



# THE TORCH

Spring 2023 Newsletter of the American Civil Liberties Union of Kentucky



## EXECUTIVE DIRECTOR UPDATE

**A NOTE FROM AMBER DUKE,  
ACLU-KY'S NEW EXECUTIVE DIRECTOR**

First and foremost, thank you to all our supporters who reached out during and since the 2023 legislative session. We are greatly appreciative of our partner organizations, allies, and those who wrote op-eds, showed up in Frankfort to rally or testify, or participated in text banks. We saw attacks on LGBTQ communities like we've never seen before, and we appreciate the outpouring of support.

In my ten years of service to the ACLU of Kentucky, I have worked to increase the organization's growth and visibility, starting as the first communications director, then becoming the first deputy director, then as interim executive director, and now as the first Black woman to lead the ACLU of Kentucky in its near 70-year history.

My time spent as interim executive director was filled with some of the scariest political shifts I've experienced in my lifetime — the fall of Roe, Louisville's jail death crisis, and most recently the attacks on trans Kentuckians. Despite these challenges, I am still filled with hope and optimism for what we can continue

to achieve together. You've joined us in the streets to protest our government's outrageous actions. You've flexed your muscles at the ballot box, defeating anti-abortion Amendment 2. Some of you have signed on as plaintiffs in our lawsuits to fight back in the courts.

Now, I have the honor of a lifetime to serve as the new executive director of the ACLU of Kentucky and the great privilege of working with an exceptional staff and board of directors, and steadfast community partners. Together, we are crafting a new vision for the organization, one that emphasizes our core values, clear communication, transparent decision making, and partnership with community stakeholders. Kentucky needs a strong ACLU in this moment and in the challenges we know are ahead.

In the coming months we will be creating a strategic plan for the next 3 years, outlining a vision for the future of this organization while continuing to protect civil liberties for ALL Kentuckians. I hope you will continue to work alongside us to fight for our commonwealth.

*In solidarity,  
Amber Duke*



## 2023 LEGISLATIVE SESSION AND ADVOCACY UPDATE

This year's 30-day legislative session kept our team busy as we worked to pass proactive legislation around issues like maternal health, natural hair discrimination, and legalizing fentanyl testing strips, while trying to minimize harms posed by anti-LGBTQ bills, like Senate Bill 150, one of the worst anti-trans bills in the country.

Working with people directly affected by the issue areas we cover is a core value at the ACLU-KY. This year, we had 39 Kentuckians directly lobby and educate our elected officials through our Mini Lobby Day program. We also engaged two contract lobbyists with direct expertise in Black maternal health and criminal legal reform: Ana'Necia Williams and Alaina Sweasy, respectively.

### LGBTQ EQUALITY

Kentucky lawmakers followed disturbing national trends and filed a record number of bills attacking LGBTQ Kentuckians this year. For the second year in a row, their primary targets were some of the most vulnerable people in our commonwealth: transgender youth.

Senate Bill 150 became law after the legislature overrode the Governor's veto. This measure targets trans youth in Kentucky by banning medically necessary care, allowing teachers and school staff to misgender students, and preventing trans youth from using the bathroom that aligns with their gender.

The process by which legislators passed SB 150 was equally heinous, flying in the face of democracy by using sneaky tactics to pass the legislation out of committee at the 11<sup>th</sup> hour and without properly notifying all committee members.



**Trans youth belong in Kentucky.** As long as legislators continue to put themselves between Kentuckians and their healthcare providers, we will continue to bring the full weight of our organization against them, as well as work side-by-side with organizations like the Fairness Campaign and the Kentucky Health Justice Network to ensure trans youth in Kentucky have access to the things they need to live healthy, full lives.

**That's why we're suing to prevent the healthcare portion of SB 150 from becoming law,** and filing a motion for a preliminary injunction to ensure trans youth in Kentucky can continue to receive essential medical care while our case makes its way through the courts.

**Read more about our trans youth healthcare lawsuit at <https://aclu-ky.org/en/cases/doe-v-thornbury-challenge-trans-health-care-ban>**



## JUSTICE REFORM

Until this year's general assembly, fentanyl testing strips were classified as drug paraphernalia in Kentucky. But thanks to groups like the Smart on Crime coalition, the Kentucky League of Cities, DREAM.org, The KY Office of Drug Control Policy & Law enforcement, People Advocating Recovery (PAR), and many more groups and individuals who worked to unanimously pass House Bill 353, fentanyl testing strips will now be legal and widely available in the commonwealth. This measure will save Kentucky lives.

