



ACLU

AMERICAN CIVIL LIBERTIES UNION
of TENNESSEE

FOUNDATION

**annual report
2014 - 2015**

Dear Friends,

When we look back over this past year, we have much to celebrate.

This is the year, of course, of the U.S. Supreme Court's historic ruling in *Obergefell v. Hodges*, which ensured that all couples have the freedom to marry. ACLU-TN wrote an amicus brief in *Tanco v. Haslam*, the Tennessee marriage recognition lawsuit that became part of the consolidated *Obergefell* case, and we recently honored those Tennesseans who stood up for marriage equality at the U.S. Supreme Court during our annual Bill of Rights Celebration.

But a bit beyond the spotlight, there are many other Tennesseans to celebrate this year—people who stood up for equality, freedom and justice.

People like the Knox County student who worked with ACLU to challenge a juvenile court practice that punishes truant youth without due process, after she was placed on probation for truancy without a hearing or appointed counsel.

And the residents of a Nashville apartment complex who, with ACLU, won immigration relief and a historic settlement against ICE and Metro Nashville police, after being subjected to a warrantless raid during which their private homes were broken into and guns held to some of their heads, without any criminal charges ever being brought against them.

People like Williamson County father Daniel Pomerantz, who worked

with ACLU to successfully challenge his daughter's school's social media policy—a policy which restricted virtually all of students' online communications—both on and off campus—and subjected their phones, tablets and more to unlimited suspicionless searches.


And the Washington County high school student who asked ACLU to protect his religious freedom after he was told that attending a religious worship service would jeopardize his chance to apply for a Tennessee Promise scholarship.

2015 was a year of progress. It was also a year of challenges. The senseless deaths of Freddie Gray in Baltimore, Michael Brown in Ferguson, Eric Garner in Staten Island and too many other people of color at the hands of law enforcement shook our nation to its core. The passage of Amendment 1 and the subsequent legislation restricting access to abortion, the dismantling of Chattanooga's non-discrimination ordinance for city workers, and our mass incarceration epidemic create a roadmap for the work to come.

We have much yet to accomplish, and we are grateful for supporters like you who share our commitment to equality, justice and freedom. Together we will change the landscape in Tennessee.

With warm wishes,

 Hedy Weinberg
ACLU-TN Executive Director

 Sue Kay
ACLU-TN President

LETTER FROM OUR LEADERSHIP





CRIMINAL JUSTICE REFORM

James Goodwin, whose family includes six young children, had his driver's license suspended for neglecting to pay a \$35 traffic fine. He was then repeatedly caught driving on a suspended license and wound up spending seven months in jail.

Fifteen-year-old A.G. was jailed in Knox County for missing too much school.

One Nashville attorney tells the story of a client who sat in jail for two years because he was unable to afford his bail of \$200. The cost to Tennessee taxpayers to keep him in jail for that period? Approximately \$32,726.

Tennessee's prison population increased by 30 percent between 2000 and 2013, compared to only 13 percent growth in Tennessee's total population. Many of the people in Tennessee's prisons and jails, like the people above, are incarcerated for low-level, non-violent offenses, belying our criminal justice system's supposed purpose: to punish criminals and keep the public safe.

ACLU-TN's Campaign for Smart Justice advocates for a criminal justice system that fosters public safety and fiscal responsibility by reducing mass incarceration and ensuring police accountability.

We kicked off our campaign this year with the launch of a robust public education initiative exploring the connection between private prisons and mass incarceration. This multi-media effort, entitled "Who is CCA?," targeted the Nashville-based Corrections Corporation of America, using facts, statistics and CCA's own words to connect the dots and reveal private prison corporations' vested financial interest in the growth of incarceration rates. The campaign garnered nationwide support, culminating in a petition with 23,000 signatures calling for Governor Haslam to end state contracts with CCA.

ACLU-TN also tackled criminal justice reform at the legislature, working with allies on both sides of the aisle to draft proactive legislation that would have reduced sentences for simple possession of marijuana and ended civil asset forfeiture, also known as "policing for profit." ACLU-TN executive director Hedy Weinberg testified at the Senate Judiciary Committee's criminal justice hearing on the importance of sentencing reform and ACLU-TN's recommendations for reshaping Tennessee's criminal justice system.

