

ACLU_{WV} magazine

Is West Virginia
abandoning
democracy?





This Issue



Contributors



Grayson Cooper (He/They) is an Appalachian trans artist and illustrator who graduated with his BFA from the Columbus College of Art and Design. He contributed illustrations to this issue. You can find more of their work online @mossymorels!



Cover illustration by Grayson Cooper

Justin Murphy (He/Him) is a Huntington-based photographer and journalist. He contributed words and photos to this issue. You can find more of his work online at @outoftheaticphotography.

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From Our Director

Dear ACLU of West Virginia Family,

Five years ago, I boarded an ACLU-chartered bus bound for the nation's capital. The U.S. Senate was about to appoint Brett Kavanaugh to the highest court in the land despite multiple credible accusations of sexual assault against him. The ACLU of West Virginia had invited me and other survivors of sexual violence to travel with staff members to Washington, D.C. to confront Sen. Joe Manchin and ask him to oppose the nomination.

When I stepped onto the bus at its Morgantown stop, I knew I was among friends. People of every socio-economic class were there. There were Black people and brown people. There were trans and nonbinary people. I didn't feel like I was part of something performative; it felt inclusive and empowering.

For the first time, I felt like the Red, White, and Blue was for me.

We didn't win that day. Manchin listened as we poured out our deepest traumas, and then he voted for Kavanaugh anyway. I cried most of the ride back home, but I also knew I'd made the right decision by choosing to get on that bus. I knew I'd found allies for the fights ahead.

Shortly after that trip, I was elected to my first term in the West Virginia House of Delegates. During my two-and-a-half terms as a legislator, I came to know the work of ACLU-WV very well. I was impressed by the staff's tireless advocacy and their willingness to sit down with anyone, no matter how strong their differences might be, to explain their principled positions.

The Legislature can be a lonely place, but on issue after issue, I felt ACLU-WV at my side. From fighting attempts to whitewash history in public schools to defeating every single attempt to resurrect the death penalty, we championed each other's causes. I cheered at their victories in court and I mourned the gut-wrenching losses with them.

They've stood at the forefront of some of the most important issues of our time, and they don't back down from the fight. They've scored legal victories against the epidemic of racist police violence. They've litigated ground-breaking cases on behalf of trans West Virginians. They've sued to protect the rights of unsheltered people. They've fought to protect society's most forgotten souls, those who are incarcerated in jails and prisons.

And yes, ACLU-WV will continue to use every resource at its disposal until the day that abortion is accessible in every holler and hill in this state.

These are difficult times, but the ACLU was built for

"As the new director, I don't want the name ACLU to be recognized only in the halls of power; I want it to be recognized in places like Marjorie Gardens and Orchard Manor as well."



times exactly like these. The organization was forged in the political fires of the Palmer Raids, when the U.S. government illegally rounded up some 10,000 immigrants for deportation because of their leftwing political views. Less than a year later in 1921, ACLU organizers were on the ground in West Virginia helping coal miners organize in the aftermath of the Battle of Blair Mountain. And we've been here ever since.

That's why I couldn't be prouder or more excited to take over as the affiliate's next executive director. To say I have big shoes to fill is an understatement. My predecessor, Joseph Cohen, oversaw a massive expansion of the affiliate, from just four employees when he started in 2016 to 19 brilliant and compassionate staffers today. His leadership saw the creation of the Appalachian Queer Youth Summit, the West Virginia Family of Convicted People, an election protection hotline, and the Justice and Equity Fellowship, which provides paid internships to young people from marginalized backgrounds. I'm confident that together, we will build on his successful vision.

We must make sure that our most vulnerable communities are being served first by our work and that all of our work happens through a racial justice lens. As the new director, I don't want the name ACLU to be recognized only in the halls of power; I want it to be recognized in places like Marjorie Gardens and Orchard Manor as well.

This organization is here for you, and it has never been stronger. I can't wait to get to work with each of you for a fairer and more just Mountain State.

In Peace and Solidarity,

Danielle Walker
Executive Director



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We love feedback! Let us know what you think about this issue or **submit a letter to the editor** about civil liberties issues important to you: mail@acluwv.org.



Illustration by Grayson Cooper

The Future is Queer

The past few years have been brutal for West Virginia's queer community.

For more than two decades, every piece of anti-LGBTQ+ legislation was defeated. But since 2021, state lawmakers have been steadily codifying their distaste for us. They've placed severe restrictions on basic affirming care for trans minors, and passed a discriminatory transgender athlete ban and a religious refusal law that could have far-reaching unintended consequences.

Those are just the bills that passed.

Proposed legislation has included everything from banning drag performances to labeling trans people's mere existence as "obscene." Sadly, there's reason to believe these attacks could escalate next year as politicians pander to their bigoted base ahead of the elections. Fighting for the rights of our queer siblings can feel hopeless.

But here's the truth: Those who oppose our existence have already lost. These legislative attacks are the death throes of a movement hemorrhaging supporters.

Our opponents do not own American culture. The very books, shows, celebrities, and films they seek to ban and silence far outnumber and outsell those they hold up to demonize us. Our opponents also do not own public opinion. On questions like "Should trans people be able to serve openly in the military," "Should gay and lesbian relationships be legal," and so many more, a strong majority of Americans side with our rights to exist. Although public opinion is most firmly on the side of LGB individuals, multiple studies show that attitudes are warming to trans and nonbinary people as well.

Conservatives' problems with public opinion will only worsen. Two-thirds of Gen Z say they not only support LGBTQ+ rights, but consider them a priority, according to recent polling. A whopping 20 percent of this generation identifies as queer.

Across the country, attempts to channel anti-trans values into political gains are falling short. This year, a nationwide effort to stack school boards with "parents' rights" activists – those affiliated with organizations like so-called "Moms for Liberty" which wants to ban books about racism and queer people – flopped spectacularly.

And contrary to popular belief, they might not even have the U.S. Supreme Court. Recall that in 2021, the Court ruled 6-3 with conservative justices Neil Gorsuch and John Roberts joining the liberal justices in favor of workplace protections for gender identity and sexual orientation.

None of this diminishes the very real pain being inflicted in states like West Virginia, Florida, Texas, Tennessee and others. The pain, anxiety and the fear caused by these legislative attacks is real. A sobering report released this month by the Trevor Project found that 41% of American LGBTQ+ youth considered suicide over the last year (and 56% of young trans men).

Authoritarian governments almost always target queer people as enemies because we are living, breathing symbols of freedom. As of this writing, queer people are desperately trying to flee their homelands of Afghanistan, China, Egypt, Nigeria, Russia, Saudi Arabia, and Uganda. We must do more to help them reach safety.

But while despots often succeed in inflicting immeasurable harm on our communities and instilling fear, not one has ever achieved a world free of queer people. Regressive state legislatures like West Virginia's will not have the final say on the rights of its LGBTQ+ constituents to exist. Instead, they'll soon be relics of a shameful past.

—BILLY WOLFE



"Queer West Virginia Forever" celebrates the resilience and diversity of queer folks within the extraordinary landscapes of the state. It embraces both the challenges faced by the LGBTQ+ community in Appalachia and the potential for joy and magic that exists within these communities. By blending whimsical and enchanting elements with the struggles of Appalachia, this artwork challenges stereotypes and highlights the unique diversity of the region.

Words and art by Elizabeth Turner



Becky is challenging West Virginia's cruel and discriminatory trans athlete ban. Billy Wolfe Photo

Army of One

Becky fights for the girls who will come after her

In a 7-2 vote, the U.S. Supreme Court refused to enforce West Virginia's discriminatory transgender athlete ban, allowing our client, 12-year-old Becky, to try out for and participate on her cross-country team while her case is heard.

In February, the 4th Circuit Court of Appeals temporarily blocked the law from being enforced while it considers Becky's case. West Virginia Attorney General Patrick Morrisey, who is now running for U.S. Senate, responded by calling a press conference to announce his office would ask the Supreme Court to overturn the 4th Circuit's injunction immediately.

Requests of this kind are typically reserved for high-stakes, time-sensitive matters – including pending death sentences and matters of national security. The Supreme Court rejected Morrisey's request.

"A 12-year-old kid playing with her peers is hardly an emergency, and we're happy the Supreme Court agreed with us on that," ACLU-WV Staff Attorney Nick Ward said. "These cases involve real people, and there

was no reason to cruelly kick a child off her team when all she wanted was to play with her friends."

Claiming they want to "protect women's sports," politicians in 20 states have used trans kids as political pawns and banned them from playing on the teams that align with their gender. In state after state, courts are blocking these cruel laws, but the Supreme Court has yet to issue a final ruling.

Becky, who comes from a family of runners and outdoor enthusiasts, has said all along she is taking this stand for other young girls like her. She might be the only trans girl trying to play youth sports in West Virginia right now, but she knows that won't always be the case.

"I am so happy that the Supreme Court saw that this stay was not an emergency," she said. "I still get to play with my friends and teammates on the track team. That's all I want to do, be with my friends and be the girl that I am."

—BILLY WOLFE



A Love Letter to Queer Joy



Top: Campers reach out during a team-building exercise at the third annual Appalachian Queer Youth Summit, a five-day summer camp for young LGBTQ+ West Virginians interested in activism and advocacy.

Below: Before saying goodbye on the final day of camp, friends share an embrace.

Photographer agrees to double as a camp counselor at AQYS

Last August at Jackson's Mill, a 4-H camp nestled in the wooded hills of Weston, campers began arriving for the third Appalachian Queer Youth Summit.

Kids leapt from their vehicles as they pulled up to cabins, ready to embark on a week of learning and good old summer camp fun. Rain that steadily fell since the night before began to lift as if repelled by the excitement in the air. I had no idea how much my life was going to change.

It was my first year involved with the camp. I was asked to be the camp photographer, and when I arrived was offered the opportunity to step in as a counselor as well.

Throughout the week, I documented smiling faces as the campers challenged themselves in myriad ways, from learning how to construct a personal narrative to working together to navigate rope courses and paddle upstream in canoes.