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*Hundreds of students protested for trans rights at a youth rally at the Capitol, March 29, 2023. Photo by Von Smith.*

*This page above: The Real Young Prodiy's perform at the CROWN Act Pep Rally on March 1, 2023. Photo by Heather Ayer.*



## 2022 LEGISLATIVE SESSION BY THE NUMBERS

**1,289** bills and resolutions filed

**251** bills tracked by ACLU-KY, with 29 tagged as priority legislation

**55** opposed by ACLU-KY

**115** supported by ACLU-KY

**81** watched by ACLU-KY

**43** directly impacted people participated in meetings with lawmakers

**113** interactions between ACLU-KY staff and lawmakers

**Over 300** people turned out for the CROWN Act Rally

**17** committee hearings included testimony from or supported by ACLU-KY

**3,229** text messages sent encouraging other Kentuckians to take action

**152** volunteers engaged throughout session

**556** emails from ACLU-KY supporters to lawmakers

For the fourth year in a row, we supported the CROWN Act (Creating a Respectful and Open World for Natural Hair) — a measure that prevents discrimination of raced-based hairstyles — to the Kentucky General Assembly. The CROWN Act Pep Rally drew a crowd of over 300 and included speeches from members of Justice Now, Miss Black Kentucky USA, and Kentucky lawmakers in support of the Act, as well as a performance by the Real Young Prodigy's, a group of young musicians, speakers, and advocates for change.

While the CROWN Act ultimately did not pass this year, we are proud it got further in the legislative process than ever before. We look forward to bringing the CROWN Act again next year, and every year, until no Kentuckian is discriminated against for the way their hair grows naturally out of their head.

In the meantime, we congratulate Frankfort and Lexington for becoming the third and fourth municipalities to pass the CROWN Act locally.

*Above: Youth from across the state gather at the Capitol to support the CROWN Act, March 1, 2023.*

### ABOLITION OF THE DEATH PENALTY

The ACLU-KY has always ardently opposed to the death penalty, and unfortunately, this year's general assembly only expanded the circumstances in which someone can be sentenced to death in the commonwealth. The governor signed HB 249 into law on March 24, 2023.

We will continue fighting this barbaric practice year after year until the death penalty is no longer applicable in the commonwealth.

### REPRODUCTIVE FREEDOM

Sadly, Kentucky continues to be a forced birth state as access to abortion remains banned in the commonwealth. However, we were proud to support a number of bills focused on improving maternal and infant health outcomes in the commonwealth and infant health outcomes in the commonwealth, including but not limited to: measures increasing access to free-standing birthing centers, expanding access to health care for pregnant people, and reducing racism in the health care system through medical provider training.

While some of these bills made it out of committee ultimately none of them passed. We look forward to supporting this type of legislation again next year.

# REPRODUCTIVE FREEDOM UPDATE

Last year, 2022, was a head-spinning year for reproductive rights in Kentucky.

The SCOTUS decision to overturn *Roe v. Wade* forever changed the nature of our abortion access work in Kentucky. While abortion is currently banned under almost all circumstances in the commonwealth, we have continued to fight for the right of pregnant people to make the best decisions for them and their families.

We worked with the Protect Kentucky Access coalition and the No on 2 campaign last year to encourage Kentuckians to reject adding language to the state constitution that could legally prohibit abortion. We are proud to say the No on 2 campaign was successful, and the legal path for abortion access in Kentucky remains open.

Just days after Kentuckians voted No on 2, our senior staff attorney, Heather Gatnarek, argued before the Supreme Court of Kentucky that while our abortion access lawsuit against the state makes its way through the court system, abortion care should remain accessible in the commonwealth. Unfortunately, the Supreme Court of Kentucky did not grant our request, and our lawsuit heads back to circuit court, where we will continue to litigate and fight

for the recognition of a state constitutional right to access abortion. We'll continue to fight against government regulation of our bodies and for Kentuckians' reproductive freedoms.

We also continued our reproductive freedom work by advocating for better Black maternal health in the state. Black Kentuckians are at the forefront of the global maternal health crisis. The United States is the only developed country whose maternal mortality rates are increasing, and Kentucky has some of the worst maternal and infant outcomes in the nation. Black birthing people are 3 times more likely to die during birth or after, compared to their white counterparts.

