

FALL 2021 NEWSLETTER

If we remain on the defensive, we are going to lose.

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Hello Friends,



"Confronting the end of Roe v. Wade is an opportunity to confront the fact that Roe never guaranteed that anyone who wanted an abortion could get one in the United States, much less guaranteed our rights to exercise autonomy over our bodies, lives, and families."

As I started writing this letter, we learned that the U.S. Supreme Court refused for a second time to block Texas SB 8, despite more than 50 years of precedent protecting our right to abortion. In an ominous sign, Justice Sonia Sotomayor was the only Justice to argue that SB 8 ought to be blocked while litigation is pending.

"For the second time, the Court is presented with an application to enjoin a statute enacted in open disregard of the constitional rights of [people] seeking abortion in Texas," Sotomayor wrote in her dissent. And, "for the second time, the Court declines to act immediately to protect these [people] from grave and irreparable harm."

Abortion has been functionally illegal in Texas for over a month now, and the highest court in the land will do nothing to protect Texans from having their constitutional rights ripped away. Almost as alarming is the speed with which it's happening, and the fact that our opponents have accomplished this coup without the Supreme Court even hearing arguments in *Dobbs v. Jackson Women's Health* — the case advocates and analysts initially predicted would be the end of *Roe v. Wade*.

What's happening at the Supreme Court is an emergency. The Court's refusal to block Texas SB 8 has made it perfectly clear that we cannot count on the Supreme Court to defend our constitutional rights.

But that doesn't mean the end for our movement. Far from it.

Confronting the end of *Roe v. Wade* is an opportunity to confront the fact that *Roe* never guaranteed that anyone who wanted an abortion could get one in the United States, much less guaranteed our rights to exercise autonomy over our bodies, lives, and families. This is an opportunity to acknowledge that *Roe v. Wade* is not the ultimate vision, and to imagine a truly intersectional movement for full bodily autonomy and gender justice.

Gender Justice is made for this moment, and we know how to win in a post-Roe v. Wade world.

We're built to fight all the ways that autonomy is restricted in healthcare,

in school, at work, and in public. We don't just fight for abortion. Or LGBTQ+ rights. Or women's rights. We see all attacks on bodily autonomy as broad attacks on gender equity, justice, and freedom, and we believe these threats demand an intersectional response.

Our opponents are not stopping at abortion. In Texas, the legislature just followed SB 8 with another bill that bars transgender youth from playing on sports teams that align with their gender identity — one of 52 bills targeting transgender people the Texas legislature has considered since January. And they are now telegraphing a state-level strategy to nullify *Obergefell v. Hodges*, the case that gave us the right to marry who we choose.

We need an approach that doesn't silo issues, but instead sees all these areas of work as part of an organized and necessary response to escalating gender authoritarianism across the country.

As you'll read in this newsletter, Gender Justice is fighting—and winning—in courts, in the legislature, in schools, and in our communities. We're changing the laws to protect transgender students, going to court to fight state-level restrictions on abortion, launching public education campaigns to educate trans students about their rights, and building relationships with legislators so they can act on issues like the deceptive practices of the crisis pregnancy center industry.

In a post-*Roe* world, Gender Justice is poised to lead on an intersectional, state-level strategy to protect and expand our access to the kinds of lives, bodies, and families we want. We hope you'll join us.

Megan of Peterson

Melissa's Support of Gender Justice Started with a Personal Connection

A message from Melissa Harl, Gender Justice Board Member

I'm a 68 year-old queer, transgender woman who seeks to donate a substantial portion of her income each year. I learned about Gender Justice not long after I began my public gender transition; I think this was in 2013.

Inspired by the organization's work, I visited the office and ran into Jill Gaulding, one of the organization's founders, in the parking lot. Jill was one of the first people to ask my pronouns. Having quite recently become more public about my process, I was still getting comfortable with asserting my correct name and pronouns, and Jill made this easier.

I started attending Gender Justice events and reading about the organization's work, became a regular donor, and joined the board in 2020.

