



# aclu of tennessee annual report

april 1, 2012 – march 31, 2013

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## letter from our leadership

Across the state, ACLU-TN is confronting increasing assaults on our civil liberties and civil rights in public squares, courthouses and the state legislature. These attacks are the result of a growing cultural polarization and partisanship.

This divisiveness is evident in the infamous “Don’t Say Gay” bill, intended to silence any mention of sexual orientation in public schools regardless of the educational intent or the need to address bullying. Or in the recent wave of Islamophobic acts, from vandalism of mosques to a lawsuit brought in an attempt to halt mosque construction.

Other, more subtle, examples include recent Tennessee legislation that promoted the use of religion to discriminate, allowing counseling students to refuse service to certain clients, under the guise of protecting religious freedom. Or in photo ID laws that suppress the minority vote in the name of stopping invented voter fraud.

At every turn the ACLU is there, stopping these attempts to promote and enshrine intolerance into our laws. In our state and across the country, ACLU is fighting these efforts to deny equal treatment and protection under the law to all individuals.

Using every strategy available to us—advocacy, coalition-building, public education, legislative lobbying and litigation—we defend the targets of discrimination, from LGBT youth to the homeless, from working mothers to immigrant families, from racial minorities to religious communities.

We want to ensure that everyone, regardless of race, religion, sex, disability, gender identity, sexual orientation, national origin or ideology, is treated equally under the law, and that the courts and legislatures are used to end, rather than codify, discrimination in the laws.

This report describes highlights of our work from April 1, 2012 through March 31, 2013.

Thank you for standing with us to defend targets of discrimination. We know, with your continued support and partnership, through the strategic deployment of the full resources only an organization like the ACLU can bring to bear, together we will change the landscape in Tennessee and across the country.



Hedy Weinberg  
Executive Director



Susan L. Kay  
Board President

“we will persist in our principled defense of freedom of speech”

## When vendors for *The Contributor* <sup>Calvin Hart</sup>

and Andrew Harrington were issued citations for selling newspapers in Brentwood, ACLU-TN stepped in to defend their rights to free speech and press.

*The Contributor* is a “street newspaper” dedicated to providing information on homelessness. The paper hires homeless and formerly homeless vendors to provide them with a source of income and to establish a community between vendors and customers.

Though *The Contributor* and its vendors have the constitutional right to distribute their newspaper in areas considered traditional public fora, such as a sidewalk or public right of way, seven *The Contributor* vendors were cited for violating a Brentwood ordinance that prohibits selling merchandise to occupants of automobiles on public streets.

In October 2012, in *The Contributor, et. al., v. City of Brentwood*, the court found that the ordinance was a permissible restriction on the freedom of speech because the newspaper can still be sold in other ways.

ACLU-TN believes the decision limits freedom of speech and press. Brentwood’s ordinance unfairly targets *The Contributor* and its vendors, broadly restricting the very type of face-to-face speech central to the paper’s mission of fostering dialogue about homelessness with people who have experienced it.

On December 12, 2012, ACLU-TN appealed the decision to the 6th Circuit Court of Appeals.

We will persist in our principled defense of freedom of speech and freedom of the press in this case and others—not only because they are constitutional guarantees, but because they are essential to a participatory democracy.



freedom of  
speech  
& press



religious  
freedom

“religious freedom is not a free pass to  
discriminate against others”

**Religious freedom means** that every person has the right to his or her own personal, religious beliefs.

ACLU has long defended that right. But religious freedom is not a free pass to discriminate against others. In Tennessee this year, we battled numerous efforts to engrain the use of religion to discriminate into state law.

With our partners, we successfully mobilized against a bill that would have forced public higher education institutions to permit counseling students to refuse clients service based on the student-trainee's own religious beliefs. By allowing discrimination against clients, this bill defied professional standards and could have caused significant harm to vulnerable people seeking help.

We also fought against legislation that required state universities to recognize and fund religious student clubs that discriminate against people who do not share their beliefs, or behave in a way that conforms to them, by prohibiting their membership.

