

Exposure:

A Muslim Woman's Unlawful Humiliation by Law Enforcement

When the Davidson County Sheriff's Office traumatized Nashville mother and educator Leyla Isaaq* by forcing her to remove her hijab, or head scarf, she contacted ACLU-TN, which quickly and successfully intervened.



After being cited for a minor traffic-related charge in March 2011, Leyla reported to the local jail for booking, where she was told she must remove her hijab to be photographed. For a Muslim woman who wears a hijab, a symbol of her faith and a way for her to control the visibility of her body, being forced to remove it is humiliating, no different from being compelled to strip in front of others.

Leyla tried for hours to explain to officers that, according to her religious beliefs, she must remain covered at all times in public and especially in the presence of men.

The sheriff's office told her that if she did not remove the hijab, she would be subject to arrest, despite the fact that her hijab in no way obscured her face and she was able to wear it in her driver's license photograph. To add insult to injury, the booking photo was then posted in a database accessible to the general public via Tennessee's Open Records law.

ACLU-TN immediately demanded that the sheriff's office destroy the photograph. Muslim women, like all people in the U.S., have the constitutional right to practice their religion, including wearing headscarves and other religious dress. City attorneys agreed with ACLU-TN and the image was quickly replaced with a picture of Leyla wearing her hijab.

ACLU-TN continues to negotiate with the sheriff to implement a written policy that ensures that the religious freedom rights of all detainees are respected in the future.

**not her real name; image is a model*

Court Imposes Sweeping Limits on Student Speech

In a case that seriously harms the free speech rights of public school students, the Sixth Circuit Court of Appeals denied Anderson County high school student Tom Defoe's petition for rehearing en banc in March 2011. ACLU-TN and ACLU had filed an amicus brief in support of his petition.

Defoe was suspended for wearing confederate flag paraphernalia to school. He sued, arguing his punishment violated the First Amendment. A federal judge



ruled against Defoe, granting schools the sweeping authority to punish students for all manner of speech that the school considers contrary to its "important policies."

Prior to this ruling, schools had to have evidence that speech created a substantial disruption to the school day in order to limit it. Now school administrators have broad discretion to punish students speaking on a variety of topics. By the court's

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Victory for LGBT Rights in Davidson County

The Nashville Metro Council is again leading the way in support of LGBT equality. On April 3, 2011, the Council voted 21-15 in favor of an ordinance that will require vendors contracting with the city to include employment protections for LGBT employees. In 2009 the Council passed an ordinance that protects both prospective and current government employees from discrimination based on sexual orientation or gender identity. Let's hope Nashville is the first of many Tennessee towns to stand for equality and fairness.

From the Executive Director

By Hedy Weinberg

The first year of the two-year 107th Tennessee General Assembly is well underway and the assaults on our civil liberties and civil rights are rampant. A palpable cultural intolerance is driving the deliberations on many bills and their passage would clearly undermine our core values of fairness and equality. This intolerance targets ethnic, religious, and racial minorities, injects religion into the public school science classroom, and strips women of their reproductive rights. Please see the the following page for a sampling of the bills we are actively lobbying against this session.

We must persist in challenging these attacks on our freedoms and your voices are vital in our efforts to persuade our very divided legislature to stand up for the Bill of Rights. Know that ACLU-TN is undeterred in our effort to defeat these unconstitutional bills in the General Assembly and, if necessary and appropriate, we will protect Tennesseans' civil liberties and civil rights by filing lawsuits to challenge these new laws.

Please make sure your elected state legislators and Governor Haslam know that our freedoms are precious and must be embraced, not eroded. You can learn more about pending legislation and sign up to receive our legislative alerts at <http://www.aclu-tn.org/actioncenter.htm>. Your voice does make a difference – many thanks for using it!

Hedy

Meet ACLU-TN's Development Director

ACLU-TN is excited to welcome our first full-time development director, Jeanna Kinnebrew, to the team.

Jeanna joins us as part of our participation in the national ACLU's Strategic Affiliate Initiative. Ten state affiliates were selected for this ambitious



initiative, which is a multi-year, significant financial investment designed to build a long-term, sustainable model for the ACLU of Tennessee, growing our work on all fronts. Our selection as an SAI affiliate demonstrates the national organization's confidence in our members, supporters, and vision for the future.

Jeanna's focus will be building and extending our major gifts

program. She is looking forward to meeting current and new ACLU-TN donors and providing them with opportunities to invest in our ongoing work. Once ACLU-TN's major gifts program is established, funds raised will sustain our legal and public education work beyond the duration of the SAI grant.