The organization's legal work on behalf of women-identified employees facing harassment and worse has been quite important to me, along with advocacy for people whose gender identities do not align with societal norms. Transgender students, athletes, and medical patients have all been supported and given expanded opportunties through the efforts of Gender Justice.

Recent efforts to make the work more and more fully intersectional in matters of race, ethnicity, and class make me even prouder to be part of this organization. I know my gifts of funds and time support an incredibly talented team that is making a real difference for trans people like myself — and many others as well.

VICTORY FOR MATT WOODS

The Buffalo-Hanover-Montrose School District agreed to pay a \$218,500 settlement and make significant policy changes following its discrimination against a transgender student.

While Matt was a student at Buffalo Community Middle School, the school repeatedly isolated him from his classmates and limited his restroom access to a single facility no other student was required to use, which led to him being removed from physical education classes entirely. The experience caused Matt's mental health to deteriorate, and he had to be hospitalized multiple times.

Gender Justice and our co-counsel, Best & Flanagan LLP, sued the school district on behalf of Matt and his mother. We argued that the school district violated the Minnesota Human Rights Act, as well as the state Constitution's rights to education and equal protection, by failing to provide Matt with a safe and equitable learning environment.

"I'm glad there will be new gender affirming policies put into place so that no one else has to go through what I went through...

Gender-affirming policies will literally save lives."

The settlement in Matt's case puts Minnesota schools on notice: It is illegal – and expensive – to discriminate against transgender students in our state.

In addition to the \$218,500 settlement, the school district has agreed to create and implement new protections for transgender, non-binary, and gender non-conforming students, including:

- Ensuring that transgender, non-binary and gender non-conforming students have access to restrooms and locker room facilities that align with their gender identity;
- Ensuring that transgender, non-binary, and gender non-conforming students can play on sports teams that are consistent with their gender identity; and
- Ensuring that school officials refer to students by the proper names and pronouns.

"I'm glad there will be new gender-affirming policies put into place so that no one else has to go through what I went through, because people should be able to express their gender identity and go to the bathroom without being tormented by their teachers and school," Matt said at an event announcing the settlement. "Gender-affirming policies will literally save lives."

Gender Justice client Matt Woods

When Matt and his mother needed help to address the discrimination Matt was facing at school, they called the School Safety and Technical Assistance ("SSTAC") Hotline.

Unfortunately, a student like Matt would not have that support today. Funding for the CDC grant that backed the hotline was discontinued by President Trump in 2017.

Increasing Our Impact Through Advocacy and Outreach

Despite Gender Justice's recent legal victories on behalf of transgender students, too many LGB and transgender youth are still experiencing alarming rates of bullying and discrimination in Minnesota schools.

LGBTQ+ students need more resources, not fewer. But even the resources that once existed to support students like Matt are now defunct, like the SSTAC Hotline, or out of date, like the Minnesota Department of Education's Safe and Supportive Schools Toolkit. On top of that, educators need updated training to help them support LGB and transgender students in their schools and classrooms.

Legal intervention alone is not enough to protect the well-being of LGBTQ+ students in Minnesota. That's why, in June, Gender Justice sent an open letter to Gov. Tim Walz and Commissioner of Education Heather Mueller urging them to allocate a portion of our state's American Rescue Plan Act funding to train educators, update guidance, and create resources to

help LGBTQ+ students feel safer and more secure in Minnesota schools.

"The federal government recognized that students who were most harmed during COVID-19 were students from low-income backgrounds, students of color, students with disabilities, and students experiencing homelessness. But no one is talking about the fact that many, many LGBTQ+ students sit squarely at the intersections of these backgrounds and identities," said Gender Justice Advocacy & Engagement Director Erin Maye Quade.

"LGBTQ+ students, and particularly transgender and non-binary young people, are facing crisis levels of harassment and discrimination in Minnesota schools, and we need to equip everyone — from students and their families to teachers and school administrators — with the tools necessary to protect LGBTQ+ students' rights and well-being."