Throughout the year, ACLU-TN worked closely with clergy, grassroots activists and community leaders, leveraging our integrative advocacy model to tackle our common goals of reducing mass incarceration by dismantling the school-to-prison pipeline; pursuing sentencing reform; ending racial profiling; stopping civil asset forfeiture and more. We will continue this exciting work in the year to come.

“Like all parents, we thought long and hard about what we wanted to name our kids,” Williamson County parent Kimberly Sarubbi explains, discussing why she and her husband, Dr. Carl Abramson, chose to blend their two last names and give their children the last name “Sabr.” “The name reflects both who Carl and I are as individuals and how we come together as a family through our marriage and our kids. It’s very important to us that our children share this last name.”

The couple gave their first two children, both born outside of Tennessee, the surname “Sabr” without any problem. So they were shocked when the state of Tennessee denied their request to give their newborn son, Camden, the last name “Sabr,” instead issuing a birth certificate for the child bearing the last name “Abramson.” The couple turned to ACLU-TN.

We filed *Abramson et. al. v. Dreyzehner et. al.* on their behalf, arguing that parents have a right to make decisions for their children and that naming your children is an act of free expression, protected by the U.S. and Tennessee constitutions. The Tennessee Office of Vital Records ultimately agreed to issue a birth certificate for Camden bearing the last name “Sabr.”

We also successfully defended the free speech rights of Williamson County students after being contacted by Daniel Pomerantz, whose daughter was excluded from meaningful educational experiences when he refused to sign off on the school’s invasive technology and social media policy.

With the Electronic Frontier Foundation, we demanded that the school board change its overreaching policy, which would have limited virtually all online communication by Williamson County students, regardless of whether the speech occurred on or off campus; required students to get permission from a teacher before posting any photos of other Williamson County students or employees, even if the images were taken outside of school; and subjected smartphones, tablets, and other technology brought to school from home to suspicionless and limitless searches.

Following our letter, the school board agreed to revise its policy and we are in ongoing discussions with them to fix the problems we identified.

ACLU-TN will continue to monitor and defend free speech across our state, from the courthouse, to the capitol, to our communities.

FREE
SPEECH





FAIR
TREATMENT OF
IMMIGRANTS

“I feel like I am in a hole without an exit,” said Esteban, a prisoner at Willacy Criminal Alien Requirement Prison in Texas, one of thirteen such federal facilities run by private prison corporations—including Tennessee’s own Corrections Corporation of America. “I don’t have anything and I feel trapped.” Esteban’s sentiments were echoed by prisoner after prisoner interviewed by ACLU for its groundbreaking report, *Warehoused and Forgotten*, released this year.

The report exposes the inhumane conditions and mistreatment of immigrants awaiting deportation in secretive CAR prisons. Trapped at the intersection of three disturbing trends—our nation’s mass incarceration crisis, prison privatization and the criminalization of immigration—these prisoners exist in the shadows, denied life-saving medical care, living in squalid conditions with little federal oversight, and reportedly confined in small isolation cells for 22 to 24 hours per day when they dare speak out about it.

This report was one of many ways ACLU advocated for the fair treatment of immigrants this year. Our work on immigration offers a clear example of how ACLU’s multi-strategy advocacy across the national, state and local levels cumulatively advances our organization-wide goals.

In February, ACLU filed a lawsuit against the U.S. Department of Homeland Security for failing to report the abuse and mistreatment of children in the custody of U.S. Customs and Border Protection and the U.S. Border Patrol. We argued that the neglect and mistreatment these children experience in Border Patrol custody qualifies as child abuse, which federal officials and contractors are required to report under applicable child protection laws.

In one of the latest victories for DREAMers nationwide, ACLU successfully challenged Arizona’s ban on driver’s licenses for immigrant youth granted Deferred Action for Childhood Arrivals status.

And in our home state, ACLU-TN announced the historic settlement of a federal lawsuit filed on behalf of victims of a warrantless raid on a largely Latino apartment complex by U.S. Immigration and Customs Enforcement and Metropolitan Nashville Police. ICE and MNPd paid \$310,000 to stop the case, *Escobar v. Gaines*, from going to trial.