A native Nashvillian, Jeanna holds an honors degree in history from Harvard University. She has held positions with the American Repertory Theatre, Planned Parenthood of Middle and East Tennessee, and most recently Alive Hospice, where she served as Annual Fund Manager. In her free time, Jeanna enjoys reading mysteries, volunteering with various organizations, and training for the Country Music Marathon.

ACLU-TN Board Nominations

The ACLU-TN Nominating Committee is now soliciting suggestions for new ACLU-TN board members.

The Committee is looking for candidates with a strong commitment to the preservation and promotion of civil liberties and skills, experience and expertise which will enhance ACLU-TN and its board. Board members have a fiduciary duty to the organizational health of ACLU-TN and the entire ACLU.

In addition to submitting names for consideration, actual nominations can be made by petition of any twenty current ACLU-TN members. Please include signatures on your petition.

Suggestions for nominations and petitions should include confirmation that the nominee is interested in serving on the Board, nominee's background and qualifications and how the nominee can be reached.

Please send submissions to: Nominating Committee, ACLU-TN, P.O. Box 120160, Nashville, TN 37212 by May 31, 2011.

A sampling of the bills we are actively lobbying against...tell your legislators to vote no!

“Scopes Revisited” - Under the pretext of fostering “critical thinking,” SB0893/HB0368 authorizes teachers to call into question the theory of evolution by presenting so-called “scientific controversies” and examining alleged weaknesses. The legislation is a thinly-veiled attempt to inject religion into the science classroom. Though the bill passed the House, there was enough debate that the Senate sponsor decided to hold it until next session.

Removing the Right to Abortion - Passage of SJR127 moves Tennessee one step closer toward amending our State Constitution to take away the current right to privacy that ensures a woman can legally obtain an abortion. SJR127 passed the TGA in 2010. If it passes again during this session by a super-majority vote, the constitutional amendment will be placed on the 2014 statewide ballot. With our partners, we are building a broad-based coalition to pursue a statewide public awareness campaign so that when voters go the polls in 2014 they will vote for access to health care and privacy for women, and against SJR127. Details to come in the months ahead.

“Don’t Say Gay” - SB49/HB0229 would prevent school staff from providing “any instruction or materials discussing sexual orientation other than heterosexuality.” This prohibition applies to any public middle or elementary school, regardless of whether local educators believe that such instruction is necessary to combat bullying or teach about history. This blanket ban violates the First Amendment prohibition against viewpoint discrimination by favoring speech about “heterosexuality” and banning speech about gay issues regardless of educational purpose.

“Special Access to Discriminate” - SB0632/HB0600 would prevent local governments from enacting non-discrimination ordinances that protect individuals against discrimination beyond the categories currently identified in state law. The bill would also revoke any non-discrimination ordinances that currently protect against discrimination based on sexual orientation or gender identity. This legislation is a direct attack on a recently passed ordinance by Metro Nashville Council that ensures equality and fairness for all individuals working for Metro Nashville or its contractors (see “Victory for LGBT Rights in Davidson County” on p. 1).