Our advocacy helped reveal gaps in resources and services for LGBTQ+ youth. Thanks to our efforts, the Department of Education is pushing to fill those needs to better serve all Minnesota students.

POWERFUL

"It's not just a suggestion that schools respect the gender identities of transgender students. It's the law."

Jess Braverman, Gender Justice Legal Director

TRANSGENDER INCLUSION

IN MINNESOTA SCHOOLS

This Fall, Minnesota students returned to school following many months of distance and remote learning. Some students are physically attending classes for the first time since socially transitioning at home, and they may have returned to school with new names, new pronouns, and new or different gender identities.

Not only have many transgender students changed while they've been away from the physical classroom; schools' and school districts' legal obligations to respect and support them have also changed — and protections for transgender students in Minnesota are stronger than ever.

Art by @transpainter

Since the start of the previous school year, a state Court of Appeals decision and two legal settlements, together totaling more than \$500,000 for transgender students, have cemented protections for transgender students in Minnesota schools.

The settlements follow a decision from the state Court of Appeals in our case, *N.H. vs. Anoka-Hennepin School District*. The court ruled that it violates both the Minnesota Constitution and the Minnesota Human Rights Act for a school or school district to segregate transgender students from their peers in locker room and bathroom facilities.

These wins on behalf of our clients Nick and Matt have sent a clear message to Minnesota school districts: It is illegal — and expensive — to discriminate against transgender students.

"It is illegal and expensive to discriminate against transgender students."

Thanks to Nick and Matt, transgender and non-binary students in Minnesota are legally entitled to:

- Use the same restrooms, locker rooms, and other facilities as other students;
- Use the restrooms, locker rooms, and facilities that align with their gender identity;
- Participate in school-related activities, including on athletic teams, in a way that is consistent with their gender identity;
- Be protected from bullying.

To fully benefit from these recent victories, however, transgender students and their families need access to information and tools that will help them advocate for their rights at school.

In response to this unmet need in our community, Gender Justice launched a back to school campaign to connect students with these critical resources.

The campaign, "New Year, New Law: Transgender Inclusion is the Law in Minnesota Schools," made available Know Your Rights materials and template advocacy letters so that students and their families can more effectively advocate for their legal rights.

"The Minnesota Constitution, as well as the Minnesota Human Rights Act, protect transgender students at school. That's now settled," said Erin Maye Quade, Advocacy & Engagement Director at Gender Justice. "Unfortunately, a change in the law doesn't automatically end discrimination against transgender students; but it does give students and their families a powerful tool to fight back. The goal of our campaign is to teach students and families how to use that tool."

We get calls every week from transgender students and their families who are looking for help protecting themselves from discrimination at school, so we know that a legal response alone will not solve this problem. Along with our work in the courts, we need a community response aimed at educating students and families about their rights and informing schools and educators about their responsibilities.

Gender Justice supporters have a role to play in helping us end bullying and discrimination against transgender students. Will you visit https://www.genderjustice.us/work/backtoschool/ and share our campaign with the young people in your life?

Your support of Gender Justice makes our legal work and advocacy on behalf of transgender students possible, and your generosity is powering our campaign to educate students and families about their hard-fought legal rights. Thank you for standing beside us, while we stand up for transgender students in court and in our communities.

BEYOND ROE v. WADE



Minnesota can be a model for state-level advocacy in a Post- Roe v. Wade world.

The U.S. Supreme Court's decision not to intervene in Texas's unconstitutional abortion ban makes one thing very clear:

Protecting
Roe v. Wade
is not enough to
guarantee our
constitutional
rights.

Where does the movement for abortion access go from here?

On December 1, the U.S. Supreme Court will hear arguments in *Dobbs v. Jackson Women's Health Organization*, a case about an unconstitutional Mississippi law that bans abortion pre-viability, at only 15 weeks. Abortion advocates have predicted that the majority-conservative Court will use *Dobbs v. Jackson* as an opportunity to overturn *Roe v. Wade*, the 1973 Supreme Court decision that recognized the right of pregnant people to have an abortion before the point of "viability," usually around 24 weeks.