ICE also granted the noncitizen plaintiffs deferred action status for seven years, sending a strong message to law enforcement across Tennessee and nationwide that all people must be treated fairly under the law, regardless of their immigration status or the color of their skin.

“There are no words for me to explain what it means for me to know my family is protected,”

veterinarian Valeria Tanco said through tears after the United States Supreme Court’s historic ruling in *Obergefell v. Hodges*, which struck down marriage bans nationwide. “There are no words to know [our daughter] legally has two parents now.”

Tanco’s case, *Tanco v. Haslam*, was part of the consolidated *Obergefell* marriage equality lawsuit. ACLU-TN filed an amicus brief in *Tanco* and ACLU-TN legal director Tom Castelli joined in strategy sessions with the *Obergefell* attorneys as they prepared for their oral arguments. On June 26, in an historic 5-4 decision, the U.S. Supreme Court ruled that marriage bans—like Tennessee’s—were unconstitutional, propelling LGBT equality forward in our state and nationwide.

Immediately after the decision, ACLU-TN sprang into action, sending a letter and email to all Tennessee county clerks articulating our expectation that marriage licenses would be issued to same-sex couples without delay. We also began circulating a get-help form for anyone who was refused a marriage license.

Just hours after the Court’s ruling, the Tennessee Attorney General announced that the state would comply with the decision and county clerks across the state began issuing marriage licenses to same-sex couples.

ACLU-TN also fought to advance equality for LGBT people and their families in Tennessee beyond marriage. Last summer, for example, voters in Chattanooga chose to overturn their city’s non-discrimination and partner benefits ordinance, stripping city employees and their families of protections in the workplace. The loss came despite the best efforts of the “YES Chattanooga” campaign, through which ACLU and its partner organizations mobilized voter support for the non-discrimination ordinance.

This loss in Chattanooga, as well as the Shelby County Commission’s subsequent failure to approve a similar nondiscrimination ordinance for its county workers, illustrate the work for LGBT equality we have yet to do in this state.

ACLU-TN now stands ready to combat any legislative attempts to curtail marriage equality that may arise during the 2016 legislative session, including religious refusals. In addition, we will continue to work to ensure that LGBT Tennesseans have the same protections, responsibilities and respect afforded other people at school, in the workplace, in housing and in public accommodations.



EQUALITY LGBT



RACIAL JUSTICE

The killing of Michael Brown, an unarmed African-American teen, by a white police officer in Ferguson, Missouri threw the racial inequalities in our criminal justice system into stark relief. The subsequent excessive military force used by predominately white law enforcement on the largely African-American community further illustrated the sobering realities of racial strife in America.

“Ferguson is symbolic of communities of color nationwide that have a profound disconnect with local law enforcement because they experience racial profiling... [which leads] to a breakdown in community-police relationships, with devastating results,” wrote ACLU-TN executive director Hedy Weinberg in a *Tennessean* op-ed calling for community-driven criminal justice reform.

ACLU has already been leading the way, working on the ground in Ferguson and across the country to compel law enforcement to be more transparent, to protect the public and the media’s ability to videotape police and to protest, to ban racial profiling, to urge police to use body cameras with protections in place for due process and privacy, and to demilitarize local law enforcement.

In Tennessee, ACLU-TN took to the streets of Nashville and joined students from Fisk University, Meharry Medical College, American Baptist College, Tennessee State University, Vanderbilt University and others as they organized and marched in peaceful protests calling for the reform of police practices.

This past fall, ACLU-TN continued the conversation, organizing a public dialogue with Dennis Parker, national ACLU Racial Justice Project director, entitled “BETRAYING BROWN: How the School-to-Prison Pipeline Denies Opportunity to Children of Color.” Parker discussed the policies and practices that push our school-children out of classrooms and into the juvenile and criminal justice systems.

Michael Brown’s death, and the death of too many other people of color at the hands of law enforcement, highlights the need for confronting racial injustice in America. ACLU-TN is committed to helping build community-police partnerships with the shared goals of justice, fairness, respect and public safety, and ensuring that no more people of color are needlessly killed by police. We will continue to advocate for racial justice in communities like Ferguson, in Tennessee and nationwide.

When Lisa Koepfgen, a Cannon County parent, learned that her son had been told he could not read his Bible during the free reading period at his REACH afterschool program, ACLU-TN was there to defend her son's religious liberty.