The best part of the week was seeing the kids let down walls they had built to protect themselves in their everyday lives. Having the confidence to wear a bathing suit at the pool, the interlocked pinkies of two campers who

developed a crush on each other, and the bravery to tell personal, difficult stories about themselves were all experiences I witnessed that aren't always afforded to queer kids in West Virginia.

Queer youth are robbed of many adolescent rites of passage. Taking the person one likes to a school dance, playing on a school sports team, or having a first kiss are all simple but meaningful experiences every kid should get to have. I remember high school as a psychological and sometimes physical warzone. Every day's objective was survival. Keep your head down. Don't make noise. Be invisible.

Seeing the campers bond was like seeing Dorothy opening her door to a world of Technicolor when she drops from the sky into Oz, free to be their vibrant selves. Free to be loud, vulnerable, and adventurous. It was somewhere over the rainbow.

On the last day of camp, tears streaked down my face as we said our goodbyes. It pained me to know that they would be leaving this environment of safety and support to return to a world that is so often cold and brutal, but they left knowing that they are loved for who they are.

Being queer is a gift. They are a gift. A camp like this could have made things so much better for me growing up, and I was elated to have played a part in making that happen for these kids. The Appalachian Queer Youth Summit is a love letter to queer joy. That hurt kid I had carried inside me was finally able to start healing. I know this camp can save lives because it helped save mine.

Words and Photos
by **JUSTIN MURPHY**



Top: Several campers gather with counselors for a group photo on the final day of camp.

Center: Campers take part in a team-building exercise meant to demonstrate the things they share in common.

Bottom: Campers head to the West Fork River with canoes.





Justin Murphy Photo

President's Q&A

Anne Farmer took on the role of board president in early 2023.

Anne, can you tell us a little bit about yourself?

I work as a counselor in a small, elementary-middle school. I have been a mental health counselor since 2003, ten of those years working with children impacted by trauma. Before counseling, I was in education for eight years. I have an amazing and supportive family. Spending time with them is my favorite thing to do, but especially when we float the river or travel together. I love to practice and teach yoga, run and walk with my dogs, and hop on my bike for easy trail rides. I also love to read and cook.

Tell us about your journey to ACLU-WV.

Like many people, my journey with the ACLU-WV began after the former president was elected. With so many civil liberties under attack nationally and in the state, I felt pretty helpless. I offered a yoga class fundraiser in 2018 to let the organization know they were supported and appreciated! This event was the catalyst for more fundraising, outreach and volunteering. Joseph Cohen was instrumental in helping me with all of these efforts. (He saw my need to contribute in some way to the organization's work.) I recognized that within my own peer group, many people were unfamiliar with ACLU-WV, so I educated myself by attending workshops, so I could speak clearly about the organization's mission. With Joseph, Mollie Kennedy, and community volunteers, we hosted a political cartoon exhibit about free speech. This led to organizing a legislative advocacy/policy training, which led to an ACLU organizing training, to lobbying for Broadband and the Pregnant Workers Fairness Act, etc. I am grateful to Joseph, the staff, and the board for all of these opportunities which has now led me to this leadership role. I am really looking forward to working with Danielle Walker, our new executive director!

Honoring Lifesaving Work

Mollie Kennedy is the third ACLU-WV staff member to receive Rainbow Pride of WV award

Rainbow Pride of West Virginia honored ACLU-WV Community Outreach Director Mollie Kennedy with its 2023 Power of One award.

Alongside Kasha MacDonald (Black Pride of West Virginia), Kennedy was recognized in May at the organization's annual event for her work organizing the Appalachian Queer Youth Summit.

Developed by Kennedy and 2020 Power of One recipient Billy Wolfe (ACLU-WV communications director) the camp provides a positive space for young LGBTQ+ West Virginians and those who come from LGBTQ+ families in a summer camp based on building community and learning about political advocacy.

As one camper, Jaye Hicks, described the camp experience to the Gazette-Mail's Lori Kersey, "It's all over the country but I know specifically in this state, queer youth do not have spaces to be safe."

Hicks told the reporter she came across the camp at one of the lowest points in her life. "Being handed over a community of people on like, on a silver tray essentially, was incredibly important to me."

Rainbow Pride President Chris Gosses called Kennedy an "obvious choice" for the award, citing the many positive impacts of the camp. He described her work as "lifesaving."

"Eighty percent of LGBTQ Youth have reported being assaulted or threatened. Each instance more than doubles their risk of self-harm, let alone the feeling of isolation and self-doubt," Gosses said.

"Little closeted Mollie could never have imagined standing on a stage talking about AQYS and queer joy. But she really, really



Support the Appalachian Queer Youth Summit by scanning the QR code.

couldn't have imagined this," Kennedy said. "I am fortunate enough to experience the joy of convening queer young people for a week to learn and grow together, build community, and become more prepared and powerful advocates and activists."

"These young people give me so much hope. They are so incredibly smart and funny and thoughtful; so much smarter and wiser than I was when I was their age," she said.

ACLU-WV Executive Director Danielle Walker, who received the award herself in 2019, praised Mollie's work with the camp.

"Mollie is a phenomenal organizer who acknowledged a need, had a vision, and continues to execute through her work at AQYS," Walker said. "The Power of One award is a recognition of behind-the-scenes commitment. It's given for selfless sacrifice dedicated to strengthening some of our state's most vulnerable communities. I am proud of her and honored that she's joining the list of people who've received this award."

— KYLE VASS



Left, ACLU-WV Community Outreach Director Mollie Kennedy was one of two leaders honored this year with Rainbow Pride of West Virginia's Power of One Award. She received the award for her work in creating and directing the Appalachian Queer Youth Summit. She is one of three ACLU-WV staff members to have received the award. Photo courtesy of David Ryan

Kennedy and fellow award recipient Kasha McDonald received their awards at a masquerade-themed party hosted by Rainbow Pride of West Virginia in early May. Billy Wolfe photo

Growing Together

The ACLU-WV staff continues to see dramatic growth. Our newest staffers share their experiences and hopes for a better West Virginia.

by **BILLY WOLFE**

Bernadette Hoffman described her childhood as “high-control.” When asked to explain what that means, she said, “Basically, it was cult-like.”

Raised as a devout Jehovah’s Witness, Bernadette said most of her young life was tightly regimented and surveilled. She was pulled out of public school in third grade to be taught exclusively about religion, cooking, and cleaning.

“Everything you do is monitored,” she said. “People are encouraged to inform on each other. It’s incredibly patriarchal.”

This toxic culture led to various forms of child abuse. Bernadette estimates at least a quarter of the Witness girls she grew up with endured sexual abuse, but she said church leadership always swept these crimes under the rug.

Eventually, Bernadette came to terms with her bisexual identity despite the oppressive culture all around her. When her oldest brother, Jesse, came out as gay, it gave her courage.

“It opened my eyes because he was the most stable, most normal, healthiest person I knew,” she said. “For this church to label him as abnormal was something I could not accept.”

Jesse eventually decided to “fade,” a practice where ex-Witnesses pick up and move their entire lives without letting church leadership know where they’re going. Bernadette decided to leave the church in her mid-20s, but it came at great cost.

“You lose everyone you know in the church,” she said. “My father passed away last June and I wasn’t allowed to see him or say goodbye.”

Like many Witness women and girls, Bernadette worried about leaving because she lacked formal education. She excelled in math as a kid, so she began teaching herself more advanced math like algebra and trigonometry. It wasn’t easy, but she eventually landed a job at a bank. Last year, she graduated West Virginia State University with dual degrees in computer science and mathematics.

In January 2023, she was hired at ACLU-WV as its finance assistant.

“This is a dream job for me,” she said. “I like being behind the scenes, and the ACLU works on so many issues that are important to me like LGBTQ+ rights, disability rights, and reproductive freedom.”

She’s also developing a smartphone app designed to help young, LGBTQ+ Witnesses leave the church.

She doesn’t think her former community would approve of her new job.

“I heard about the ACLU growing up because of the Barnette case which established that Witnesses didn’t have to recite the Pledge of Allegiance, but they would still say I am a friend of Satan now for working for this organization,” she said, laughing.

Picking A Fight

When she came to his room, the oncology nurse could tell something was bothering Rusty Williams.

Rusty, who was undergoing a brutal round of chemotherapy to treat testicular cancer that had spread to his lymphatic system, was watching a



New ACLU-WV staffers E Bowen, Rev. Jenny Williams, Bernadette Hoffman, Rusty Williams, Oceanna Smith, and Aubrey Sparks gather with new Executive Director Danielle Walker (second from right).

Kyle Vass photo

segment on Fox News. Colorado was debating whether to legalize cannabis, and the hosts were fear-mongering on the issue.

“The nurse kept asking me what was wrong. I told her: ‘They’re talking like the sky is falling.’ Meanwhile, the only thing getting me through this was that flower they were demonizing.”

Rusty was just halfway through a 16-week course of chemotherapy drugs that included cisplatin platinum, a drug that eradicated his cancer but made him severely ill and left lasting nerve and tissue damage throughout his body. Loved ones couldn’t have physical contact with him because of the drug’s potency. He recalled a nurse telling him to flush the toilet twice or his urine could burn a ring in the porcelain bowl.

“It felt like filling your veins with kerosene and then lighting it on fire,” he said. “They told me it was about the most brutal combination of drugs there is.”

Rusty grew up witnessing addiction in family members. The experience left him unwilling to take high-powered painkillers. Instead, he relied totally on a full ounce of medical-grade cannabis every week to dull the pain, help him meditate, and maintain an appetite.

“I never lost weight as a result,” he said.

He decided while watching that Fox News segment that he was going to survive and legalizing cannabis in West Virginia would be his No. 1 cause once he got better.

“I told the nurse, ‘I’m getting through this and then I’m going to Charleston to pick a fight,’” he said.

