

## ACLU-TN defends Memphis activists from illegal spying — again

When ACLU-TN learned that the City of Memphis had created a list of local political activists who required a police escort to visit City Hall, we intervened in *Blanchard v. City of*



*Memphis*, the lawsuit filed to stop the practice. We joined the lawsuit because the list violates not only the First Amendment but also a 1978 ACLU-TN consent decree

prohibiting the Memphis government from monitoring constitutionally-protected political activities.

That consent decree was the result of a decades-old ACLU-TN class action lawsuit filed after ACLU discovered that the city's domestic intelligence unit had spied on local political groups for years.

The decree prohibited the City of Memphis from engaging in the collection, maintenance or dissemination of information regarding a person's lawful political activities,

*continues on p. 6*

## The 2017 Legislative Session In Review

ACLU-TN focused on a wide range of civil liberties and civil rights issues during the first year of the 110<sup>th</sup> Tennessee General, and with your help, secured many victories for our personal freedoms and staved off numerous attacks.

ACLU-TN supporters contacted legislators 125,000 times this legislative session, urging them to uphold the Constitution and keep Tennessee fair and equal for all. Without your voices, we would not have been as successful - Thank you!

**For legislative lobbying program highlights, see pp. 4-5.**

## ACLU fights religious discrimination as Trump Era dawns

On January 27, Donald Trump signed an executive order temporarily suspending Syrian refugee resettlement and banning entry of nationals from seven majority-Muslim countries – an unconstitutional Muslim ban wrapped in a paper-thin national security rationale. The ban took effect immediately as thousands of travelers were turned away from flights to the U.S. or detained and threatened with deportation from U.S. airports.

That night, ACLU quickly filed a lawsuit challenging Trump's executive order as violating the Due Process and Equal Protection Clauses of the U.S. Constitution. Soon after, a federal district court judge blocked Trump's discriminatory policy, allowing those traveling to the United States to continue their travel plans and preventing refugees and immigrants from being deported.



Days later, in coordination with 50 ACLU state affiliates, ACLU-TN filed a Freedom of Information Act request with our local U.S. Customs and Border Protection office to expose whether Trump administration officials were executing the Muslim ban in violation of several federal stays. The goal of this nationwide request was to ensure that the administration is being held accountable to the Constitution.

After snowballing court losses, the president then signed a new order backtracking dramatically but still discriminating against Muslims. The ACLU and its partners challenged the second Muslim ban as well. On May 25, the Fourth Circuit Court of Appeals ruled that the ban was unconstitutional, stating that "laid bare, this... is no more than the president promised before and after his election: naked, invidious discrimination against Muslims."

On June 1, the Trump administration asked the U.S. Supreme Court to review this case.

## A letter from the director...

Hedy Weinberg, ACLU-TN executive director

Since taking office Donald Trump has unleashed numerous dangerous and discriminatory policies - from signing two Muslim ban executive orders to revoking civil rights guidance for transgender students to launching massive ICE deportations to selecting an attorney general hostile to voting rights and constitutional policing. His actions attack the very core of our democracy, threatening equality and justice and creating fear and anxiety throughout our country.

But the past five months have also given us reason to hope. Time and again millions of Americans – we the people – have come together to fight back against these assaults on our fundamental freedoms. On the first day of Trump’s presidency, we asked you to join with us for the “Your First 100 Days Challenge” to counter the anticipated barrage of attacks on our civil liberties and civil rights at the local, state and federal levels – and you did:

- On January 21, **millions of people worldwide took part in the largest single-day protest in U.S. history.** Tennessee alone held eight marches, including tens of thousands of people, for equality and justice.
- When Trump issued his first egregious executive order, **the public outcry and ACLU’s immediate legal challenges quickly toppled the unconstitutional Muslim ban** — and its successor. For more on the bans, see p. 1.
- **Your voice at the Tennessee General Assembly helped us make great gains** for criminal justice reform, quash an attempt to chill newly-energized protesters’ free speech, support the rights of gender-nonconforming youth, pressure lawmakers to abandon a draconian anti-abortion measure, stop a sweeping and extreme anti-immigrant measure that would punish attempts to establish sanctuary cities, and more. To learn more about what our legislative lobbying program accomplished this year, see pp. 4-5.
- Since the election, both **ACLU and ACLU-TN have more than quadrupled in membership**, now numbering 1.6 million ACLU members across the country.
- **Over 200,000 people joined People Power, ACLU’s new nationwide grassroots engagement initiative**, for its first Resistance Training live-stream in March. To learn more about local People Power initiatives in your area, visit [www.peoplepower.org](http://www.peoplepower.org).