We sent a letter to the REACH program director explaining that, while the U.S. and Tennessee constitutions prohibit the state from imposing religion in public schools, they protect student-led religious activity, and that prohibiting the student from reading the Bible, or any other religious text, during a free reading period violates the student's constitutional rights. The program ultimately agreed to allow the boy to read the Bible during his free period and to circulate our letter to educate their staff on students' right to religious freedom under the Bill of Rights.

Later this year, ACLU-TN also successfully secured a Washington County high school student's right to attend a religious worship service without jeopardizing his eligibility for college scholarships. The student, a service leader at his church, had been told that missing a mandatory Tennessee Promise scholarship program meeting to help lead a church service would disqualify him from the program. One of the mandatory meetings was scheduled for a Wednesday evening, conflicting with worship services at the student's church.

When his parents could not reach an agreement with his principal, Tennessee Promise administrators, or the Tennessee Department of Education, they contacted ACLU-TN. We sent a letter to the Tennessee Student Assistance Corporation (TSAC) asserting that the state is constitutionally prohibited from burdening a student's free exercise of religion and requesting that the student's absence be excused, as well as that of any other student who presented evidence of a religious conflict with their assigned meeting date. TSAC agreed, and we requested that the rules governing excused absences be permanently amended to include constitutionally-protected activities for all students applying for Tennessee Promise scholarships.

And, like every year, we continue to respond to reports of school-sponsored religious activities. In addition, we continued our series of religious freedom workshops entitled, "Know Your Rights: Your Protections in the Workplace, at School, and with Law Enforcement" in Muslim communities throughout the state, empowering attendees on their right to be safe from religious harassment and discrimination in school and at work, to exercise their faith in school and in the workplace, and to be free from school-sponsored prayer and proselytizing.

ACLU-TN's principled commitment to religious freedom is evident in the range of cases we take on and the advocacy we carry out. ACLU-TN will continue to defend all Tennesseans' right to religious liberty, and to worship as they please—or not—free from government interference.

RELIGIOUS
FREEDOM





Lacey Weld was pregnant when she was arrested in Dandridge, Tennessee for helping cook and sample methamphetamines. During the trial, the 26-year-old was remorseful and cooperative, providing testimony that helped prosecute her co-defendants. Though she fully cooperated with authorities, the prosecutor singled her out for harsher penalties solely because she was pregnant. After a hearing riddled with medical and scientific inaccuracies, a judge agreed to the enhancement, adding eight years of prison time to Weld's sentence.

ACLU-TN joined with the ACLU Women's Right's Project and the National Association for Pregnant Women to file an amicus brief in Weld's case, arguing that such federal sentencing guidelines violate the Fourteenth Amendment's due process clause and the equal protection clause, targeting Weld for harsher penalties than her co-defendants solely because of her reproductive status.

Tennessee's disparate treatment of pregnant women was also on display when our state became the first to authorize the filing of assault charges against a woman who carries a pregnancy to term despite suffering from a substance abuse problem. ACLU-TN lobbied against the measure—criminalizing pregnancy is not only flatly unconstitutional, it's dangerous for women, families and babies, driving them away from seeking the prenatal and other health care they need.

A national expert on the pregnancy criminalization law and its implications, ACLU-TN legal director Tom Castelli raised public awareness about the measure in a variety of settings, including at a meeting of the Tennessee Association of Alcohol, Drug, and Other Addiction Services; at the Fetal Alcohol Spectrum Disorders Matters Conference in Minneapolis; and in media outlets across the country.

Pregnancy criminalization is not the only threat to reproductive rights ACLU-TN confronted this year. The passage of Amendment 1 gave state politicians greater leeway to erode reproductive freedom in Tennessee. We spent much of the 2015 legislative session lobbying and mobilizing grassroots opposition to measures that restrict access to abortion, including bills requiring a 48-hour waiting period; informed consent, given only to a doctor; and burdensome clinic regulations. Despite the efforts of ACLU-TN, its coalition partners, and Tennesseans across the state who believe that personal, private reproductive decisions should be made without government interference, these bills were signed into law.

With an election pending, we anticipate additional attacks on reproductive freedom in the coming year. Rest assured, ACLU-TN stands ready to continue defending and promoting reproductive justice for all women in our state.