That fight began on day one of the 2014 legislative session and it ended in 2021 when West Virginia opened its first dispensaries. “I was there pretty much every day,” he said. “If the lawmakers were there, I was there.”

Rusty can’t take credit for the passage of the state’s first medical cannabis act on his own. He credits the many activists, experts, and advocates that pushed for the bill’s passage. Nevertheless, he became something of a posterchild for the movement.

Strangers often walk up and thank him for his work. It makes him happy to see people are able to access cannabis, but also somewhat uncomfortable.

“If my story alone was going to change any of the lawmakers’ minds, then their minds already would have been changed,” he said.

Rusty joined the ACLU-WV staff in the fall of 2022 as an advocacy associate after a decade of doing this work as a volunteer. He calls it his dream job.

Colorful Character

Mondays were Aubrey Sparks’ favorite day of the week when she was a child.

That’s when her brother’s boy scout troop met at the local library (and when the librarians would stay open a bit longer so that young Aubrey could check out a fresh stack of books for the week).

A voracious reader of all things nonfiction, Aubrey read the Bible and Webster’s Dictionary cover to cover by age 12. She would even check out car repair manuals from the library to teach herself engine repair. Then, she’d practice by taking the family lawnmower apart and re-assembling it.

“I liked reading books that would rile up the grown-ups in my life, too,” she said, referring to her young self as “aggressively atheist.”

Aubrey grew up poor in Williamsport, a rural western Maryland town of about 2,000 people. She described her upbringing as fun and said there was always a cast of colorful characters coming and going in their lives.

But when Aubrey was 13, things got very difficult for her family. Her father was struggling to make ends meet, and as the bank prepared to foreclose on their home, he worried about the safety



Above, Rusty Williams often gets credit for passage of the state’s first medical cannabis act, but says he didn’t do it alone. **Billy Wolfe photo**

Left, Oceanna Smith doesn’t mind making people a little uncomfortable. **Kyle Vass photo**

of his teen daughter in such an unstable environment.

Recognizing her gifts and intellect, Aubrey’s school superintendent suggested she apply to the early entrance program at Mary Baldwin College. Aubrey was accepted with full tuition coverage, including room and board. She went on to graduate college at age 18, before taking two years to work and then going on to earn a law degree from Harvard Law at age 23.

She was then awarded the Skadden Fellowship to work at Mountain State Justice and represent low-income retail and service workers who had faced discrimination.

Her proudest moment as an attorney was when she successfully argued that the West Virginia Human Rights Act includes sexual orientation and gender identity on behalf of client Robb Livingston, who is now an ACLU-WV board member.

“I know from experience that the law can be used to silence people without power, or to help level the playing field so that everyone can live freely, safely and with dignity,” she said. “I’m passionate about finding creative ways to use the legal system to advance justice for all people.”

Silent No More

When her church ceased in-person services at the onset of the COVID-19 pandemic, the Rev. Jenny Williams took her

message online.

Williams (no relation to Rusty Williams) had previously ministered to a congregation of mixed political views. So, she was surprised when her increasingly progressive sermons started to gather a following from across the state.

“Progressive Christians do exist,” she said, “but we’re so isolated in places like West Virginia.”

Her change in tone was precipitated by many things, but most notably the police murders of Breonna Taylor and George Floyd, she said.

“I didn’t realize there were so many people who thought like me,” said Williams, who was born and raised in California before moving to North Carolina and ending up in West Virginia for the past 20 years.

In summer 2022, Jenny joined ACLU-WV as the organizer of two start-up advocacy organizations – Justice & Jubilee, and the WV Faith Leaders Coalition.

“With the ACLU I could do the work I felt called to in the Church, but that the Church in West Virginia didn’t give space for me to do,” she said. “I was so enticed by the opportunity to work with likeminded people, justice-minded people. We may not share the same belief systems or world-views but we’re interested in the same outcome for justice and equity.”

Justice & Jubilee is intended for lay people who want to put their progressive Christianity to work in advocacy spaces, while the WV Faith Leaders Network seeks to bring together faith leaders from all backgrounds.

“Liberation-seeking Christians cannot be silent any longer,” she said.

Learn more at www.wvfaith.org.

Making Waves

Oceanna Smith estimates she was one of just 14 Black people in her hometown.

“It was me and a family that had 11 kids,” she said with a laugh. “They really did the heavy lifting in terms of pulling our town up in the stats.”

Raised by a predominantly white family, Oceanna has had plenty of experiences of feeling like an outsider, of having painful experiences that those closest to her might not understand. That’s why she isn’t intimidated when she enters spaces that might otherwise exclude people like her.

“I’m currently Miss Central West Virginia,” she said. “It’s a little challenging being a Black lesbian in a white, hetero environment like pageants, but I enjoy making people a little uncomfortable with my presence.”

That’s also why she understands the necessity of programs like the Appalachian Queer Youth Summit, which she will help organize as part of her new position at ACLU-WV.

“If I had to choose two words to describe myself they would be ‘anxious’ and ‘gay,’” she said. “Appalachian queer kids don’t get the same opportunities to grow and understand themselves the way their cis, straight counterparts get to do. I’m excited to be part of a program that gives them that opportu-

nity, to get to be part of something that big.”

Oceanna, who is finishing her master’s degree in community and organizational leadership and research at West Liberty University, also thinks it’s important that the next generation be trained for how to counter rising intolerance and hate.

“It seemed like a lot of things were getting better for a while but now it’s like everything has gone back downhill, that people aren’t afraid to be openly hostile anymore,” she said.

That’s why she said she can’t wait to get started in this work.

“I found ACLU and ACLU-WV during my undergrad when I was looking at the nonprofit sector and I’ve always wanted to be part of that movement,” she said. “I’m ready to make waves.”

The Helper

Canvassing door-to-door for progressive causes in southern West Virginia involves inherent risk, particularly if you are a gender non-conforming person.

E Bowen spent much of 2021 knocking on thousands of doors to discuss issues like campaign finance reform, voting rights, labor unions, and more.

“I had a few negative experiences for sure,” they said. “I even almost got shot once.”

But more than anything, the experience dispelled plenty of Appalachian stereotypes, E said.

“I learned that while there is a lot of hate in this country for anyone who is gender non-conforming, there is also a lot of love and acceptance and solidarity here,” they said. “I had lots of Appalachian mamas and good old boys give me hugs, offer me water, tell me if there is anything I ever need to let them know.

“There is just a lot of really solid community here,” they added.

Growing up in the Huntington area, E’s family often emphasized the importance of community service. Their father volunteered as a first responder to help search the still-smoldering ruins of the World Trade Center just after the attacks of 9/11, when E was just an infant. The work left their father with several health conditions that he still battles to this day. E’s mother is a speech therapist with a passion for helping children.

“I was raised with that Mr. Roger’s quote – to not just look for the helpers during tragedy but if possible, to be a helper as well,” E said.

That’s why E is excited to get to work as one of ACLU-WV’s new youth organizers. They will work alongside Oceanna, Community Outreach Director Mollie Kennedy and others to organize the 2023 Appalachian Queer Youth Summit.

“The stories I’ve heard about camp are that it literally saves lives,” E said. “Many times, I’ve been blown away while working with people younger than I am because they are so open to change, and so I’m excited to be part of supporting them however I can and letting them be the center of the conversation.”



Left, the Rev. Jenny Williams found a progressive Christian community when she took her sermons online after her church ceased in-person services due to COVID-19. **Billy Wolfe photo**

Below, E Bowen was a door-to-door canvasser for progressive issues before joining ACLU-WV.

Kyle Vass photo



Billy Wolfe Photo



An Honor on the Road to Recovery

In May, Gov. Jim Justice recognized Ashley Omps, community organizer with the West Virginia Family of Convicted People, as an outstanding participant in the state's Jobs and Hope program.

Omps, who got involved with Jobs and Hope after completing a Charleston-based substance recovery program, said it has helped her find a way back toward a professional life – something she lost when a series of tragic events led to her getting caught up in the criminal legal system.

For years, Omps was a homesteader who raised bees and sold honey with her partner on a farm.

“My partner and I bought 21 acres. We had 100-and-some honeybees, 168 fruit trees with every kind of berry you could think of, and a bunch of turkeys, chickens, and guinea fowl,” she said.

But tragedy struck in 2018 when Omps' brother was killed in a car accident. She began to spiral emotionally, and her husband responded with abuse.

“He'd tell me to go outside to cry. He didn't want that in the house,” she said.

Omps said to control her, he got her hooked on meth. When he died by suicide just eight months after her brother, Omps was charged with selling meth and lost everything – the farm, the bees, even her child.

“When they put me in jail, I was in a holding cell for 12 days without a shower or even a toothbrush. The conditions were abhorrent. And I knew when I got out, I need to work to fix this broken system,” she said.

And that's exactly what Omps did.

After leaving jail, she was released to a recovery facility where she stayed for 12 months. While there, a criminal justice advocate showed up to recruit volunteers to go to the Capitol and tell their story.

“I signed up and we went from office to office talking to lawmakers. I never imagined that I'd go from being in recovery and talking to then-Delegate Danielle Walker to working alongside her in under a year,” she said. “But, I'm thrilled to be here working to reform our state's broken system.”

Deb Harris, lead transition agent with Jobs and Hope, called Omps a “perfect fit” for the honor.

“We chose Ashley because we love to spotlight success,” Harris said. She's taken advantage of every program we have to help her and she's doing great.”

Putting a Face to the Issues

Every year, The West Virginia Family of Convicted People does the unthinkable. The organization (a project of ACLU-WV) affects policy by taking people whose lives have been derailed by the criminal justice system to the halls of power in the state Capitol to share their stories.

Standing face-to-face with some of West Virginia's most traditionalist, bombastic lawmakers, The Family has scored meaningful wins in the Legislature – one of the most conservative in the nation – for three years in a row.