We the people represent the growing revolt against Donald Trump’s discriminatory and dangerous policies. Your voices are being heard in the streets, in the courts, and in Congress. Tennessee legislators and local county and city officials also are hearing our voices. As in all struggles, there have been successes and failures, advances and setbacks, but one thing is clear: The Resistance isn’t going anywhere. With many thanks for your powerful voices and for joining us at this critical time for our country.



ACLU-TN’s Hedy Weinberg gives the Suleman family their own copies of the Constitution. Credit: Karen Maia Sawyer

### ACLU-TN helps a refugee family come home to Nashville

After years of vetting and finally securing special visas reserved for Iraqi employees of the American government, Fuad Sharef Suleman and his family had given up everything to come to Tennessee — leaving their jobs and school, and selling their home and most of their belongings — only to be turned away en route to Nashville as a result of Trump’s clearly unconstitutional executive order.

ACLU-TN and our partner organizations urged supporters to call and email the offices of U.S. Senators Alexander and Corker and demand that they intervene and allow the stranded family to join us in their new home. The senators heeded the public outcry. When the family arrived in Nashville days later, ACLU-TN welcomed them at the airport with a fitting gift — their own copies of the U. S. Constitution.

### ACLU-TN Statewide Freedom Forums

ACLU-TN is coming to a city near you later this summer.

Stay tuned for more info on our statewide Freedom Forum tour and find other ways to get involved: <http://www.aclu-tn.org/get-involved/>.

## ACLU-TN announces search for second staff attorney

ACLU-TN is now hiring a Legal Fellow (licensed attorney) to join with us to defend and advance Tennesseans' personal freedoms guaranteed under the Bill of Rights to the United States Constitution and the Tennessee Constitution.

The job description for this position and application process can be found online at <http://www.aclu-tn.org/jobs/>.

## UPDATE: ACLU wins first round in Rutherford County youth solitary case

A federal judge has granted a preliminary injunction in an ACLU-TN class action lawsuit challenging the Rutherford County Juvenile Detention Facility's use of solitary confinement for juveniles, prohibiting the county from subjecting children to solitary confinement as punishment while our case proceeds.

Last April, ACLU-TN joined a federal lawsuit challenging the use of extended solitary confinement for juveniles, particularly for pretrial detainees and children who suffer from mental illness, after learning that the facility had been holding



a fifteen-year-old pre-trial boy in isolation in a concrete cell.

ACLU-TN and attorneys for the family seek to permanently end punitive or disciplinary solitary confinement, both for the boy in this case as well as for other juveniles in pretrial detention.

The lawsuit was filed in the U.S. District Court for the Middle District of Tennessee. Judge Aleta Traugher is presiding over the case.

In addition to ACLU-TN, the family is represented by cooperating attorneys Mark Downton and Wesley B. Clark of Downton Clark, PLLC.

## ACLU-TN welcomes associate development director

ACLU-TN is thrilled to welcome Sarah Howard Bozeman as the organization's new Associate Director of Development, where she will spearhead development efforts as the ACLU of Tennessee continues to grow. Sarah is especially excited to build donor support for ACLU-TN's work to advance criminal justice reform and protect voting and reproductive rights.



Before joining ACLU-TN, the Florida State University graduate worked as the communications manager for Opening Nights Performing Arts at Florida State University in Tallahassee, and previously served as a policy analyst for the Florida Senate Minority Office. As ACLU-TN's associate director of development, Sarah is looking forward to meeting ACLU-TN supporters statewide and strengthening our relationships with new and current donors and reaching out to prospective donors.

## 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 civil liberties and skills, experience and expertise (e.g., corporate, financial, fundraising) which will enhance ACLU-TN and its board. Board members have a fiduciary duty to the organizational health of ACLU-TN and the ACLU.

In addition to submitting names for consideration, nominations can be made by submitting a petition signed by any twenty current ACLU-TN members. Suggestions for nominations should include confirmation that the nominee is interested in serving on the board, and the nominee's background, qualifications and contact information.

Please send submissions by July 7<sup>th</sup> to:

Nominating Committee  
ACLU-TN  
P.O. Box 120160  
Nashville, TN 37212

# 2017 LEGISLATIVE REVIEW

**VICTORY: Make it Easier for Recently-Released People to Get a Job** – Each year, thousands of Tennesseans are released from jail or prison after serving their time for a felony conviction, and finding a job is crucial to their ability to get a fresh start. ACLU-TN lobbied for legislation clarifying current law so that a person can obtain a certificate of employability separately from the lengthy and cumbersome process of restoring citizenship rights, helping recently-released people while reducing recidivism and making our communities safer — a win-win for everyone.