We continue our work with the Breaking Barriers Council, a group of experts and advocates from around Kentucky working to reduce racial disparities in maternal and infant health and improve outcomes for all Kentuckians, by working with legislators to advocate for policy change.



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# LEGAL UPDATE

Our legal team remains extremely busy protecting civil liberties in the courts, working with the advocacy team on legislation and bill analysis during the 2023 General Assembly, continuing to work on our long-term cases, and managing hundreds of requests for legal assistance.



## DOE V. THORNBURY:

After this year's general assembly, where lawmakers took aim at young trans Kentuckians through Senate Bill 150, our legal team mounted a challenge to Section 4, the part of the law banning essential medical care. On May 3, we, along with our co-counsel at National Center for Lesbian Rights and Morgan, Lewis, and Bockius LLP, filed a lawsuit on behalf of seven transgender youth and their families alleging that the health care ban violates our clients' constitutional rights.

We also requested a preliminary injunction to ensure the to ensure the essential health care ban part of SB 150 doesn't go into effect until our lawsuit is settled.



## EMW V. CAMERON:

After our senior staff attorney, Heather Gatnarek, delivered oral arguments in this case to the Kentucky Supreme Court, the court denied our request to block the two statewide abortion bans that went into effect August 1, 2022. As a result, abortion remains banned in the state. The case now heads back to a lower court for further litigation.

## SCOTT V. LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT

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

during the racial justice protests in summer 2020.

We represent seven individuals and the Kentucky Alliance Against Racist and Political Repression, and we filed the suit in conjunction with the NAACP Legal Defense and Educational Fund and New York firm Emery, Celli, Brinckerhoff, Abady, Ward, and Maazel. We are seeking injunctive relief – meaning substantive policy changes as to how LMPD policies future protests – to prevent LMPD from using chemical agents against protestors again, as well as damages for harms suffered by our clients.

While we are still in the middle of active litigation, the Department of Justice recently released the results of their investigation into the Louisville Metro Police Department, affirming the protestors' claims that LMPD used excessive force and weapons of war on peaceful protestors. Although the DOJ's report doesn't necessarily have a bearing on our case, it reaffirms our position that the city repeatedly violated our clients' constitutional rights.

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

[Read the full DOJ report on LMPD's unconstitutional practices at ACLU-KY.org/DOJInvestigation](https://www.aclu-ky.org/dojinvestigation)



# LOUISVILLE METRO DEPARTMENT OF CORRECTIONS (LMDC)

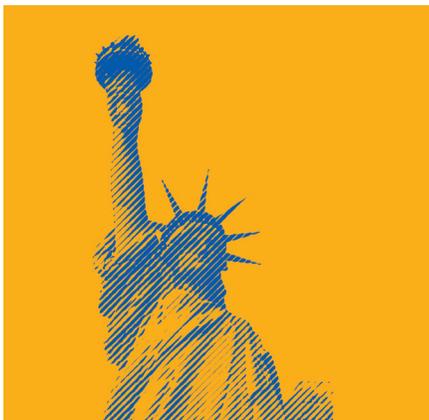
We continue our work as a member of Community Stakeholders for Change at LMDC, a coalition working to address the appalling conditions in Louisville Metro Department of Corrections facilities, which resulted in the deaths of 13 individuals in LMDC's care in nearly as many months. Twelve of the 13 who died were in pre-detention holding, meaning they had not yet been convicted of a crime.

Coalition members continue to meet with jail director Jerry

Collins to work on improving conditions within LMDC and to end their contract with Wellpath, the facility's current mental and medical health care provider. The Wellpath working group met with Deputy Mayors Nicole George and David James to discuss the Wellpath contract and make suggestions for the healthcare RFP that will go out soon. Overall, the group's work with Director Collins has been productive, and will lead to lasting changes at the facility.

**The ACLU-KY remembers those who have died in LMDC and demands no more names be added to this list:**

Moman Anderson  
Thomas Bradshaw  
Stephanie Dunbar  
Bashar Ghazawi  
Kenneth Hall  
Ishmael Worth Puckett  
Norman Sheckles  
Keith Smith  
Rickitta Smith  
Lesley Starnes  
Buddy Stevens  
Gary Wetherill  
Barry Williams, Sr.