Finally, we stopped a bill that unconstitutionally limited a person's right to speech and to petition his or her government about Establishment Clause violations to a single communication. A person could be punished criminally and financially for any further communication that could be interpreted as implying that legal action might be taken. This overbroad bill would have created unnecessary and chilling hurdles for people simply wishing to petition the government to protect their religious freedom.

We continue to challenge proselytizing in schools and to join with the Muslim community to defend their religious freedom rights.

As the primary organization in Tennessee working to defend religious liberty, ACLU-TN will remain vigilant to ensure that no one is discriminated against or denied services because of someone else's religious beliefs.

**LGBT youth** experiencing bullying and harassment in school, as well as censorship and prohibitions on gay-straight alliance student clubs, contact ACLU-TN all too frequently. LGBT youth have the same constitutional rights to privacy and equal protection and treatment under the law as everyone else, and we have defended the rights of a number of LGBT students.

This year, we launched a comprehensive online LGBT youth resource center, including numerous “Know Your Rights” resources on dealing with harassment and bullying, forming gay-straight alliances, coming out at school, free expression, taking same-sex dates to prom and more. The center also highlights action steps, such as implementing anti-harassment training in schools or mobilizing to win nondiscrimination policies. The resource center can be found at: <http://www.aclu-tn.org/LGBTYouthCenter.html>.

In addition, working with allies, we stopped the infamous “Don’t Say Gay” bill from moving. This dangerous legislation would have prohibited instruction “inconsistent with natural human reproduction” in public middle and elementary schools, regardless of whether educators believed such instruction was necessary to combat bullying or for any other educational purpose. It could have additionally required schools to out LGBT students to parents.

We also mobilized support for the proactive “Student Dignity” bill, which would have expanded Tennessee’s anti-bullying law to ensure that all students are protected from bullying based on actual or perceived race, color, religion, national origin, ancestry, ethnicity, academic achievement, sexual orientation, disability, gender, gender identity, gender expression, or physical appearance. We will continue the fight for strengthened anti-bullying protections for students in the coming year.

“LGBT youth have the same constitutional rights as everyone else”



lesbian, gay,  
bisexual &  
transgender  
equality

A young woman with dark hair and hoop earrings is smiling and holding an American flag. The flag is partially visible, showing the stars and stripes. The background is blurred, suggesting an outdoor setting.

# fair treatment of immigrants

Creative Commons / Elvert Barnes

“I had a [ninth-grade] girl who came to school...very distraught, crying,” a Nashville teacher told us when asked about the impact of the 287(g) program, an Immigration and Customs Enforcement (ICE) program that delegates immigration authority to participating law enforcement agencies across the country.

“She had witnessed a shooting outside of her apartment complex... The police...interviewed her. One of the guys who was involved saw her talking...so he had someone go and threaten her family...and they have not told the police because they're scared to... [The family] didn't feel safe. They never actually...went to the police and said, 'We were threatened'... [Instead] they moved.”

This is but one example of the erosion of public trust in law enforcement, and the consequent deterioration of public safety, caused by 287(g) and documented in ACLU-TN's recent report, *Consequences & Costs: Lessons Learned from Davidson County Tennessee's Jail Model 287(g) Program* (available at <http://bit.ly/287gReport>).

We distributed our report to lawmakers, law enforcement and advocates in Knox and Rutherford counties, which had pending 287(g) applications. The report was also circulated nationwide, including to congressional and White House staff.

In addition, we worked with ACLU's Washington Legislative Office to raise specific concerns about Rutherford County's 287(g) application in a letter to ICE and succeeded in delaying federal review of several new 287(g) applications.

ACLU will keep opposing immigration programs that encourage racial profiling and disparate treatment in the justice system, because the Constitution promises equal treatment and protection under the law to all people, regardless of race, ethnicity or immigration status.

“[The family] didn't feel safe....[instead] they moved”

“families can make personal decisions regarding reproduction free from interference”

Over the course of her career with the Memphis Fire Department, where she served as an emergency medical technician, Anna Moran\* had two children. She chose to breastfeed both. But her employer wasn't happy about it.