**VICTORY: Shut Down Tennessee’s School-to-Prison Pipeline** – ACLU-TN supported a measure dismantling the school-to-prison pipeline — the policies that push our state’s most at-risk schoolchildren out of classrooms and into the criminal justice system. Working with allies, we successfully supported legislation establishing a progressive truancy intervention program designed to keep children out of the court system and instead provide needed resources that address truancy’s causes, like bullying, learning disabilities and mental health issues.

**VICTORY: Help Tennessee Youth Get Their Lives Back on Track** – For a 17-year-old, a criminal record can be an insurmountable roadblock when applying to colleges, jobs, and scholarships. ACLU-TN drafted legislation and, with our Coalition for Sensible Justice partners, successfully lobbied in support of the legislation; the new law allows expungement of unruly and misdemeanor offenses a year after completing probation, lowers the age a juvenile may expunge their records from 18 to 17, and requires judges to inform youth when they are eligible for expungement. As part of our commitment to criminal justice reform, these two new laws help youth navigate the complex criminal justice system and become productive community members.



**VICTORY: Kick Abusive Civil Asset Forfeiture Laws to the Curb** – Every year, Tennessee law enforcement agencies rake in over \$14 million through civil asset forfeiture, by allowing them to seize property from someone who has not been convicted of a crime. ACLU-TN drafted, identified sponsors, and successfully lobbied in support of legislation that would increase awareness and transparency about this abusive practice; the new law creates stricter reporting requirements which ensure greater understanding and reform of this egregious practice.

**LOSS: Exclude Severely Mentally Ill People from the Death Penalty** – When a person suffering from severe mental illness commits a crime, they may have difficulty understanding the consequences and are more vulnerable to police pressure and more likely to give false confessions. ACLU-TN joined with the Tennessee Alliance for the Severe Mental Illness Exclusion to support a measure prohibiting death sentences for defendants suffering from severe mental illness at the time of committing first degree murder. While these individuals should be held accountable for their crimes, the State shouldn’t sentence them to death. The bill was deferred to Summer Study and we will continue to work with our allies to share information with legislators and build more support.

**LOSS: Make Tennessee’s Drug-Free Zones More Effective** – Currently, Tennessee’s drug-free zone laws, created during the Reagan era as part of the misguided “War on Drugs,” mandate lengthy sentences for any drug crime committed within 1,000 feet radius — about three football fields — of a school, child care center, public library, recreational center, or park. While protecting children from drugs is a laudable goal, the actual result of this law has been that people in Tennessee’s more densely populated areas are subject to a stricter standard of justice than those in the suburbs or rural counties. ACLU-TN lobbied in support of legislation reducing these zones by half and authorizing judges to sentence people based on the circumstances of the crime, not their location. While this legislation failed in committee, we will continue to work to oppose harsh mandatory-minimum sentences that harm communities.

**VICTORY: Don’t Punish Tennesseans who Can’t Afford Court Fees** – Under current Tennessee law, a person who was charged with a crime and has either served their time and is leaving prison or was found not guilty must pay off their court fees and fines within one year — or else have their driver’s license revoked. This unfair targeting of poor people who are unable to pay expensive legal fees has resulted in thousands of Tennesseans losing their means of getting and keeping a job, supporting their families and successfully moving on with their lives. With our Coalition for Sensible Justice partners, ACLU-TN successfully lobbied to change this punitive law, allowing people to keep their licenses if the loss of their license would cause them to experience extreme hardship in traveling to certain locations, such as school or work. This new law also allows people to keep their driver licenses if they have a payment plan in place with the courts for their fees and fines. In addition, the legislation allows a

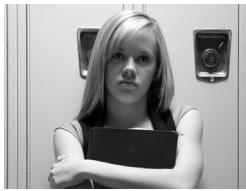
judge to waive fees and fines if the individual is indigent and unable to pay.

**VICTORY: Don't Force Local Law Enforcement to Become Immigration Agents** – The election of Donald Trump and his promises of mass deportations fueled anti-immigrant measures at statehouses across the country. In Tennessee, legislators introduced a pre-emptive measure that would prohibit any state or local government entity from adopting or enacting a sanctuary policy or risk the loss of state funds. ACLU-TN lobbied against this legislation, arguing that local law enforcement is responsible for ensuring public safety in their communities not acting as immigration enforcement agents. The legislation was deferred until 2018.