In the 2023 Legislative Session, staffers and volunteers with the organization convinced lawmakers in the House to back away from supporting a bill that would've upgraded most drug possession charges to felonies (SB 547) and worked with lawmakers in the Senate to kill a bill that would've added ten years of probation for the majority of drug charges (HB 2257).

But beyond killing bad bills, the team, made up of three staffers, was able to go on the offensive. The Family was successful in encouraging lawmakers to pass a bill that reformed the power of judges to issue arrest warrant for people who fail to appear in court or pay certain fines (SB 633).

Before, people who were arrested for failure to appear in court could be held for extended periods of time before a judge would see them. Now, a person in that situation is guaranteed the right to appear before a judge within five days of their arrest.

Greg Whittington, Criminal Law Reform Director for ACLU-WV and the head of the WVFCP, said their legislative victories are just the tip of the iceberg. “Our wins are only possible because we have a dedicated staff, a network of volunteers from recovery programs, and tireless advocates that work for various nonprofits in West Virginia that fight for these things,” he said.

The Family uses a network of substance use recovery programs to place people with lived experience in front of lawmak-



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ers. The one-two combination of sharing their life stories with lawmakers and pushing for thoughtful policy prescriptions has a profound impact on lawmakers, many of whom Whittington said would otherwise never interact with a justice-impacted person.

“We make sure nothing is decided about us without us,” Whittington said. “Alongside our lobbyists, Deborah Ujevich and Ashley Omps, our team goes to these lawmakers and puts a face to these issues.” Omps, who has been working with the Family for a year, attributed much of their success to the sense of community the group has fostered with its volunteers.

“Beyond beating down doors and phone-banking, the Family tries to show justice-impacted people we care about them.” Omps, who organized the group's second annual Recovery Day Dance, said one of the favorite parts of her job is bringing everyone together for a celebration of

recovery and fighting to make a difference.

“If we didn't have this amazing network of volunteers and nonprofit partners, we wouldn't be able to have this sort of impact on the Legislature year to year,” Omps said.

Ujevich, who has worked with the Family for two years, said beyond the standout bills that the group helped kill (extended supervision terms and categorizing nearly all drug charges as felonies) the Family put in work phone banking and lobbying to kill dozens of other bills.

“We put all of these bills up on our walls and tracked them from start to finish. They tried to make a criminal offense for ‘being high,’ expand trespassing to a felony with one to five years, and even bring back the death penalty,” Ujevich said. “All in all, I'd say we helped stop a lot of terrible, hateful legislation this year.”

— KYLE VASS

ACLU-WV Executive Director Danielle Walker, right, fires up the crowd at a social event hosted by the West Virginia Family of Convicted People. The dance party was held the night before a day of advocacy by justice-impacted people and people in recovery at the state Capitol.

Kyle Vass photo

Abortion is Unstoppable

The forced-birth movement thought it scored a victory in West Virginia, but it awoke an army of supporters.

Sitting in front of a mural that greets patients at the Women’s Health Center of West Virginia, Development Director Ramsie Monk shares a favorite quote from her boss, Executive Director Katie Quiñonez.

“Roe was never enough. It fell and we’re still standing.”

To say the Women’s Health Center is still standing is an understatement. Since the U.S. Supreme Court overturned *Roe v. Wade*, effectively removing any federal protections that existed for access to abortion care, the clinic has grown faster than ever. The first weekend after the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* – the decision that stripped away the federal right to abortion – the clinic more than doubled its fund for people who need help paying for abortion.

Now, they’re opening a second clinic in Creasport, Maryland – a five-minute drive from the West Virginia border.

“You can see the border from our clinic,” Quiñonez said.

Adding a location in Maryland means they will be able to provide abortion care with virtually no state-level restrictions, Monk added.

When the West Virginia Legislature voted to ban abortion some two months after Roe fell, its goal was “to shut down the abortion clinic,” as one state senator described during a floor session. Instead, West Virginia politicians inadvertently helped the clinic grow into something they can no longer control.

It’s been a deeply difficult eight months. Quiñonez recalls being in her office when she learned about the Dobbs decision minutes before it hit the news.

“They update the decision [on the Supreme Court website] in ten-minute intervals. And when I clicked refresh and saw *Dobbs*, I said ‘Fuck,’ closed my door, and immediately texted our lawyer at the ACLU Reproductive Freedom Project.”

The attorney advised any scheduled abortion appointments be canceled. Quiñonez promptly called all the managers into her office, where several broke down crying.

“I naïvely thought after we have a moment to recover, everyone will get back to their battle stations. And obviously that was completely unrealistic because this work is sacred to us,” said Quiñonez, adding that her first experience with the clinic was receiving abortion care there for herself.

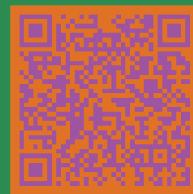
She, alongside the office manager and chief nurse, decided to personally call people to tell them their appointments had to be canceled and direct them to their nearest clinic – a heart-wrenching experience for the administrator who otherwise has little-to-no direct contact with patients.

“Some patients that were like, ‘Oh, you can help me pay for my care?’ They were surprisingly resilient,” Quiñonez recalled. “But then we also had patients that broke down crying or had to pull their car over because they were driving



Ramsie Monk and Katie Quiñonez-Alonzo said the Women’s Health Center has opened a clinic just over the border in Maryland, where far fewer restrictions exist for abortion providers.

Kyle Vass photo



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when they got a call.”

One patient, she said, was at school when she got the call. “She told me, ‘Can I give you a call back when I get home and I’m with my mom? I don’t know what’s going on right now,’” Quiñonez said.

Thanks to a lawsuit filed by the ACLU of West Virginia, the Women’s Health Center was able to provide abortion access for several weeks after the fall of *Roe*.

“We did the impossible,” Monk said. “We provided 100 abortions between *Roe* being overturned and September 13,” referring to the day the Legislature passed its near-total ban on abortion.

But even with access stripped, the Women’s Health Center has been able to use its access to a national network of providers to help people afford the cost of leaving the state to seek care. Monk said these collaborations with various groups have meant that access to abortion for West Virginians was never fully cut off by lawmakers.

So, while West Virginia’s ban has complicated care for many, the care is still happening and has never been more well-funded.

But codifying abortion as illegal still comes with great consequences; there is a chilling effect from the resulting stigma, and

it also undermines faith in the medical community at large with respect to managing pregnancy.

Sarah Hendricks, who is in her second trimester of pregnancy, lives in a West Virginia city about an hour away from Pittsburgh and makes the drive every time she sees a doctor about her pregnancy.

Hendricks – a pseudonym she requested out of fear of retaliation for publicly opposing the state’s abortion ban – said, “I found out I was pregnant right around the same time the abortion ban was announced.”

She and her husband moved to West Virginia with the hopes of starting a family. But, the shifting political landscape took away her faith in the kind of pregnancy care available in the state.

In recalling a letter Hendricks wrote from the time, she wrote, “I should be celebrating. But, instead I’m terrified and I’ve been in tears because I’m so afraid I won’t get decent medical care here. Now, instead of looking forward to our future, my husband and I are talking about when we should get out of West Virginia.”

The War on Drugs Goes Nuclear

West Virginia politicians try labeling fentanyl a “weapon of mass destruction” and are spreading misinformation about it in hopes of bringing back the death penalty.

Words and Photos
by **KYLE VASS**

Politicians talking about “weapons of mass destruction” invokes a mixture of nostalgia and dread for many Americans.

The last time WMDs (and more broadly, “terrorism”) appeared in public discourse, it was to legitimize invasions of two countries in the Middle East – invasions that became increasingly hard-to-justify wars.

Hundreds of thousands of lives and trillions of dollars later, America is still coming to terms with being sold a false bill of goods. Even some staunch Republicans, the party that pushed most vociferously for war in the wake of 9/11, now criticize America’s legacy of involvement in conflicts beyond its borders.

In West Virginia, lawmakers are reviving these terms to gin up support for another war: the war on drugs. In recent years, some lawmakers have spoken about fentanyl the way former attorney general John Ashcroft spoke about the infamous weapons of mass destruction that Coalition forces never found in Iraq.

Now Senate President Craig Blair, just as leaders do in any war, is creating a justification for the government to commit state-sponsored murder. Blair recently called for the resurrection of the death penalty, abolished in West Virginia in 1972, for people convicted of certain drug crimes.

It’s the most radical option politicians have put forward in years, but it’s also the natural progression of the escalating rhetoric and misinformation spread by government officials and the media alike.

In the 2022 Legislative Session, Delegate Mark Zatezalo (R – Hancock) told fellow lawmakers that fentanyl is such a threat to public safety that if someone were to “open a brick of it on the streets of Huntington” it would “kill everyone.” Last year, Delegate Bill Ridenour (R – Jefferson) introduced HB 2916: “Relating to terrorism.” – a bill that would have added “illegal drugs such as fentanyl” to a list of weapons of mass destruction, just behind nuclear and radiological weapons.

Ridenour, who served in the U.S. occupation of Iraq, included language in his bill that would have made “membership in domestic terrorist groups, specifically including the entity known as ANTIFA” a felony carrying a three-year prison sentence.

In a single bill, the lawmaker sought to tidily connect the foreign enemies he fought in Iraq to his political opponents and people who use drugs. Despite failing to pass, the bill was a significant escalation in the legislative discourse on fentanyl: a prequel to Blair’s calls for state-sponsored murder.

Compassion Erodes

Current public discourse around fentanyl stands in contrast to a not-so-distant past where communities in West Virginia served as backdrops for stories about recovery. The fact that the overdose crisis is decreasingly affecting the



Robert Yost describes his experience with the health care industry in Huntington on Tuesday, Apr. 11, 2023.

white middle class is driving a downturn in compassion, experts interviewed for this story said.

Across the country, communities that track health outcomes for unsheltered people reported a significant uptick in overdose deaths from 2021 to 2022, as much as a 64% increase in King County, Washington. The latest data from the Centers for Disease Control and Prevention shows overdose death rates for Black people have increased 44% nationwide. As the demographics of who is dying shift, so does the level of compassion in courtrooms, recovery programs, and even in healthcare settings.

