Fund
The Educational Foundation of America
Dr. Ann T. Allen
Brooke and Matthew Barzun
Emily Bingham and Stephen Reily
Cornelia Bonnie
Augusta and Gill Holland

WE THE PEOPLE DARE TO CREATE A MORE PERFECT UNION



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 before the end of the year? You will have an immediate impact on the ACLU of Kentucky's work, from helping us keep the doors open at Kentucky's last abortion clinic to collaborating with policymakers to ease overcrowding in our jails and prisons.

With your support this past year, we had the resources to face unprecedented challenges on the state and national levels. As we prepare for the upcoming legislative session, we hope you will renew your commitment and support our work defending liberty and democracy. You can do so in one or more of the following ways:

- 1** Make a tax-deductible donation online at Action.ACLU.org/Give/Support-ACLU-Kentucky
- 2** Call 502-581-9746 and ask for Jay Todd to make a donation over the phone or request a remittance envelope.
- 3** Honor or remember someone special with a gift in their name at Action.ACLU.org/Give/Tribute-ACLU-KY
- 4** Renew your membership for the upcoming year or give the gift of membership to someone special at Action.ACLU.org/Give/Become-ACLU-Member-Multistep

5

Become a sustainer and have an automatic monthly donation charged to your credit card. Contact Jay Todd Richey at Jay@ACLU-KY.org to learn more.

6

Consider planned giving through your will or trust to establish a legacy gift that will sustain our work. Contact Jay Todd Richey at Jay@ACLU-KY.org to learn more.

7

Follow @ACLUofKY on Facebook, Twitter, and Instagram and invite your friends.

8

Sign up to receive our action alert emails at ACLU-KY.org near the flag at the top of our homepage.

9

Attend our events and bring friends. Check out the calendar on our website at ACLU-KY.org/En/Events to see what's happening in your area.

10

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

11

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 Action.ACNU.org/Volunteer/KY-Volunteer

12

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!

GIVE FOR GOOD

+\$3,000 BONUS



**MOST UNIQUE
DONATIONS
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**428
DONORS**

**36
STATES**

\$81,933

403 DONATIONS UNDER \$100

The final count is in for Give for Good Louisville! Give for Good is the biggest day of local, online giving and is sponsored by the Community Foundation of Louisville. With your help, we raised \$81,933. We won a \$3,000 prize for having the most donations of any amount among mid-size non-profits. We had the fourth most donations among all 500+ organizations that participated.

Thanks to YOU, we crushed our \$75,000 goal! Your support provides crucial funding that helps us protect the civil rights and liberties of all people in Kentucky.



Kentucky

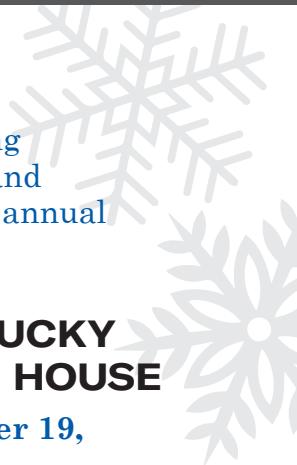
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SAVE THE DATES



Join us for an evening of eating, drinking, and merrymaking at our annual holiday open house.

ACLU OF KENTUCKY HOLIDAY OPEN HOUSE

**Thursday, December 19,
5:30-7:30 PM**

ACLU of KY Office
Waterfront Plaza
325 W. Main St.
Suite 2210 in the West Tower
Louisville, KY 40202

Save the date for the 2020
WE THE PEOPLE DINNER
MARCH 21, 2020

presented by Susan Hershberg and Wiltshire Pantry. This dinner celebrates and raises funds for the front line work of the ACLU of Kentucky and the Fairness Campaign in their fight for a more equitable Commonwealth. We're excited to return to the Speed Art Museum on the University of Louisville's campus. Tickets will go quickly, so watch our Facebook page to get one as soon as they go on sale.