**VICTORY: Protect Free Speech on Tennessee College Campuses** – From controversial speakers being cancelled to student athletes facing backlash for taking a knee during the national anthem to protests and counter-protests, First Amendment guarantees are being hotly debated on university campuses. The “Campus Free Speech Protection Act” reinforces the guarantees of free speech and expression, requiring public education institutions to give students the “broadest possible latitude” to discuss issues. With the ACLU-TN’s support, the legislation passed and was signed by the Governor into law.



**LOSS: Stop Legislative Attempts to Open the Door for Anti-LGBT Discrimination** – ACLU-TN joined with our LGBTQ partners and lobbied against a discriminatory measure requiring any undefined words in Tennessee Law “be given their natural and ordinary meaning.” This overly broad, vague legislation invites confusion into implementation of a wide range of laws affecting education, family relationships and health care for LGBT Tennesseans. At a press conference and in a letter, we urged Governor Haslam to veto the legislation and were very disappointed when he signed the bill into law. ACLU-TN will monitor the new law and is ready to challenge any unconstitutional, discriminatory practices that occur as a result of this narrow-minded legislation.



**VICTORY: Stop the “Bathroom Bill” — Again** – Once again, ACLU-TN led a broad coalition to defeat legislators’ attempts to harm transgender students by reintroducing a bill banning them from using the public school facilities that correspond with their gender identity. We mobilized opposition and reminded lawmakers that not only are such measures unlawful under Title IX, they potentially cost the state millions in lost jobs and tourist revenue. The bill failed after it did not get a motion for consideration in the Senate Education Committee.

**LOSS: STOP Political Interference in Women’s Reproductive Health** – Despite our best efforts and the Tennessee Attorney General’s opinion that it was “constitutionally suspect,” lawmakers passed a bill essentially banning abortions after 20-weeks except in medical emergencies while making the definition of “medical emergency” harder to meet, and placing the burden on doctors to prove their innocence should the state prosecute them under this law. ACLU-TN urged Governor Haslam to veto the legislation but he signed it into law when it reached his desk. We will continue to fight for a woman’s constitutional right to access comprehensive reproductive health-care without government interference.

**VICTORY: Stop the Heartless “Heartbeat Bill”** – ACLU-TN and our supporters defeated a dangerous bill prohibiting abortions after a fetal heartbeat is detected — as early as six weeks into a pregnancy, often before a woman even knows she’s pregnant. ACLU supporters swung into action, urging legislators to kill the unconstitutional legislation, and the bill was deferred until 2018.

**LOSS: Expand Access to the Ballot Box** – Voting is the cornerstone of our democracy, and ACLU-TN supported two bills introduced this session that would have increased access to the ballot box. One established automatic voter registration when a person applies for a driver’s license and another allowed election day voter registration. While the bills did not pass, ACLU-TN remains committed to expanding access to the ballot box.

**VICTORY: Protect Voters from Being Purged from Voter Rolls** – Until recently Tennessee law required that voters who have failed to vote in prior elections have their names removed from the voter rolls. This purge often happened without notice to the voter, who subsequently appeared at their precinct on Election Day and learned that they were unable to exercise their right to vote. When the Sixth Circuit Court of Appeals last fall struck down the practice of purging voters based on their failure to vote in prior elections as violating the National Voter Registration Act, ACLU-TN, the League of Women Voters and Demo urged the Tennessee Secretary of State and the State Election Commissioner to end their practice of purging voters for not voting in prior elections. After hearing our concerns, they filed legislation which we lobbied in support of and which passed unanimously and was signed into law.





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## ACLU-TN honored by local NAACP chapter

This spring, ACLU-TN was honored to be named a 2017 Women in the NAACP Honoree for Services to Children & Community at the Women in the NAACP Spring Tea in Murfreesboro.

Legal Director Thomas H. Castelli accepted the award on the organization's behalf.

SAVE THE DATE

## ACLU-TN Annual Membership Meeting

*Featuring Dale Ho,  
ACLU Voting Rights Project Director*

**Saturday, Oct. 7, 2017, Nashville**

*Memphis, cont from p. 1*

banned the city from using informers or photographing protestors, and required review of criminal investigations that could infringe on First Amendment rights. The 1978 court order was the first in the nation forbidding the maintenance of domestic intelligence units in law enforcement agencies.

ACLU-TN's current lawsuit asks the court to find the city in contempt of court for disregarding the decree and to order them to dissolve the "blacklist," and to prohibit them from creating future lists.

Despite the Memphis police announcing the removal of protestors from the list, their original presence still indicates potential violations of the decree.

The lawsuit was filed in the U.S. District Court for the Western District of Tennessee by Bruce Kramer of Apperson Crump, PLC. Kramer also represented ACLU-TN in the original Memphis spying class action lawsuit, *Kendrick v. Chandler*. The *Blanchard* case is still pending.