“Those doctors treat you like you’re a terrorist.” Robert Yost, who has experienced homelessness and incarceration at various points in life, described visits to his local hospital as humiliating. “When you come and have an abscess from shooting [drugs], they won’t even touch you.”

Yost, who’s had reconstructive back surgery, lives with chronic nerve pain, an issue that gets dismissed due to his history.

“I don’t need a pain pill. I have neuropathy, so I can’t feel my

hands and feet,” he said.

Despite getting on a medication for treatment and passing several urinalysis screens a year, Yost said doctors refuse to treat his nerve pain over fears of him being a “junkie.” Asked to sum up his experience with the hospital, Yost said, “They don’t care if you live or die.”

Craig Manns, a social worker for unhoused people in Huntington, said he often doesn’t want his clients to go to the hospital unless he’s with them, advocating for them to be treated with dignity.

“They won’t go back if they show up and get treated poorly.” Manns said these experiences lead to them getting sicker and avoiding treatment altogether – a statement that echoes findings of a 2021 Centers for Disease Control and Prevention report on Charleston’s HIV outbreak.

In places like West Virginia that have been hit hardest by the overdose crisis, it’s easy to forget that there was a time before fentanyl, opioid trials, reports about pill mills, and recovery. Dis-

course around the early days of the opioid crisis focused largely on the same hot topics of today: blaming Mexico and an “unsecured border” for America’s public health crisis.

In 2007, Huntington residents were shocked when 12 people died in a six-month period due to overdoses deaths. Back then, two deaths from overdoses a month in a small town seemed like a lot to people because it was. The town had only reported four heroin overdoses in the six years leading up to this event. The string of deaths caught the attention of the national media, including Sam Quinones.

Quinones at the time was writing for the Los Angeles Times. He wrote about the series of deaths as part of a three-part story on the rise of Mexican-sourced heroin in the United States. Quinones, who would go on to write a seminal book on America’s opiate crisis (*Dreamland: The True Tale of America’s Opiate Epidemic*) and testify in front of the U.S. Senate Committee on Health, Education, Labor and Pensions as an expert on drugs, was drawn to Huntington.

His article “Black tar moves in, and death follows” told the tale of a city overrun by a type of cheaper, more accessible form of heroin than previously available. Huntington’s Police Chief Skip Holbrook told Quinones that prior to these deaths “we didn’t even consider heroin” an issue.

Even though like many residents, the police chief was stunned by a wave of heroin, opioid overdoses in general across the state were skyrocketing at the time. On average, overdose deaths related to opioids in West Virginia had been climbing steadily by about 20 percent each year in West Virginia since 2001; almost entirely on prescription drugs.

In 2007 alone, 495 people died from non-heroin-related opioid overdoses. By comparison, only 22 people died of a heroin overdose in that same year including the 12 in Huntington.

The reporting about this tragedy homed in on the notion that heroin – a drug previously thought too exotic to exist in small town America – had made its way to a town of 50,000 people. But in doing so, Quinones focused on a drug that accounted for only 22 of 412 opioid overdose death that in a state that would become ground zero for America’s opioid crisis.

Instead of painting a picture that included the largely legal drugs that were killing 95 percent of the people in the state at a skyrocketing rate, Quinones (and several other reporters that would look back at this story when reporting about Huntington as town ravaged by the crisis) focused on a tragedy involving 12, white members of middle-class society who had died as the result of a foreign enemy: the “Xalisco Boys” – a Mexican drug cartel.

Despite making up a fraction of the deaths in the area, the deaths stood out for how sudden and unexpected they were for friends and family members who knew the deceased. As Quinones pointed out the doctors were being arrested and charged for over-prescribing pain medication, people who were used to using pain pills (legally or illegally) were turning to heroin.

But what’s missing in the reporting of these 12 deaths is the fact that nearly all of the people who passed away were white, middle-class people who were relatable to people in power. There were two former business owners, an electric company employee, and most notably a college freshman by the name of Adam Johnson.

Johnson, who died at 22, became the unexpected face of innocence lost for a town that would go on to have 28 opioid overdoses in a four-hour window in 2016. His story, and that of his grieving father would be told time and time again by national media outlets looking to pinpoint where the opioid crisis first started to get out of hand.

As more stories of young people caught up in a crisis manufactured by pharmaceutical companies and the government playing regulator whack-a-mole flooded the airwaves, public sentiment towards drug use became more compassionate. Governments began to explore more humane approaches towards drug use. Efforts to provide recovery and diversionary programs ramped up.

Instead of outright sentencing people to jail for drug crimes, special courts were established to offer treatment programs in West Virginia, where one out of every ten people the state imprisons are charged with simple drug possession.

With the rise of these programs came racial disparity. The same sympathy that flooded the state when white, middle- and upper-class families were facing problems wasn’t as readily available for Black residents.

Crystal Good, publisher of *Black by God: The West Virginian*, documented her own attempt to find recovery in the state as a Black woman. In a story for *Scalawag Magazine*, Good detailed attending a recurring recovery meeting where she attempted to find “the tools to work through both addiction and racism simultaneously,” – a task that proved challenging in the third least racially



Craig Manns helps clients schedule health care appointments and accompanies them on their visits. Manns discusses his experience at Harmony House in Huntington.

diverse state in the nation.

In these meetings, Good recalled being “constantly told [she] was violating the recovery room rules for talking about episodes of racism, and then praised for speaking so articulately.” In addition to these microaggressions, at one point Good was asked to hold hands with a person standing next to her: a man with the words “WHITE POWER” tattooed on his face.

To Good, “recovery” was a concept offered specifically with white people in mind. “The opioid epidemic of the ‘2000s, however, changed the public face of addiction from Black to white,” Good wrote “The tone of policy changed too — ‘lock up the (drug) criminals’ softened to ‘addiction is a disease.’ It’s the same old, same old: white folks get care; Blacks folks go to jail.”

And data from West Virginia correctional facilities and drug courts supports Good’s position. A Dragline analysis of drug court data from 2005 to 2023 shows a significant racial disparity in who the judges of the courts allowed into their programs.

Judges denied applications from Black people 28 percent more frequently than their white counterparts. Courts denied half of all applications from Black people. Those same courts denied only 36 percent of white applicants.

The disparity in outcomes for this diversionary court are even higher than traditional courts with respect to the demographics of people held in state custody. A Dragline analysis of July 2022 data from correctional facilities showed that the percentage of Black people incarcerated in state correctional facilities is 3.6 times higher than the percentage of Black people in the state.

Taking the Blame

Courtney Hessler, who covered drugs and crime for the Huntington-based Herald Dispatch from 2015 to 2023, noticed that white people routinely faced better outcomes from trials and drug courts alike.

“We covered drug court graduation ceremonies all the time and I only remember ever seeing a handful of Black people,” Hessler said.

Hessler said she started to notice sympathy for people affected by drugs favoring white, middle- and upper-class people in 2016, around the time Huntington experienced 26 overdoses in four hours.

“All of those deaths were pinned on a street-level (drug dealer) who was Black,” she said.

Bruce Griggs, as reported by Hessler at the time, had a scholarship to a Division I football program and was taking care of his family when he got injured and began selling drugs to support his family. Hessler’s story, “Hard fall led man to Aug. 15 dealing,” was met with anger; readers who were outraged that she could do a story describing the difficulties that Griggs faced.

“It’s so wild that this street-level drug dealer who just happened to have gotten a bad batch got

pinned for this when no other arrests were made,” Hessler said. “He had so much of his life ahead of him. And he just had to take the blame for whoever was higher than him.”

Griggs is currently serving an 18-year sentence in a federal penitentiary.

Another case Hessler covered in her time at the paper was the trial of Joshua Plante. Plante was charged and acquitted of a murder in Huntington, but police also found 2.89 grams of heroin at a house where he was staying. Prosecutors not only charged him with “intent deliver,” they also sought recidivist sentencing, more commonly referred to as a “three strikes rule.”

Despite beating the murder charge, Plante received life in prison for having what his defense counsel described as a personal use amount of heroin. Plante’s lawyer appealed the charge, arguing only violent offenders can be considered for recidivist sentencing under state law.

But between the time Plante was found in possession of heroin and when the state Supreme Court heard his case, the court had issued an opinion that all crimes involving heroin are “inherently violent.” In that case, *State v. Norwood* (2019), the court rationalized that, “From the moment of its clandestine creation, heroin is illegal, and is a silent scourge to our State.” The court would later uphold this statement saying that it didn’t apply to the sale of prescription drugs.

Plante’s lawyer pointed out to the court that a year before case ended up on their docket, the court had overturned a nearly identical case. In that case, the court decided that the defendant — a white man — wasn’t committing an act of violence when he was caught in the act of selling Oxycodone.

But for Plante, the court doubled down on its position that the mere possession of heroin, unlike the actual sale of prescription opioids, was a violent act. For comparison, heroin makes up about 20 percent of the opioid overdoses in the state since 2015. Prescription opioids account for 80 percent.

The state and media rolling out sympathy when white, middle- and upper-class families are affected by drugs (and clawing it back when the problem affects anyone else) is a theme throughout American history, according to Matthew Lassiter, a University of Michigan history professor and author of the forthcoming book *The Suburban Crisis: White Middle-Class America and the War on Drugs*.

“This has been going on at least since the 1950s,” Lassiter said. “There will be this flare up of the idea that addiction is surging in white, middle-class America. It’s almost always linked to legal pharmaceutical abuse that spills over into the criminalized market. And then there’s this talk about how we must stop being so harsh.”

That sympathy isn’t extended to people who aren’t white or don’t meet a certain socioeconomic threshold, Lassiter said. Much like West Virginia’s correctional facilities and drug courts, classism and racism are the nationwide norm



Courtney Hessler describes racial disparities she saw in the criminal justice system during the years she spent as a courts reporter in Huntington.

when it comes to the war on drugs. Instead compassion is reserved for “otherwise law-biding citizens,” which is code for white professional, middle-class youth.”