The Supreme Court is also poised to hear arguments on the merits of Texas SB 8 — an even more restrictive Texas law that bans abortion at 6 weeks and deputizes private individuals to enforce the law in exchange for \$10,000 bounties. Already, signs from the Court are cause for concern. Twice, the Court has refused to block the blatantly unconstitutional Texas law, allowing abortion to remain functionally illegal in the state for almost two months, and counting.

Despite 50 years of legal precedent established by *Roe v. Wade* and *Planned Parenthood v. Casey*, which in 1992 established that abortion regulations cannot pose an "undue burden" on pregnant people seeking care, the Supreme Court is not behaving as if it believes abortion is a constitutional right we all share. The consequences for pregnant people in Texas are devastating, and that devastation could soon be felt by others in Mississippi, Florida, North and South Dakota, and other states where lawmakers are promising to enact similar bans.

All this is happening while *Roe v. Wade* is still the law of the land.

The truth is, even with *Roe v. Wade*, access to abortion is fragile. In Minnesota, where our state constitution protects our right to abortion,

anti-abortion lawmakers have spent decades doing an end run around our rights. They've passed dozens of restrictions that make abortion more scarce, more stigmatized, and harder to afford — especially for pregnant people of color, young people, immigrants, LGBTQ+ people, people living in rural areas, and people with lower incomes.

Protecting *Roe v. Wade*, or even passing legislation to codify the legal right to abortion, is not a solution to the abortion access crisis. It's time to stop playing defense and demand more from our elected leaders, and more from our movement. Especially in states where we already have strong protections, we need to go beyond *protecting* the legal status of abortion, and supercharge our work to *expand* access to abortion care for everyone who needs it in our states.

In 2019, Gender Justice and the Lawyering Project took a step toward this goal by filing a lawsuit, *Doe v. Minnesota*, on behalf of the First Unitarian Society of Minneapolis, Our Justice, and two healthcare providers. The lawsuit aims to build on the legal protections for abortion that were established by the Minnesota Supreme Court in *Doe v. Gomez*, and expand access to abortion in Minnesota by challenging medically-irrelevant restrictions on abortion care.

That was a huge and critical step for our movement in Minnesota. And we still need to go further.

We're part of a vision that is larger, and stronger, than *Roe v. Wade*.

Our movement is waking up to the limitations of *Roe* v. Wade and Planned Parenthood v. Casey, and more and more we are hearing calls from our partners and community advocates to go "beyond Roe v. Wade."

But what does that mean?

Despite decades of activism urging federal courts to "protect Roe," it's increasingly clear that *Roe v. Wade* is not, and has never been, enough to guarantee that everyone who wants an abortion can get one.

Even more critically, the vision of the future offered by *Roe v. Wade* isn't expansive enough to inspire a new generation of reproductive justice advocates. We're not only fighting for the legal right to abortion; we're leading a struggle to ensure that everyone, regardless of who they are or where they live, can have the economic, social, and political power and resources to make healthy decisions about their bodies, sexuality, and reproduction.

At Gender Justice, with our partners in the UnRestrict Minnesota coalition, we see our abortion advocacy as part of a broad fight for reproductive justice. This movement framework was developed by Black women, and it seeks, among other things, to de-silo abortion advocacy from other social justice concerns like economic justice, racial justice, LGB and transgender rights, disability rights, and environmental justice.

We recognize that injustice is linked to the conditions of our communities. We know that our responses to these injustices must be intersectional, because our identities are intersectional.

Gender Justice and UnRestrict Minnesota are working together to build an intersectional, state-level movement for reproductive justice in our state. Our goal is to make Minnesota a model for abortion advocacy in a post- *Roe v. Wade* world by shifting the fight from the federal courts to our home state, breaking the issue silo that's kept the abortion movement isolated from other social justice struggles, and shifting the lens from legality to real abortion access for every Minnesotan, and every person who will come to our state seeking care.

Thousands rally and march to expand abortion rights.

What is happening in Texas will not stay in Texas.