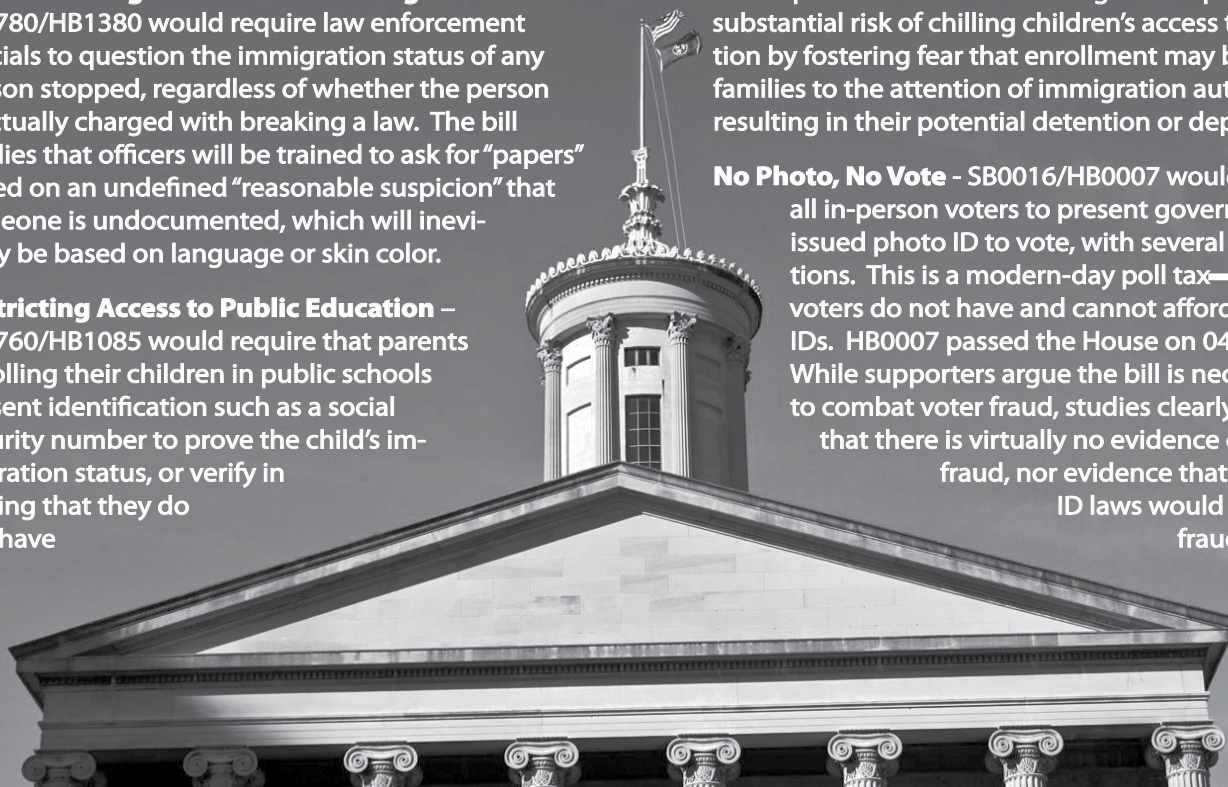
Targeting Religious Groups as “Terrorists” - SB1028/HB1353 would give discretion to the Attorney General and the governor to investigate and designate certain organizations as “terrorist” and criminalize “material support” to those organizations. The original legislation, in the process of being amended, specifically targeted Muslims and was an egregious un-American form of profiling against an entire faith. The legislation has serious First, Fourth and Fifth Amendment problems because its definitions are vague and overbroad and provide no prior notice or meaningful due process for “designated” organizations.

Racial Profiling of Tennessee’s Immigrants - SB0780/HB1380 would require law enforcement officials to question the immigration status of any person stopped, regardless of whether the person is actually charged with breaking a law. The bill implies that officers will be trained to ask for “papers” based on an undefined “reasonable suspicion” that someone is undocumented, which will inevitably be based on language or skin color.

Restricting Access to Public Education - SB1760/HB1085 would require that parents enrolling their children in public schools present identification such as a social security number to prove the child’s immigration status, or verify in writing that they do not have

the required documents. The legislation poses a substantial risk of chilling children’s access to education by fostering fear that enrollment may bring families to the attention of immigration authorities, resulting in their potential detention or deportation.

No Photo, No Vote - SB0016/HB0007 would require all in-person voters to present government-issued photo ID to vote, with several exceptions. This is a modern-day poll tax—many voters do not have and cannot afford such IDs. HB0007 passed the House on 04/14. While supporters argue the bill is necessary to combat voter fraud, studies clearly show that there is virtually no evidence of such fraud, nor evidence that photo ID laws would prevent fraud.



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“...Limits on Student Speech,” continued from p. 1

reasoning, a school in a liberal area that believes that support for gay rights is “important” will be able to ban anti-gay t-shirts. And a school in a conservative area that teaches abstinence-only sex education could forbid students from expressing contrary views if the school believes that abstinence is “important.”

The confederate flag is an unquestionably divisive symbol, but the idea that schools can ban the expression of views that run contrary to “important” educational objectives is hostile to the values the First Amendment is designed to protect. Dissent—and debate through reasoned argument—is what the First Amendment is all about. And that, too, is an important lesson that our schools should be teaching students.

We are waiting to hear whether Defoe’s attorney will appeal this decision to the U.S. Supreme Court. Attorneys who worked on the amicus brief include Tricia Herzfeld, ACLU-TN Legal Director; Catherine Crump, ACLU Staff Attorney; and David W. DeBruin, Elaine J. Goldenberg and Joshua M. Segal from Jenner & Block LLP.

Just because you don’t have anything nice to say...

When a Middle Tennessee State University senior was told by university officials that he could not write a message on his graduation cap critical of the school, he called ACLU-TN for assistance.

ACLU-TN quickly intervened with the University and learned that it had no official policy prohibiting his speech at graduation, just concerns that his message may be controversial or “not nice.” We reminded university officials of the mandates of free speech and of the importance of not engaging in content or viewpoint discrimination.



The University now understands that political speech cannot be banned simply because university officials do not agree with it. We will follow up with the student to ensure that he is allowed to express his views on graduation day.

To make a gift in support of ACLU-TN’s work, please visit
<http://www.aclu-tn.org/give.htm>