According to Lassiter, blaming outsiders — usually Black people in cities or immigrants from Mexico — is a fundamental feature of the war on drugs.

Citing one such instance in a research paper titled *Impossible Criminals: The Suburban Imperatives of America’s War on Drugs*, Lassiter wrote: “In postwar Los Angeles, local media and law enforcement blamed ‘Mexican pushers’ for the narcotics trade and perpetuated exaggerated stories of Mexican American ‘juvenile gangsters’ invading white suburbs to provide marijuana and heroin to teenagers.

“The nonpartisan California Federation of Women’s Clubs demanded harsh deterrents for pushers who sought ‘new converts’ in affluent suburbia, an explanation that shifted blame for the postwar delinquency crisis from white law breakers to external villains.”

The same idea of the racialized “pusher invading white suburbia” was evident in the 1980s and 1990s when crack-cocaine laws disproportionately targeted Black men, forcing them into prisons for decades while letting their white counterparts go with a slap on the wrist.

Attempts to reform drug laws or provide diversionary programs, Lassiter, said are equally fraught with classism and racism. Groups like National Organization for the Reform of Marijuana Laws and the ACLU, he said, centered stories of young, white college students facing years in jail for marijuana possession.

For Lassiter, the decision on who gets diverted from the criminal punishment system and who gets incarcerated — or in Blair’s proposed legislation, executed, — comes down to some of the least qualified people to make that decision.

“Of anyone, who should be less in control of those decisions than cops and prosecutors?” he said.

Is West Virginia Abandoning Democracy?

Advocates and experts share concerns about recent trends among state government leaders

by **KYLE VASS**



West Virginia Senate President Craig Blair (R-Berkeley) was visibly losing patience.

Laughter bellowed from the Senate galleries at Blair's colleague, Sen. Eric Tarr (R-Putnam), after Tarr referred to people "killing their babies." A single "Fuck you!" rang out, also targeted at the senator.

Blair slammed his gavel.

"One more time of an outbreak [sic] and the galleries will be emptied," he said.

One outburst later, and Blair did something few politicians in West Virginia ever do: made good on his word. The galleries were cleared, and two protesters were arrested for violating Senate rules.

Those same rules, it would turn out, don't apply to Blair and his leadership team. On day one of the 2023 Legislative Session, they suspended a Senate rule (and an article of the West Virginia Constitution) that require bills to be read over three days before final passage. Then they rammed through 27 bills on a single day – including a bill that broke up the state health department – without a word of discussion.

The rest of session followed a similar path. Experts were frequently shut out, Constitutional rules would be suspended again to ram through more unpopular legislation, and Blair would go on to ban photos and video by the public in the Senate chambers, despite an earlier pledge from leadership to be more transparent.

"The 2023 Legislative Session was as noteworthy for its rejection of legislative norms as for the bigoted legislation that came out of it," ACLU-WV Advocacy Director Eli Baumwell said. "After being re-elected as Senate President, Craig Blair promised a transparent, and accountable process. He broke that promise on the very first day."

Blair's penchant for authoritarianism drew the ire of his fellow Republican senators. One even launched a protest from the Senate floor over his suspension of the rules and was ejected for it.

Blair's policies aren't a one-off in state government. It's become a defining feature of a ruling class that prioritizes control of its people over democracy.

Over the past year, Gov. Jim Justice has continued to maintain pandemic-era press conference rules, barring public attendance and limiting reporters to asking a single question. Through our deadly jail crisis, malfeasance at the highest level

of State Police leadership, and the discovery of one of the most broken foster care systems in the country, Justice has hidden behind a screen when fielding questions.

Alongside Justice, other high-ranking members state government offer little in the way of respect for democratic process – namely two who are gunning for his seat in 2024. Attorney General Patrick Morrisey and Secretary of State Mac Warner are both peddling false claims that the 2020 Presidential Election was somehow stolen. Neither man has produced any evidence, but these kinds of assertions nevertheless undermine public faith in free and fair elections.

Respect for democratic norms didn't fare much better in the House of Delegates. Few lawmakers attended packed public hearings on controversial bills like allowing guns on college campuses and banning affirming healthcare for young trans people.

When asked to comment, Marybeth Beller, an associate professor of political science at Marshall University, said the trends in state government are concerning. She said the supermajority incorrectly assumes it has the public's go-ahead to bypass democratic processes.

"This minimizes public discourse and results in policies that do not fully represent the public interest," she said. "It is critical for all public officials to understand that winning office does not mean that those who voted for you agree with all of your policy preferences."

The culminating effect of undermining faith in democratic processes and making government more difficult to access can lead to the average voter to be less inclined to participate. Beller said the consequences can be dire.

"Democracies cease to realistically exist when the majority of the public no longer participates in expressing their concerns and voting," she said.

The House of Delegates showed disregard for the public doesn't stop at party lines. Elliott Pritt (R – Fayette), a Democrat at the time, voted to strip away healthcare access from trans youth in West Virginia, temporarily joining Republicans to pass the bill out of the House. Pritt would go on to make his full-time switch to the party amid backlash for his vote.

But perhaps the lowest point for House Democrats with respect to Democracy was when their Minority Leader, Delegate Doug Skaff (D – Kanawha), fired three statehouse reporters from the newspaper he bought because they publicly criticized

him for praising coal baron Don Blankenship.

Blankenship, a failed candidate for Congress and the presidency, was found responsible in a court of law for the country's deadliest mine disaster in 50 years.

Information later surfaced that Skaff had also accessed the newspaper's digital archives and deleted an unflattering story about himself written several years before he became president of the company. The story, by Pulitzer-winning journalist Eric Eyre, detailed Skaff being banned from every casino in the state after he was convicted of cheating during a game of blackjack at The Greenbrier. It also referenced an AP story about a prior DUI conviction.

Dr. Joseph Jones, a journalism ethics professor at West Virginia University, said the ordeal greatly undermined the newspaper's independence and its reputation as a reliable source of information.

"But as they chip away at our democracy, the ACLU of West Virginia stands ready and stronger than ever to fight back."

- Eli Baumwell, ACLU-WV Advocacy Director

Jones also addressed the reporter firings.

"Certain individuals are putting their own private interests ahead of social accountability and the public's need to know," he said. "The Charleston Gazette-Mail is a Pulitzer Prize winning newspaper. If it and its journalists lack the independence necessary to serve the public interest, however, then we as citizens cannot trust it as a news source."

Nepotism and fragility in state government resurfaced not even a month later when West Virginia Public Broadcasting fired reporter Amelia Knisely after she broke a story on the state's health department.

Just before the termination, then-head of the West Virginia Department of Health and Human Resources, Bill Crouch, sent an email to Public Broadcasting threatening "to discredit" the news organization over Knisely's reporting.

According to Knisely, the CEO of WVPB, Butch Antolini, demanded that her boss tell her to stop reporting on WV DHHR. When she refused, she learned that "her position was being eliminated" according to the Associated Press.

Critics of the move cited the fact that Antolini had previously served as the Governor's communications director, accusing him of caring more about the state government's reputation than factual reporting.

The most vocal critic in state government regarding her firing, however, was a man who has demonstrated contempt for democracy and transparency himself: Blair.

Two weeks before he and his leadership team put forth laws banning photography and suspending the State Constitution to rush 27 pieces of legislation through the Senate, Blair penned an op-ed that demanded state government operate in a way that is transparent and accountable to the people they serve.

Of course, the pot calling out the kettle does nothing to address the elephant in the room: Our highest levels of state government have normalized throwing out historically upheld democratic principles.

"But as they chip away at our democracy, the ACLU of West Virginia stands ready and stronger than ever to fight back," Baumwell said. "Our staff is bigger and more prepared than ever to fight. These principles must be upheld at every level of government across the state and we are here to make sure that happens."



2023 Capitol Tracker

624

Total number of bills ACLU-WV tracked in the 2023 Legislative Session.

260

Total number of bills supported by ACLU-WV.

309

Total number of bills ACLU-WV opposed.

13

Number of ACLU-supported bills to pass.

302

Number of ACLU-opposed bills to fail.

30

Number of bills passed by the Senate without discussion.



President's Q&A

Continued from Page 9

There are many advocacy organizations in the state. What made you want to serve with ACLU-WV specifically?

Great question! I wanted to serve with the ACLU-WV because I believe in its mission—the promise of the Bill of Rights to ALL West Virginians. It is an organization that for 100 years has stood on principle and I admire that. The ACLU-WV shows up, fighting for and advancing individual rights and the rule of law. I often think of the ACLU-WV as our last line of defense when it comes to protecting and defending our civil liberties, especially for those populations that have traditionally been denied their rights, including people of color, women, LGBTQ, incarcerated people, and people with disabilities. It is an awe-inspiring organization with inspiring people working in litigation, advocacy, lobbying, outreach, communications, and education.

What are some of the biggest challenges to civil liberties in West Virginia, in your opinion?

Civil liberties will always be challenged when you have government agents overstepping their authority and acting in intrusive manners (think trans children legislation, repro rights/health care). We collectively need to acknowledge and work to eradicate racism, homophobia, sexism, religious intolerance, etc. We need legislators to want to work on these things.

What would a fairer, more just West Virginia look like to you?

A place where everyone can live with dignity and equity.
A place with racial justice.
A place with easy and accessible voting.
A place of health and human rights.
A place with criminal justice reform and juvenile justice reform.
A place with LGBTQ+ rights.
A place with immigrant rights.

Undocumented, Unapologetic, and Unafraid

West Virginia's new anti-immigrant law will only hurt the state and undermine our democratic process

Anti-immigrant hysteria is nothing new at the West Virginia Legislature, but in 2023 it resulted in a law that will further stigmatize people like me, further undermine faith in law enforcement, and further erode our fragile democracy.