That was the message delivered by advocates, abortion funds, religious leaders, providers, and lawmakers who spoke at a pair of rallies following the U.S. Supreme Court's refusal to intervene in Texas SB 8, an unconstitutional pre-viability abortion ban. Speakers emphasized that, while Minnesota is regarded as an "oasis" of abortion rights and access in the Upper Midwest, we're far from prepared to assume that responsibility in a post-*Roe v. Wade* world.

Organizers of the events, including Gender Justice, aimed to send a message that abortion advocates are bringing our fight for reproductive justice home to Minnesota, where dozens of medically-irrelevant restrictions still keep abortion out of reach for many.

"We all know that here in Minnesota, we are, in many ways, quite fortunate," said Minnesota Sen. Jen McEwan, speaking from the steps of the state capitol at a rally hosted by the UnRestrict Minnesota coalition in September. "Our right to abortion is protected under the Minnesota State Constitution. But we need to go further. It's not enough to hold the line."

At an October rally and march in Minneapolis, Minnesota State Rep. Athena Hollins urged at least ten thousand fired up rally-goers not to become complacent, and she warned that new legislation to restrict abortion is still being proposed and considered in the state legislature.

"This is not a drill," Hollins said. "This is our reality."





Minnesota State Rep. Athena Hollins



Members of the new Reproductive

Freedom Caucus (see pg. 13) at the











Where Ideology Trumps Healthcare



A new report exposes the crisis pregnancy center industry in Minnesota.

When M. needed abortion care, they went online and found a place they thought would administer a pregnancy test and provide a referral for abortion care. The website claimed the organization would provide unbiased counseling and help clients talk through their options. It did not say that the organization was anti-abortion.

Before receiving a pregnancy test, M. had to provide a detailed sexual and medical history. When M. informed staff members at the fake clinic, or "crisis pregnancy center" (CPC), that they wanted to get an abortion, staff shared dangerous disinformation, tried to force M. to sign a "contract" promising not to seek abortion care, threatened to call police if M. left the building, and suggested they kill themself.

M. was not pregnant that time. But when they did get pregnant several years later, they delayed seeking care until they were dangerously ill, because they feared being abused like they were at the crisis pregnancy center.

"...they delayed seeking care until they were dangerously ill, because they feared being abused like they were at the crisis pregnancy center."

Report Shows CPCs are "Designed to Deceive" their Clients

Crisis pregnancy centers target pregnant people with predatory, deceptive marketing in an attempt to attract and intercept people before they access abortion care. CPCs' purpose is ideological, not medical, and more than half are explicitly linked to the extreme anti-abortion movement.

In late October, Gender Justice joined with our partners in the Alliance: State Advocates for Women's Rights & Gender Equality to release an alarming new report, "Designed to Deceive: A Study of the Crisis Pregnancy Center Industry in Nine States." The report sheds light on the activities and funding sources of Minnesota crisis pregnancy centers, like the one where M. was traumatized.

Our report shows that Minnesota CPCs provide virtually no medical services and systematically mislead clients about services they do provide, potentially resulting in delayed care and unnecessary risks to their clients' health.

And while most taxpayers don't realize it, the state of Minnesota foots a large piece of the bill.

Minnesota CPCs by the Numbers

 In Minnesota, CPCs outnumber abortion clinics by a staggering margin of 11 to 1, the widest gap of any state in the study.

- Over half (nearly 57%) of Minnesota CPCs made false statements about abortion almost twice as many as other states in the study.
- The Minnesota "Positive Abortion Alternatives" (PAA) program awards \$3,357,000 in state funds yearly to anti-abortion groups, many of which are CPCs. We found egregious examples of over-funding some CPCs, inefficient expenditure of public funds, an unclear selection process for grant distribution, and questionable utilization of public funds by some grantees.
- In Minnesota, 96% of CPCs offer no prenatal care, and 91% have no physican on staff.
- State funded CPCs offered prenatal care referrals at a lower rate than other CPCs. 57% of PAA-funded CPCs provided no prenatal care referral compared to 54% of other CPCs.