After returning from maternity leave after each birth, the fire department instructed Anna, in violation of state law, to pump in an unsanitary rest room open to the general public. At times, Anna had to clean the restroom facilities of urine and feces before pumping. The fire department also told her that taking time to pump every four hours was unreasonable and that if she was unavailable for service because of pumping, her pay would be docked. She was subjected to ridicule and derision when she took time to pump.

ACLU-TN intervened on Anna's behalf when she filed a complaint with the U.S. Equal Employment Opportunity Commission. The case is ongoing.

Unfortunately Anna's story is only one example of the assaults on reproductive freedom and health that Tennessee women are facing. This year we also fought back legislation that would have mandated any woman seeking an abortion to undergo an ultrasound. Working with allies, we have also been mobilizing a statewide campaign to defeat the 2014 ballot initiative which will attempt to amend Tennessee's constitution to state that nothing in it protects the right to an abortion.

ACLU-TN is committed to ensuring that women receive equal treatment and protection under the law and that families can make personal decisions regarding reproduction free from interference by the government or by other voters.

\*Name has been changed. Creative Commons / cpmada



reproductive  
freedom &  
women's rights



government  
surveillance

ACLU-TN is committed to ensuring that civil liberties are enhanced rather than compromised by new advances in science and technology.

This year we mobilized a successful legislative campaign to pass the “Freedom from Unwarranted Surveillance Act,” strong legislation that restricts the warrantless use of drones by law enforcement except under special, limited circumstances. This measure puts meaningful restraints on the use of surveillance drones, safeguarding Tennesseans’ privacy and ensuring that this new technology will not have a chilling effect on the use of public spaces and other activities protected under the First Amendment, or result in discriminatory targeting and institutional abuse.

ACLU-TN worked closely with conservative lawmakers and law enforcement to pass this measure, strategizing together as we drafted amendments and talking points and lobbied to pass the bill.

We were particularly proud of this legislation’s passage given the increasingly partisan and polarized culture at the legislature this spring. Despite the challenging climate, we embraced opportunities to proactively promote civil liberties as we engaged members on both sides of the aisle. Our partnership with legislators with whom we are often at odds underscores ACLU’s principled mission to pursue freedom on behalf of all Tennesseans.

“new technology will not have a chilling effect on the First Amendment”

“voting is the cornerstone of democracy”

## A 96-year-old

Hamilton County resident, Dorothy Cooper had voted in every election but one since she was eligible to cast a ballot. But then, in 2011, Tennessee passed a law requiring a government-issued photo ID to vote. Mrs. Cooper went to a driver service center to obtain a free photo ID. But when she got there, her request was denied. The reason? She didn't have a copy of her marriage certificate showing her name had changed from her birth name.

Like Mrs. Cooper, many Tennesseans who lack photo IDs also lack access to the documents or resources needed to acquire one. Rural residents, minorities, seniors and limited-income and disabled people are particularly burdened by this law.

This year ACLU-TN focused on counteracting Tennessee's photo ID law with a targeted, comprehensive public education campaign to educate and empower eligible voters.

We designed five new voting rights publications: “Voter Empowerment Cards,” “Getting Ready to Vote,” “Photo ID,” “Provisional Ballots” and “Guide to Voting with a Felony Conviction in Tennessee.” Working with numerous community groups, we distributed nearly 35,000 “know your rights” brochures across the state prior to the November election.

We also shared these resources at our online Voting Rights Resource Center (<http://www.aclu-tn.org/voting-rights-resource-center.html> ) and at a range of public events.

Finally, we helped organize a student-led mobilization in Davidson County called “Operation Wake Up and Vote Early” to raise awareness of the photo ID law and to encourage students to speak out against it and to vote early.

ACLU-TN remains vigilant in our protection of voting rights, because voting is the cornerstone of democracy.





## The Bill of Rights' guarantees apply to all Tennesseans, regardless of age.

ACLU-TN's youth engagement program focuses on ensuring that young people understand their rights and fostering their leadership skills as active change agents in their communities. Our youth engagement program includes internship and volunteer opportunities, the Teens Advocating for Civil Liberties youth advisory council, and public education activities such as our annual students' rights conference.