## 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).

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.

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!

# STAFF UPDATES



## NEW DEVELOPMENT ASSISTANT

**Chloe Treat** replaces HR Montgomery as the Development Assistant, as HR Montgomery departed the ACLU-KY for the ACLU of Washington earlier this year. Chloe is a University of Louisville graduate who came to the ACLU of Kentucky to be able to work towards real and measurable change within her community. In her spare time, she enjoys traveling, reading, and hanging out with her dog, Hazel.



## NEW STAFF ATTORNEY

The ACLU-KY is pleased to welcome **Crystal Fryman** as a new staff attorney. Crystal earned her bachelor's degree from Tulane University, her J.D. from UCLA School of Law, and her LL.M. in tax from NYU School of Law. At UCLA she received a Masin Family Academic Excellence Award in Constitutional Law.



## SENIOR POLICY STRATEGIST

**Jackie McGranahan** joined the ACLU of Kentucky as the organization's first Reproductive Freedom Project Field Organizer in June 2019. She is now a senior policy strategist primarily focused on protecting and expanding reproductive freedom and LGBTQ+ equality. Jackie works with people from communities throughout the commonwealth to build a statewide network of grassroots power.



## DEVELOPMENT OFFICER

**Jay Todd Richey** joined the ACLU of Kentucky as a development assistant in 2019 and is now a development officer. Jay Todd helps secure the funding necessary to keep lawmakers and governments accountable to the people. Jay Todd grew up in Glasgow, Kentucky, and is the Vice Chair of the Associate Board of the Coalition for the Homeless in Louisville.



### SENIOR STAFF ATTORNEY

**Heather Gatnarek** joined the ACLU of Kentucky in 2017. She always wanted to use her law degree to create institutional change and found the right place to put her expertise to work when she joined the ACLU of Kentucky’s legal team. Heather previously served as ACLU-KY’s legal fellow and staff attorney and is excited to be promoted to the role of senior staff attorney.



### COMMUNICATIONS MANAGER

In March, former communications manager Samuel Crankshaw left the ACLU-KY to become the communications director at the ACLU of Maine. The new communications manager, **Taylor Killough**, is a reporter, writer, and producer. Originally from Illinois, she is proud to call Kentucky her chosen home and is dedicated to making it a more equitable place for all Kentuckians.

**Read more about our new teammates and meet the full board and staff at [ACLU-KY.org/OurTeam](https://www.aclu-ky.org/OurTeam)**



### NEW LEGAL FELLOW

**Kevin Muench** joined the ACLU of Kentucky in September 2022 as an Equal Justice Works Fellow, sponsored by AIG. Kevin has dedicated his career to empowering people in the South who are systematically repressed through our social systems. His work is focused on voting rights issues and criminal legal system reform. Working at the ACLU to achieve racial and social justice in the South has been Kevin’s dream, and he is excited to build a better Kentucky alongside community members.

### Staff

- Amber Duke, Executive Director
- Savanah Taylor, Executive Administrator
- Kate Miller, Advocacy Director
- Heather Ayer, Campaign Coordinator
- Jackie McGranahan, Senior Policy Strategist
- Kungu Njuguna, Policy Strategist
- Richelle Harris, Advocacy Administrative Assistant
- Angela Cooper, Communications Director
- Taylor Killough, Communications Manager
- Charlene Buckles, Development Director
- Jay Todd Richey, Development Officer
- Chloe Treat, Development Assistant
- Corey Shapiro, Legal Director
- Heather Gatnarek, Senior Staff Attorney
- Crystal Fryman, Staff Attorney
- Kevin Muench, Legal Fellow
- Tracy Martin-Wray, Legal Assistant

### Board of Directors

- Omar Salinas-Chacón, President
- Dominique Olbert, Vice-President
- Stephanie Johnson, Treasurer
- B. Sofia Calleja, Secretary
- Emi Ramirez, Affiliate Equity Officer
- Dr. Cherie Dawson-Edwards, National Board Representative
- Soha Saiyed, Immediate Past President
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- JoAnne Wheeler Bland
- Jason Crosby
- Tim Heine
- Jessica Loving
- Kendra Holmes
- Curtis Stauffer
- Cody Angel
- Mary Hargis
- Tori Phantom



# DEVELOPMENT

Our work is as important as ever as civil liberties in Kentucky continue to be stripped away by extremist lawmakers. As we center the communities and individuals who are often directly impacted by harmful legislation, we hope you continue to partner with us in creating a more perfect union.