One by one, each student took the megaphone and recited the name of a martyr of the civil rights movement—people who had years ago given their energy and even their lives to fight for people’s right to vote. These Fisk University students then marched in peaceful protest of the state’s voter-ID law, holding bright red and blue signs from ACLU’s “Let People Vote” campaign and carrying a coffin to represent the death of their enfranchisement. ACLU-TN executive director Hedy Weinberg then spoke to the crowd, both inspiring and inspired by a new generation of voting rights champions.

In addition to the event organized by the Fisk students, ACLU-TN spoke out this year about the negative impact of Tennessee’s voter ID law and other voting rights issues at a press conference organized by U.S. Representative Jim Cooper, and testified at the National Commission on Voting Rights hearing and before the Tennessee Human Rights Commission Listening Panel.

ACLU-TN also helped voters understand their right to vote and how to exercise it. In advance of the 2014 elections, we launched a statewide campaign to empower voters—particularly those most affected by barriers to the ballot box, including the elderly, students, rural voters, the formerly incarcerated, and communities of color. Our goal was to ensure that Tennesseans know their voting rights and have the tools to handle any problems they may encounter at the polls. To that end, we reached out to hundreds of advocacy organizations, clergy members, churches, fraternities and sororities, re-entry programs for formerly incarcerated individuals, student groups and others, distributing nearly 5,000 pieces of voting rights literature across the state.

During the elections, we also were able to prevent election officials from influencing voters. During early voting for the November 2014 election, ACLU-TN received reports that poll workers were distributing misleading and clearly partisan information concerning four ballot initiatives—including a “voter guide” encouraging voters to support the dangerous anti-abortion initiative, Amendment One.

ACLU-TN sent a letter to the secretary of state demanding that he immediately issue a directive to all county election commissions denouncing this practice and notifying poll workers that they are prohibited from attempting to influence voters’ decisions. Within an hour of receiving our letter, the secretary of state sent out an email to election officials statewide to end the practice

Voting is the cornerstone of our democracy and ACLU-TN remains committed to ensuring that all eligible Tennesseans have access to the ballot box.



YOUTH RIGHTS



After struggling with a series of challenges in her home life, Knox County teen **Melissa*** found herself slapped with a truancy petition

filed by the Knox County school system for missing more than five days of school. During her first appearance in juvenile court, Melissa was ordered to undergo suspicionless drug testing. When the results of that test and a second came back positive, the judge found Melissa delinquent and sentenced her to probation until age eighteen, despite the fact that she had never being charged for a criminal offense, nor given the benefit of a hearing or appointed counsel.

Melissa's case is not unique. Many children accused of truancy miss school due to obstacles in their lives that they lack the support and resources to deal with. They are then further victimized by a system that punishes them for missing school rather than addressing the roots of their truancy. Such students suffer from anxiety, stress and humiliation and their grades and behavior deteriorate further as a result of being hauled into truancy court.

ACLU-TN partnered with the University of Tennessee College of Law's Education Practicum to represent Melissa and challenge the practice of punishing truant youth without due process. We will continue to fight against draconian truancy policies that funnel students like Melissa out of classrooms and into the criminal justice system.

Our work to advance youth rights in Tennessee is carried out in collaboration with young people themselves, from plaintiffs like Melissa to our members and supporters, to our interns and volunteers, to our students' rights conference participants.

This year over 180 Shelby County students participated in ACLU-TN's "Your Rights, Your World: Students' Rights Summit" in Memphis. The conference empowered participants with the knowledge of how to use their rights and their voices to create change. Workshops centered around our criminal justice reform work, including sessions such as juvenile justice and encounters with law enforcement.

Because our work with youth focuses on engaging and empowering the next generation of civil libertarians, ACLU-TN is constantly meeting youth whose enthusiasm and creative approach to achieving equality inspire us. This year, we decided to showcase the stories of Tennessee's budding movers and shakers in *Stand Up/Speak Up: A Guide for Youth Activists*. This guide features young Tennessee change-makers, weaving their experiences into a step-by-step handbook on how young people can create lasting social change in their communities. The guide can be found online at: <http://www.aclu-tn.org/youthactivistguide.html>.