Over one hundred youth from Davidson, Sumner, Williamson, Rutherford, Cheatham and Montgomery counties attended this year's students' rights conference, *Stand Up/Speak Up*.

Students chose from a range of expert-led workshops on topics such as freedom of speech, LGBT equality, privacy, freedom of the press, religious freedom, interacting with law enforcement and cultural diversity. The conference also included a discussion of pending legislation affecting youth and a panel of student activists discussing models of community change and action planning.

The conference, held in Nashville, was funded by a generous grant from The Community Foundation of Middle Tennessee and offered as a spring break intersession activity, in conjunction with Metro Nashville Public Schools' Community Achieves program.

ACLU-TN is planning a similar conference in Memphis this coming fall.

ACLU-TN's commitment to engaging young people ensures that the next generation of civil libertarians is empowered to defend and preserve justice, liberty, and equality for all.

“Stand Up/Speak Up”

students' rights

# fy 12-13 at a glance

34,682

signatures on  
"Ag-Gag" petition

104

youths at  
Students' Rights  
Conference

35,000

"Know Your  
Rights" documents  
distributed

2037

intake requests  
processed  
increase in  
Twitter followers

51%

op-eds  
published

5

bills  
lobbied

50+

active cooperating  
attorneys

30

increase in  
Facebook  
fans

43%

19

speaking  
engagements

24

press  
releases  
sent

6

events  
held

# 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, court-awarded attorneys' fees and bequests.

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 statewide 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.

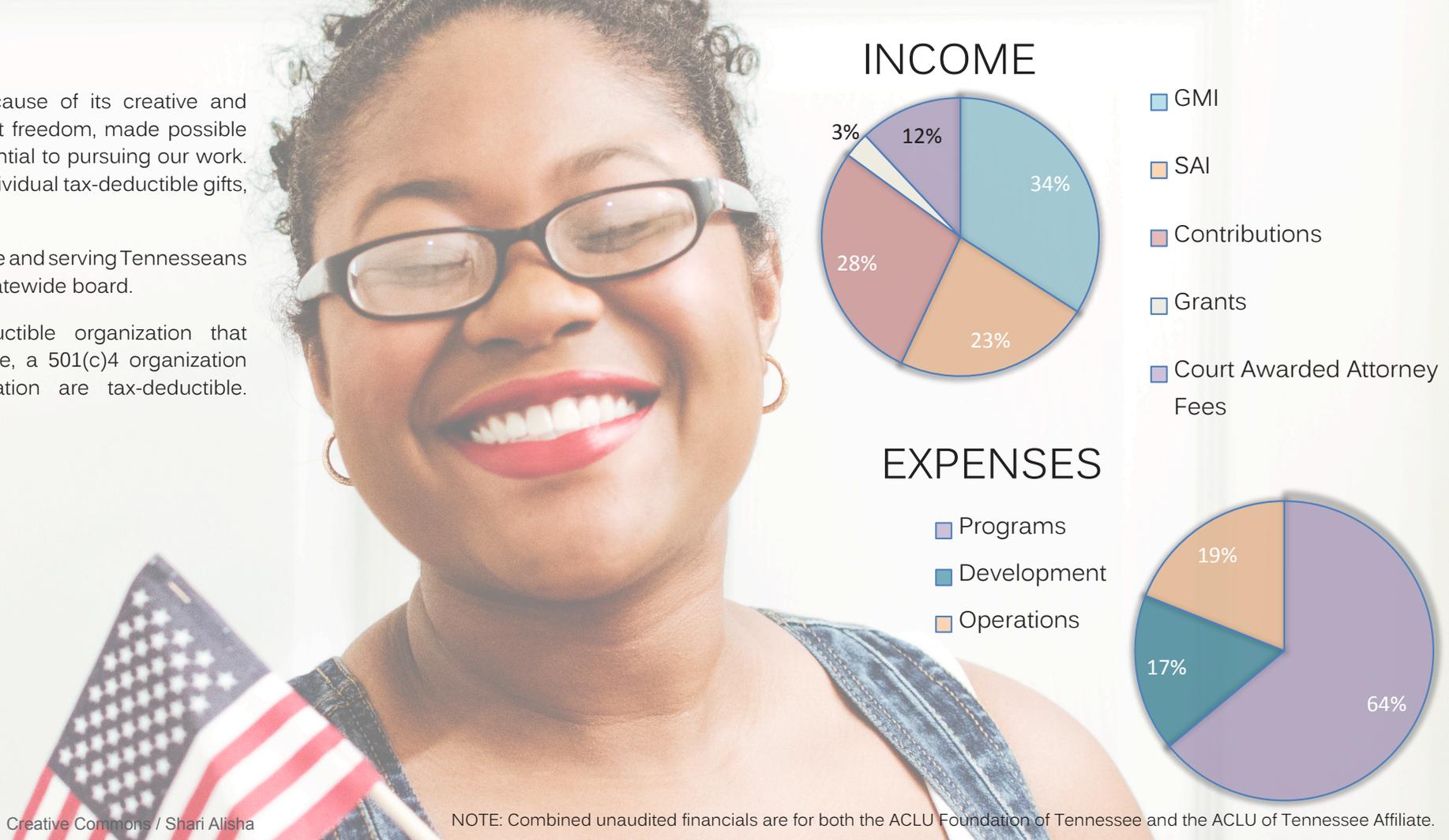
## Giving to the ACLU Foundation of Tennessee