As is the case with so many legislative attacks this session, HB 2008 might just be the beginning. With elections coming up next year, politicians will only continue to fearmonger by attacking the most vulnerable.

This bill, which takes effect June 9, forces local entities to enforce federal laws in a way that is not only dangerous to immigrant communities, but that has also gotten municipalities into legal trouble in the past. Cities and states simply do not have the legal authority to enforce federal immigration law. In 2020, the city of Marysville, Washington, had to pay a man \$85,000 for violating his Fourth Amendment rights by holding him on an Immigrations and Customs Enforcement (ICE) detainer.

Perhaps most shockingly, if a local official like a city council member or a mayor proposes a law that is less strict than HB 2008, they could be removed from office. Removing officials from office for proposing laws strikes at the very heart of our system of government.

HB 2008 was billed as a response to so-called "Sanctuary Cities." Never mind that no city in West Virginia was trying to become a sanctuary for undocumented persons. Never mind that West Virginia already has one of the highest ICE arrest rates despite having one of the lowest undocumented populations in the country. Facts are often useless against a bigoted mind.

West Virginia is already a very difficult place to exist as an undocumented person. I should know. We stand out in places like this, and there are very few resources to help us navigate these systems.



"We will find a way to survive and we are raising our children not to fear hate." Jackie Lozano is a recipient of the Deferred Action on Childhood Arrivals (DACA) program. Photo courtesy of Rafael Barker

But while foreign-born residents account for a small share of the state's total population, immigrants help support our state and economy. Immigrants account for 18% of workers in farming, fishing, and forestry occupations, and 11% in the life, physical, and social sciences. Most immigrants in West Virginia have pursued higher education. As neighbors, business owners, taxpayers, and workers, immigrants are an integral part of West Virginia's diverse and thriving communities and make extensive contributions that benefit all.

West Virginia is losing population and our history shows that influxes of migrant workers are associated with economic booms. Why are we allowing bigotry to fuel our own demise as a state?

We lost the battle on HB 2008, but the war on immigrants is far from over, and we are not giving up. I work with immigrant communities on a regular basis and I can tell you that we are by our very nature resilient, determined, and hardworking. We will find a way to survive and we are raising our children not to fear hate.

But to succeed, undocumented people need the solidarity of every single person who can vote. Specifically, we need you to vote like your child is undocumented. We need you to vote for us, because we cannot vote for ourselves.

No matter what the politicians send our way, immigrants are here to stay. We are no longer afraid.

—Jackie Lozano

**ACLU-WV
Immigrants'
Rights
Campaign
Coordinator**

ACLU-WV Brings Legal Action Against Secret Prison Laws

In February, The American Civil Liberties Union of West Virginia (ACLU-WV) filed a legal action to compel the state Division of Corrections and Rehabilitation (DCR) and Department of Homeland Security (DHS) to comply with the law after discovering officials are trying to hide legislative rules from public view.

“The legislative rules promulgated by every state agency in West Virginia are considered law and are therefore open and available to the public under state code 29A-2-4,” ACLU-WV Legal Director Aubrey Sparks said.

Sparks pointed out that state departments can maintain non-public policies under certain circumstances, such as those that directly relate to personnel safety, but that this does not apply to legislative rules that carry the force of law.

On Feb. 2, ACLU-WV staff members went to the Secretary of State’s Office to review DCR’s policy manual and were at first granted access. Upon initial review, it was clear that earlier versions of the rule provided to ACLU-WV by DCR were inaccurate.

“Democracies are not ruled by secret laws, period.”

- Aubrey Sparks, legal director

The following workday, ACLU-WV returned to the Secretary of State’s Office to resume review of the policies. Shockingly, ACLU-WV learned that DHS had asked for permission to remove the documents from the Secretary of State’s Office, a request which was denied.

“What DCR and DHS are doing is lumping regular laws in with those that can be kept from the public eye in order to avoid accountability,” Sparks said.

In the end, access to some of the documents was denied, even though access had previously been granted.

The filing, known as a petition of mandamus, was filed in Kanawha County Circuit Court. The case has been assigned to Circuit Court Judge Carrie Webster.

2023 Bill of Rights Dinner Makes History

Supporters from across the state gathered as Danielle Walker became the first Black woman to be named ACLU-WV executive director.

Calling her “my friend and hero,” former executive director Joseph Cohen, who was joined on stage by Eli Baumwell, who acted as interim director after Cohen’s departure in December, passed a replica of Lady Liberty’s torch to Walker as the crowd thundered with applause.

“For the ACLU of West Virginia to take its next steps, it really needs a visionary – a leader who can inspire the staff and grassroots activists and supporters,” he said of Walker.

Walker, who was the only Black woman serving in the West Virginia Legislature at the time, called being hired as executive director “a humbling honor.” She cited her family members in attendance as her biggest inspirations.

“ACLU-WV is a force of representation for us all, from the mountains to the hollers of West Virginia,” she said. “I am looking forward to working with the board, staff, volunteers and other supporters for a fairer, more just future for our state.”

The dinner, held annually after the legislative session, is ACLU-WV’s largest single fundraiser of the year. This year’s event also saw an increase in sponsors and other financial supporters, Development Manager Rose Winland said.

“I absolutely love the Bill of Rights dinner because it draws us all so much closer together and helps us center the people our work is about,” Winland said. “It’s a celebration of victories, a healthy acknowledgement of the challenges we’re working through, and empowerment of the relationships we’ve built in the process.”

Three very deserving honorees were also recognized.

Cohen received the Sid Bell Award for service to the affiliate. Katie Quiñonez-Alonzo, executive director of the Women’s Health Center of West Virginia, received the Roger Baldwin Award for service to the state. As a surprise, Winland was given the first-ever 2023 Reproductive Freedom Badass Award.



After being passed Lady Liberty’s torch, Danielle Walker holds it high and addresses the crowd at the Bill of Rights Dinner in April.

Justin Murphy photo



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Cohen resigned from the affiliate in 2022 after moving to Pennsylvania, and is now the Senior Advisor for Affiliate Partnerships at ACLU National. He credited the ACLU-WV staff as his inspiration.

“The staff directly confront darkness and pain. They run into the fire and do not blink – at least so far as the public can see,” Cohen said. “And what makes this group so special is that while fighting for a cause greater than ourselves, they fiercely protect one another.”

“I was able to lean on my coworkers,” he continued. “They always made me feel safe and protected. They made me laugh so that I didn’t cry. They showed compassion and grace while remaining steadfast in their principles.”

Quiñonez-Alonzo said this was the first award she has ever received and pledged to keep fighting for a West Virginia where abortion is not only legal, but also universally accessible.

“Abortion will be legal in WV again in my lifetime, and I’ll be just one of the many people who helps make that happen,” she pledged.

“But we need more than that,” she continued. “We need affordable and accessible contraception and gender-affirming hormone therapy. We need prenatal and birth care that actually does a damn thing to reduce maternal and infant mortality, especially for Black parents and babies.”

At the end of her speech, Quiñonez-Alonzo surprised Winland with the award acknowledging her dedication to reproductive freedom.

Winland has publicly shared her abortion story on several occasions, escorted patients at the clinic, cooked meals for the clinic staff, and was even arrested last summer while protesting the Legislature’s passage of the abortion ban.

Still, Winland said she was shocked to receive the honor.

“There are so many extraordinary leaders in reproductive rights here in West Virginia, and to be recognized by them was beyond anything I expected,” she said after the dinner. “To be considered in the company of so many people who are guiding us through the crisis created by the overturn of Roe was just a ‘wow,’

moment for me.

Sponsors and other donors to the Bill of Rights Dinner included: Naomi and Harvey Cohen, Women’s Health Center of West Virginia, the law firm Hissam Forman Donovan and Ritchie, Adrienne and Alex Dering, Jennifer Meinig and Tony Majestro, Bob Evans-Fleischauer and Bob Bastress, Fairness West Virginia, Rainbow Pride of West Virginia, WV FREE, St. Johns Episcopal Church, Dawn Warfield and Thomas Knight, Rabbi Victor Urecki and Marilyn Urecki, John Maher and Regan Quinn, Chuck Smith, Casa Garcia Mexican Restaurant, Skinner Law firm, Shammaa Orthodontics, West Virginia Center on Budget and Policy, NAACP chapters of Morgantown/Kingwood and Greenbrier County, Dr. Abdul R. Zanabli, Islamic Association of West Virginia, Al Tuttle and Christina Hoke, Vince Alonzo, Marlene Delude, and Jennifer Collins and fellow University of Pittsburgh School of Law classmates.

– BILLY WOLFE

In Your Community

Photos by **KYLE VASS**



March on Washington

In June 2022, ACLU-WV chartered a bus and joined forces with ACLU of Alabama and ACLU National at the Poor Peoples and Low-Wage Workers' Assembly and Moral March on Washington, D.C. The Poor People's Campaign represents both an economic justice and civil rights agenda. Among the intersections of our work are protecting the right to vote, ending the failed war on drugs, comprehensive immigration reform, and reducing incarceration.

Immigrant Heritage Festival

In late September 2022, ACLU-WV hosted its first Immigrant Heritage Festival. Held in Charleston's Ruffner Park, the free event offered children's activities like a bounce house, face painting and games. Authentic Mexican street tacos and sweets were available for purchase. Partner organizations also set up booths and shared resources.

Juneteenth

Staff attended the Juneteenth celebration in Fairmont on Saturday, June 18, 2022 and distributed informational resources. Most popular were ACLU-branded Juneteenth hand fans that helped attendees beat the heat.

Open House Picnic

Now an annual tradition, on July 20, 2022 ACLU-WV opened the doors of our headquarters in Charleston to the public for food, drinks, games, and to learn more about our work.

Civil Liberties Lobby Day

ACLU-WV hosted its first-ever lobby day at the Capitol on Jan. 17. Staff set up informational tables throughout the Capitol, distributed informational resources from ACLU-WV and partner organizations, facilitated one-on-one meetings between members of the public and legislators, and delivered speeches in the lower rotunda. Staff members also assisted with Fairness Lobby Day and Black Policy Day later in the 2023 Session.