What's Next?

The report recommends that Minnesota:

- Repeal the PAA statute and redistribute taxpayer-funded money to legitimate health care and direct service providers.
- Repeal "informed consent" legislation that mandates doctors share innacurate medical claims with their patients.
- Eliminate the 2-parent notification requirement for minors seeking abortion care.

Even in states like ours with strong legal protections for abortion, CPCs threaten access to abortion care and contraception, especially for lower-income people and people of color. This demands a response that addresses the real barriers that pregnant people face when trying to access abortion care.

Meet the New Caucus on the Block

Introducing the Reproductive Freedom Caucus

Congratulations to our legislative allies and members of the new Reproductive Freedom Caucus, formed around our shared goal of protecting and expanding reproductive freedom in Minnesota.

"Harmful, extreme legislation is taking hold in other states, and [antiabortion lawmakers] are championing similar measures right here in Minnesota which would threaten the quality of health care we value in this state," said Rep. Athena Hollins, a caucus co-chair. "[We] will work tirelessly at the Capitol to protect the fundamental right of all Minnesotans to make decisions about their own reproductive health care."

We work closely with lawmakers because they're better advocates for our movement when we talk to them about what we need.

Your support helps us continue our work with the Reproductive Freedom Caucus and allows us to hold all our elected officials accountable.

Legal Briefs

Let Transgender Student Athletes Play

Gender Justice signed onto an NWLC amicus brief in support of Connecticut's trans-inclusive student athlete policies. Inclusive policies protect trans young people and ensure that *all* women and girls can access the well-documented benefits of playing sports. Barring students from participating in sports in ways that are consistent with their gender identity is unlawful sex discrimination under Title IX.

A 15 Week Abortion Ban Amounts to a Total Ban for Many Who Seek Care

Gender Justice and the Lawyering Project submitted an amicus brief to the U.S. Supreme Court in opposition to Mississippi's 15 week abortion ban. The brief discusses the barriers clients of abortion funds and practical support organizations face in accessing care before 15 weeks of pregnancy.

More at https://www.genderjustice.us/dobbs-amicus/.

Give Minnesota Students the Strongest Possible Protections from Discrimination.

Gender Justice submitted an amicus brief to the U.S. District Court of Minnesota in a case about discrimination in Duluth charter schools. The brief urges the court to interpret the Minnesota Human Rights Act in a way that provides greater protection for students than Title IX does.

Welcome New Staff



Noble Frank (they/them) Communications Director

Noble Frank joins Gender Justice to coordinate communications, develop strategic messaging, and grow the organization's audience and impact. Noble previously worked as the communications associate at the ACLU of Minnesota, where they managed digital communications including social media and digital action campaigns.



Yolanda Burckhardt (she/her) Advocacy and Engagement Manager

Yolanda Burckhardt joins Gender Justice to manage advocacy, education, and public engagement efforts across gender equity projects, coalitions, and partnerships. Yolanda previously worked in the Civil Rights Department at the Met Council, where she coordinated community engagement and racial equity strategic planning efforts for over four years.

Thank you to our friends and partners in the legal community for making the work you are reading about possible.





You can join them as a valued sponsor of Gender Justice's critical work.

Visit https://www.genderjustice.us/sponsor-us/.

























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UNRESTRICT MINNESOTA

Are you a supporter of UnRestrict Minnesota?

As a supporter of UnRestrict Minnesota, we thought you'd like to check out this newsletter from UnRestrict partner Gender Justice. Inside you'll find updates on the work we've been doing together to expand access to abortion in Minnesota.

If you're not yet a supporter of UnRestrict Minnesota, sign up to receive updates at https://unrestrictmn.org/get-involved/.

With your support, Minnesota will be ready to meet the moment.

Donate at https://www.genderjustice.us/donate/.

\$20,000 to our year end goal! Will you help Gender Justice reach our \$50,000 year-end goal?

Your gift will help us build more capacity to confront growing threats to gender equity and body autonomy, including attacks on abortion, contraception, trans students' rights, and gender-affirming care.