The ACLU Foundation of Tennessee welcomes both Annual Campaign contributions as well as planned gifts.

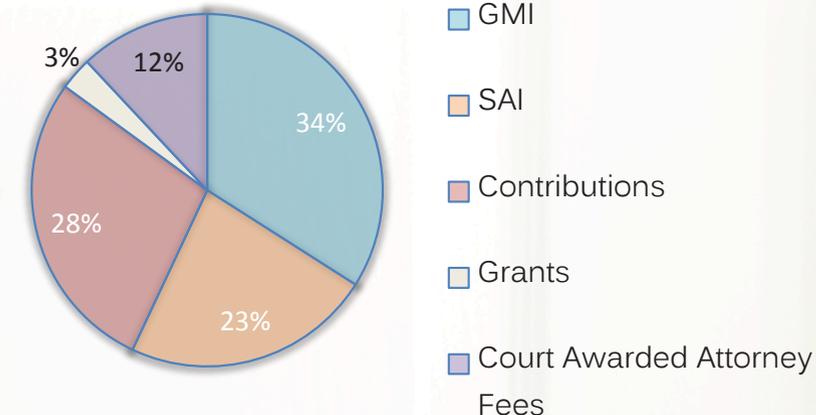
Gifts to our Annual Campaign provide for current needs and may be made year-round by cash, credit card or check. Gifts may be made via mail or online at our website, [www.aclu-tn.org](http://www.aclu-tn.org). ACLU-TN also accepts gifts of stock, securities or mutual fund shares; please call our Development 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.

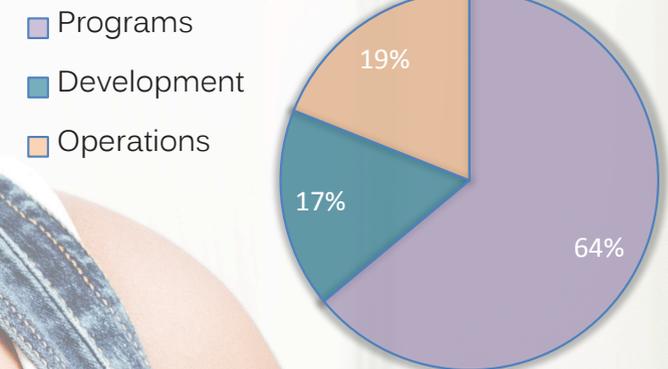
For more information about giving opportunities, please contact Development Director Elizabeth (Liz) Musselman at 615-320-7142 x308.



## INCOME



## EXPENSES





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