HB 2007 Protest

On March 9, 2023, young LGBTQ+ activists organized a protest against anti-trans bill HB 2007. ACLU-WV assisted in the planning of the event, buying the activists supplies and food and allowing them to use the nearby offices on Kanawha Boulevard as a staging area.

Abortion Rights Zoom Panels

In the wake of the disastrous Dobbs decision, staff members Lorie Stark and Joseph Cohen joined Women's Health Center Executive Director Katie Quinonez-Alonzo for a discussion about the ruling's impacts on West Virginians. Shortly after joining the staff as the faith organizer, Rev. Jenny Williams hosted a Zoom panel discussion with fellow faith leaders in West Virginia about Dobbs and why it is critical for people of faith to have conversations about supporting abortion rights.

Picket the Picnic

As lawmakers plotted to strip West Virginians of their right to an abortion, they gathered at the Governor's Mansion for a picnic. Hundreds of protesters showed up with noise makers and signs to make sure the politicians weren't able to eat in peace. ACLU-WV joined in the protest and provided water and other supplies to the crowd.

"Ask for Jane"

On Constitution Day (Sept. 17, 2022) ACLU-WV partnered with the Women's Health Center of West Virginia for a screening of the film "Ask for Jane" in Morgantown. The film, based on a true story, is about a group of seven determined Midwestern women who begin providing safe but illegal abortions in the 1970s.

Multifest

In August 2022, the Family of Convicted People and ACLU-WV participated in Multifest, one of Charleston's major annual events that brings together various cultural and ethnic communities in an atmosphere of tolerance and goodwill through art, music, education, cultural programs, and cuisine.



Pride Statewide

ACLU-WV staff and volunteers represented the affiliate at numerous pride celebrations throughout the state including Charleston, Huntington, Elkins, Parkersburg, Lewisburg, Beckley, and others. Staff marched in parades, distributed informational resources, and promoted the Appalachian Queer Youth Summit.



COVID-19 made me sick, but the for-profit health care I received in prison nearly killed me.

**—Darrin Lester
Morgantown**

When COVID-19 showed up at Mt. Olive Correctional Center, I was nearly done with my sentence. Despite subsisting all that time on low-nutrition, \$1.03-a-meal prison food, I managed to stay healthy by working out.

But when the virus arrived, there was nowhere to run. We were all exposed. Countless inmates, including myself, contracted it.

At the beginning, we only heard about the horrible deaths on TV or from friends on the outside. We knew it was only a matter of time before it hit us. We also knew that by the time it did, it would be too late.

A month before the West Virginia Division of Corrections and Rehabilitation confirmed the first case, two people had already died from the virus – a fact that wasn't revealed until much later. We all suspected it was COVID-19 but DCR had only administered 20 tests for the 1,023-man facility that month. At that rate, there's no way they could've detected it.

It's hard to know how many survivors there are like me who had their lives ruined by the virus. In a matter of months, I went from being

a healthy guy who worked out daily to requiring dialysis three times a week.

When I first contracted COVID-19 in August 2020, I had a temperature of 101 degrees and felt miserably ill. A staff member led to me to the “triage center” – a makeshift medical quarantine set up in the prison's gym with 100 cots for people suspected of having the virus.

I tested positive and was escorted to the infirmary. Worried, but happy to receive care, I settled in and took the cough medicine but my symptoms quickly worsened.

A day passed. And then another. Growing sicker each day, I was convinced I was going to die.

After eight days of deteriorating without a doctor assessing my situation, a nurse finally took note of my condition. She called nearby Montgomery Hospital and managed to get me in that evening. Within 15 minutes of the doctor looking at me, he diagnosed me with double pneumonia and stage four kidney failure.

In a matter of minutes, he did more than DCR's contracted health care provider did in eight days. I was transferred immediately to St. Mary's in Huntington where I was given a vigorous treatment.

The next day, my kidney function rose from 8 percent to 22 and I began a prescription to treat the pneumonia. Prison doctors had ignored my suffering to the point it almost killed me, but medical care afforded to people who aren't incarcerated was able to save me in a couple of days.

West Virginia is paying \$33 million a year to provide health care for the 10,000 or so people it keeps locked up. But whether we're talking about the string of deaths at the regional jail in Raleigh County, the routine denial of prescription medicine for incarcerated people, or WV DCR's reputation as running America's deadliest jails per capita (per 2020 Reuters report), the agency is failing to provide people in its custody adequate health care.

It's killing West Virginians and ruining lives.

I was one of the two transgender men in the successful ACLU lawsuit that led to West Virginia updating its policy on correcting gender markers on birth certificates. After years of government red tape, deadnaming, misgendering and more, I was finally able to be legally recognized as the man that I am.

However, the continued legislative attacks on my community have left me seriously considering moving from the state I was born and raised in once I've completed my degree.

It took five years to update my birth certificate and other ID documents in West Virginia to correctly reflect my name and gender.

I had to pay hundreds of dollars, place ads in my local newspaper, and endure a public court hearing just to get a birth certificate with my female name crossed out and my true name typed above it. I had been so excited that I drove the nearly five hours to the Vital Registration Office in Charleston to pick up my new certificate in person. To say I was disappointed when I saw it for the first time would be an understatement.

The process to change my gender marker was even more arduous.

I was required to pay more money for a second court hearing, obtain supporting letters from therapists and doctors I didn't need to see, sign more petitions and affidavits, educate government officials who didn't understand the process, have a gender affirming surgery (I was on the waiting list for six months and had to pay out of pocket), and travel out of state for three years to undergo hormone therapy (because I could not find a doctor in WV that would prescribe me my medication). Although I wanted these medical procedures, it's important to remember that many trans people do not, and that some of these procedures can leave people unable to have children. This is a form of eugenics.

After all of the bureaucratic acrobatics I endured, I received a letter in the mail denying my petition for a gender marker change. The letter referred to me as the wrong gender several times. It felt like a slap in the face.

The story would have ended there if Jack Jarvis from Fairness West Virginia had not reached out to me. He got me in touch with ACLU-WV. Malita Picasso and Taylor Brown at ACLU National led my case with help from ACLU-WV and the LGBTQ+ Clinic at Harvard Law. I am incredibly thankful for all they have done.

As a result of the settlement, the gender marker on my birth certificate will now identify me as male. My previous name and gender marker will not be present, but my birth certificate will indicate the exact sections which were amended. This is not a perfect resolution, but my birth certificate now legally recognizes me as who I am.

There remains no gender marker option for people who do not identify as male or female in West Virginia. Our work is far from done.

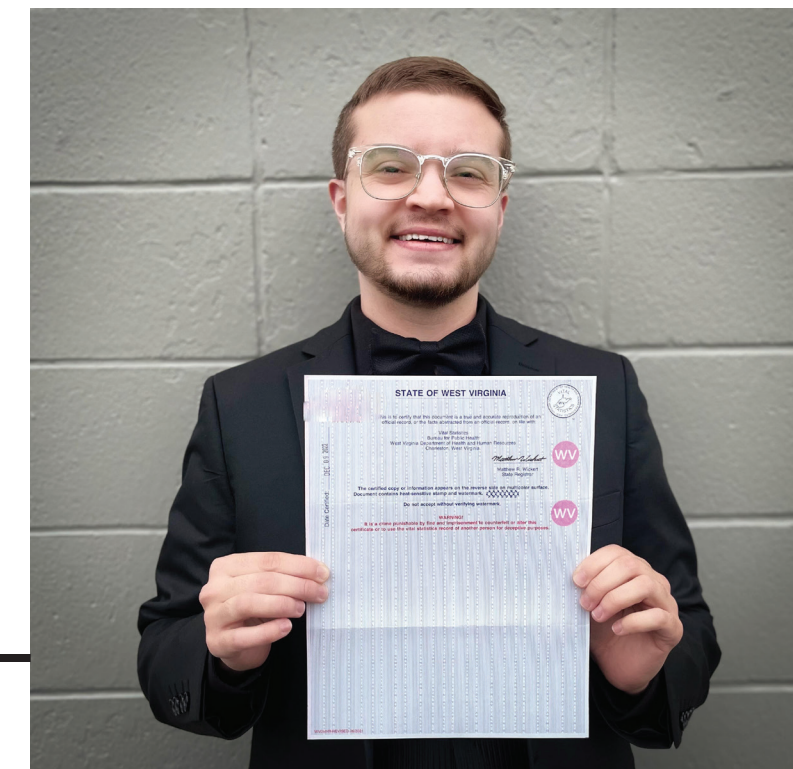
And I wasn't able to celebrate for long. A few weeks after the settlement in my case, lawmakers in Charleston ramped up their attacks on trans people. They severely restricted gender affirming care options for young people, and I lost count of the number of transphobic bills they introduced.

I hear over and over again that West Virginia's population is aging and that we need to retain young college-educated people, but the Legislature's regressive and bigoted agenda is only pushing us away faster.

I'm glad I finally have all of my West Virginia ID documents corrected, but as other states become safer places for trans people to call home as compared to West Virginia, I'm not sure how much longer I'll live here.

The settlement in my case means trans people in West Virginia won't have to endure the same bureaucratic acrobatics I did, but it's hard to celebrate when all I want to do is leave the state that keeps hurting my community.

**—Xavier Hersom
Shepherdstown**





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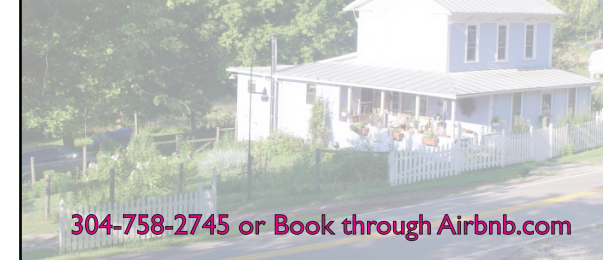


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