By donating to the ACLU-KY, you support all aspects of our work, from filling lawsuits to protect Kentucky's most vulnerable, to protecting free speech and the right to protest in the commonwealth, to collaborating with directly impacted individuals on criminal justice reforms.

With your support and partnership this past year, 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 civil liberties and fundamental rights in Kentucky.

## 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 legislative work 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.**

## 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. Please note that these donations do not make you a member of the ACLU of Kentucky but are tax-deductible.

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

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

### Contact Development Assistant [Chloe Treat](mailto:chloe@aclu-ky.org) at [chloe@aclu-ky.org](mailto:chloe@aclu-ky.org)

- 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](mailto:Charlene@ACLU-KY.org) at [Charlene@ACLU-KY.org](mailto:Charlene@ACLU-KY.org) to:

- Donate stock or other securities such as bonds or mutual funds
- Consider planned giving through your will or trust to establish a legacy gift that will sustain our work for years to come

## STAY UP TO DATE:

- For [@ACLUofKY](https://www.facebook.com/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



## Activist Spotlight: **Emma Curtis**

Emma Curtis is a filmmaker, activist, and transgender Kentuckian. She grew up on her family's farm in Woodford County before graduating from Centre College in 2018.

Emma was instrumental in advocating against anti-trans legislation during the 2023 General Assembly. She came to Frankfort daily to meet with legislators to educate them on trans rights, the World Professional Association for Transgender Health (WPATH) standards of care for trans youth and adults and testified about how anti-trans legislation will affect transgender Kentuckians.

Emma currently works as an independent filmmaker and resides in Lexington with her girlfriend and her dog. She is the newly elected VP of Recruitment & Expansion for Kentucky Young Democrats.

## IN CASE YOU MISSED IT



Hosted by Susan Hershberg of Wiltshire Pantry, we joined the Fairness Campaign for the 23rd annual We The People Dinner at the Speed Art Museum on March 25, 2023! Featured guests included Governor Andy Beshear, Sen. Dr. Karen Berg, Fairness Executive Director Chris Hartman, ACLU-KY Executive Director Amber Duke, and host Susan Wiltshire. Together, the We The People dinner raised a record-breaking \$239,182!



This year's dinner was held in loving memory of Henry Berg-Brousseau, an LGBTQ rights activist who tragically died last December, just weeks before the Kentucky General Assembly took aim at trans youth in our state. Henry was the son of Sen. Karen Berg, a former intern for the Fairness Campaign, and beloved member of the Louisville LGBTQ community. Henry should be here with us today, and we'll continue to fight for LGBTQ rights in honor of him.



Kentucky

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INSIDE: 2023 LEGISLATIVE SESSION AND ADVOCACY UPDATE, LEGAL UPDATE, AND NEW BOARD AND STAFF

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## SAVE THE DATE

Reproductive freedom continues to be attacked in Kentucky and across the country. Reproductive freedom ensures all Kentuckians can make the choices best for them, whether that is access to abortion care, seeking adoption, or giving birth. This fight will take all of us. Join us in October to support and learn more about this crucial work. **The Reproductive Freedom Project Benefit will be Friday, October 27, at the Speed Art Museum.** Keep an eye on our social media and website for more details in the early fall.

**Our Annual Meeting will take place Sunday, September 10, at the ACLU-KY offices in Louisville.** Please follow us on social media for more details and registration information.

This year the ACLU-KY is excited to be one of the organizations benefiting from the second annual Race 4 Justice. **The race, held this year on June 17 at the Norton Healthcare Sports & Learning Center in Louisville,** is an event run by a Black, women-led student group and inspired by Breonna Taylor and the movement that followed her tragic death. The Race 4 Justice is about uniting our city to move forward, and there are ways for everyone to participate : sign up for 5-person teams complete a relay of 26 total laps (each lap dedicated to one year of Breonna's life), or for a 1.3 mile run/walk (Breonna's life was taken on March 13). A virtual run/walk option is also available. Join us as we run, march, walk, dance Forward. Together. For Justice.

To sign up, visit: <https://runsignup.com/Race/KY/Louisville/RaceForJustice502>

See all upcoming events at [aclu-ky.org/events](https://aclu-ky.org/events)