**Name has been changed.*



FY 2015
at a glance

11
events

200,031
unique visitors
to website

657%
increase in daily
Facebook reach

1,972
intake requests
processed

85
new
investigations
opened

38
speaking
engagements

20
press sent
releases

180
Memphis-area
youths attending
Students' Rights
Summit

60+
bills lobbied

**Media outlets
that covered ACLU-TN:**

The Tennessean, The Knoxville News
Sentinel, The Times Free Press,
the Commercial Appeal, The Atlantic,
New York Times, The Washington Post,
TIME, WIRED Magazine, The Nation,
MSNBC, ABCNews, NBCNews, Salon,
Melissa Harris-Perry, AOL, USA Today,
News, Mother Jones, Think Progress,
Jezebel, Bustle, Raw Story, PolicyMic,
the Nashville Scene, Metro Pulse,
the Christian Post, the Nashville Bar
Journal, Nashville Public Radio,
the Wall Street Journal and more.

135
media
interviews

18,668
action alert
subscribers

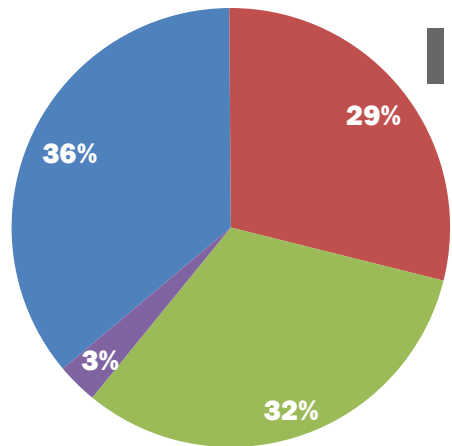
10
legal actions
taken

Financials

ACLU-TN is a vibrant and influential organization because of its creative and multifaceted strategies to protect freedom, made possible by the generous support of its donors and members. Substantial financial resources are essential to pursuing our work. ACLU receives no government funding and never charges for its services. We rely entirely on individual tax-deductible gifts, membership dues, grants, bequests, and periodic court-awarded attorneys' fees.

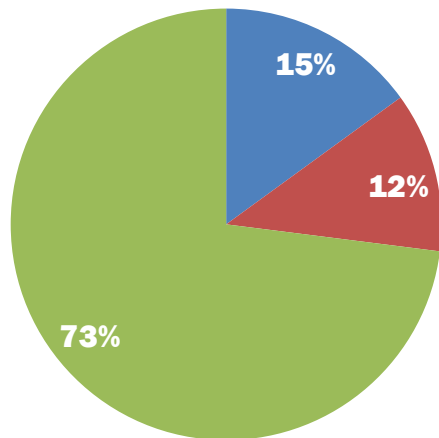
ACLU-TN is a private, non-partisan, non-profit membership organization headquartered in Nashville and serving Tennesseans across the state. We are an affiliate of the national ACLU, but are independently directed by a state-wide board.

ACLU-TN is composed of the ACLU Foundation of Tennessee, a 501(c)3 tax-deductible organization that conducts our legal, advocacy and education activities; and the ACLU of Tennessee Affiliate, a 501(c)4 organization that conducts membership outreach and legislative lobbying. Gifts to the Foundation are tax-deductible.



Income

- Contributions
- Grants
- Shared Revenue
- Other Income



Expenses

- Development
- Management and General
- Program Services

NOTE: Combined audited financials are for both the ACLU Foundation of Tennessee & the ACLU of Tennessee Affiliate.

Giving to the ACLU Foundation of Tennessee

The ACLU Foundation of Tennessee welcomes both Annual Campaign contributions as well as Planned Gifts.

Gifts to our Annual Campaign provide for current needs and may be made year-round by cash, credit card or check. Gifts may be made via mail or online at our website, www.aclu-tn.org. ACLU-TN also accepts gifts of stock, securities or mutual fund shares; please call our development office to obtain transfer information.

Planned gifts, such as bequests, help sustain the ACLU for generations to come. In addition to designating the ACLU as a beneficiary in a will or revocable living trust, donors may also designate the ACLU or ACLU Foundation as a beneficiary of a life insurance policy, IRA or pension.

For more information about giving opportunities, please contact the ACLU-TN Development Department at 615-320-7142 x308.





Susan L. Kay
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