

August 14, 2020

*Sent via electronic mail*

The Honorable Bill Lee  
State Capitol, First Floor  
Nashville, TN 37243

Dear Governor Lee:

On behalf of millions of Tennesseans who support freedom of speech and the right to petition their government — rights guaranteed under the United States and Tennessee Constitutions — we urge you to veto SB 8005. The ACLU of Tennessee opposes this legislation because it chills free speech, undermines criminal justice reform, and fails to address the issues of racial justice and police violence raised by the protesters currently outside the State Capitol.

Under the guise of protecting our first responders, this bill attacks our free speech rights, intentionally chilling the act of protesting by threatening those individuals with overly harsh criminal penalties.

Tennessee has a rich history of non-violent protest and civil disobedience and today we celebrate the men and women who engaged in civil disobedience in the streets and at lunchcounters during the late 1950s and 1960s. Time and again, non-violent protests have been at the heart of moving our state and our nation forward. SB 8005 is a giant leap in the wrong direction, trampling on the rights of Tennesseans simply because some do not like the message or the fashion in which protesters are making their voices heard. Regardless of the message, non-violent protest is protected speech.

Additionally, by harshly increasing penalties and imposing mandatory minimum sentences for offenses commonly used as a pretext to arrest non-violent protesters or to target non-violent acts of civil disobedience, this heavy-handed legislation serves only to exacerbate our overly high incarceration rates. While the state has a responsibility to maintain public safety, Tennessee already has laws that punish the behavior described in SB 8005, highlighting how unnecessary this legislation is for any legitimate public safety purpose. It is telling that legislators supporting this bill could not point to any behavior by those protesting that requires these enhanced penalties.



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Increasing incarceration flies in the face of the criminal justice reform platform you ran on and which you have repeatedly identified as one of your top priorities since you took office. While your administration often speaks about sentencing reform, signing this bill would contradict those words and waste valuable taxpayer funds to severely criminalize dissent. Requiring 12-hour holds upon arrest, putting in place mandatory minimums, and enhancing petty crimes to felony-level offenses will only hurt our communities, waste state dollars and send a message loud and clear that Tennessee is no place to exercise your constitutional rights if state or local government entities disagree with you.



ACLU-TN opposes this legislation not only because it intentionally chills free speech and protest and increases incarceration rates in our state, but also because in this important moment in our history, amidst calls for racial justice and an end to police violence, the Tennessee General Assembly has chosen to ignore those calls and instead has prioritized punishing the people courageous enough to speak out.

Too many elected state legislators have repeatedly ignored the reasons why the protests are happening in the first place. Let's remember that the protesters are at the State Capitol because on May 25, a police officer placed his knee on George Floyd's neck and brutally murdered him. By signing SB 8005, your administration will be on the wrong side of history when it comes to the advancement of racial justice and equality in the South.

Nearly one month ago, you ordered flags to be lowered to honor the life of Congressman John Lewis. Were he alive, we are confident that Congressman Lewis would be standing with the protesters at the State Capitol and would urge you to veto SB 8005. Celebrating Congressman Lewis's life rings hollow if you do not support the right of protesters to speak out and challenge their government.

This legislation could also have far-reaching and long-term consequences well beyond the particular protests this measure targets. For example, SB 8005 would make it a felony for a homeless person to sleep on state property, forcing unhoused people onto private property. If an individual intervenes when they witness a police officer using excessive force, SB 8005 says they could be charged with a felony and subjected to a minimum of 30 days in jail upon arrest. If people supporting a candidate during early voting leave a canopy out

overnight, it could be seized. In their zeal to target and shut down the current protests taking place outside the State Capitol, lawmakers rushed this bill through without fully considering the significant and wide-ranging impact it could have.

The sponsors of this legislation say SB 8005 is about standing with law enforcement. This bill has nothing to do with supporting law enforcement. Laws and penalties already exist for every offense the legislature has now enhanced. This shameful legislation serves no purpose other than to quell First Amendment rights, now and in the future. SB 8005 was passed in both chambers because there are some who disagree with the message of the protesters and others who think the protests somehow make our state look weak. On the contrary, encouraging Tennesseans to use their voices strengthens our democracy, which people from across the political spectrum should embrace. Across the country, leaders are rising to the occasion to try to heal our nation. ACLU-TN hopes you will join with them by acknowledging the importance of the right to dissent and petition one's government. We strongly urge you to veto SB 8005.



Sincerely,

A handwritten signature in blue ink that reads "Hedy Weinberg".

Hedy Weinberg  
Executive Director

cc: Brandon Gibson, Chief Operating Officer