



The Vigil

Summer/Fall 2016



You are invited to...

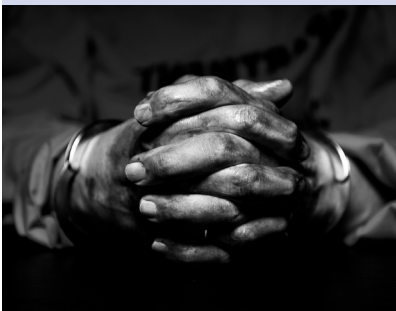
The Constitution *Uncorked!*

Make your reservation today! Info on page 3.

ACLU-TN stands up for prisoners' right to healthcare

This July, ACLU-TN filed a federal class action lawsuit challenging the Tennessee Department of Corrections' (TDOC) systematic denial of treatment to inmates infected with Hepatitis C (HCV).

We joined with Disability Rights Tennessee, No Exceptions and Branstetter, Stranch & Jennings PLLC to file the suit on behalf of two inmates who were both diagnosed with HCV years ago



while incarcerated at TDOC facilities. The individuals were consistently and systematically denied treatment for their disease, in violation of the U.S. Constitution's protection against

cruel and unusual punishment.

In March 2016, the Tennessee Department of Corrections placed the number of its inmates testing positive for HCV at 3,487, or nearly one in six prisoners, while conceding that this number is likely far below true infection rates. Nearly half the inmates tested in 2015 were positive, putting the likely number of infected inmates closer to 10,000.

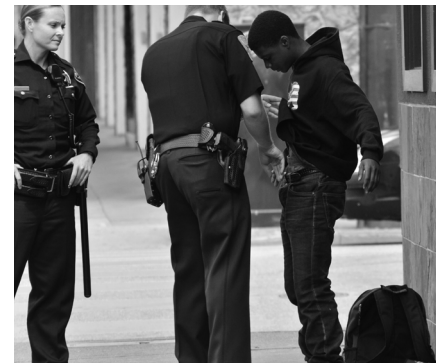
A 12-week treatment regimen with *Cont. on p. 5*

ACLU-TN launches community coalition for criminal justice reform

We are excited to announce that we have joined with community leaders from across Tennessee to launch the Tennessee Coalition for Sensible Justice. This nonpartisan coalition is committed to advancing criminal justice reforms that enhance public safety, promote rehabilitation and re-entry, and save taxpayer dollars in order to create a just and fair criminal justice system that offers every Tennessean the opportunity to become a productive member of society.

Founding organizations include the American Civil Liberties Union of Tennessee, the Beacon Center of Tennessee, the Tennessee Association of Goodwills, and the Nashville Area Chamber of Commerce.

Spanning the political spectrum, these diverse organizations came together because we all agree that criminal justice reform is both necessary and urgent.



Tennessee's incarceration rate is 11 percent higher than the national average as of 2014, costing Tennessee taxpayers over \$900 million annually and draining significant resources away from investments that can do more to enhance public safety. The state's high incarceration rate does not correspond with a proportional increase in public safety: Even as Tennessee's imprisonment rate increased by 256 percent between 1981 and 2013, Tennessee's violent crime rate remains among the highest in the nation.

Clearly our current criminal justice policies are failing. Our system is functioning like a revolving door — of people released from Tennessee prisons or jails, 46 per- *Cont. on p. 6*

From the Executive Director...

Hedy Weinberg

Election season is upon us again.

The ACLU is a strictly non-partisan organization. Our focus has always been defending the rights protected by the Constitution. And we work with allies and take on foes from across the political spectrum to get our job done.

While we do not support or oppose candidates for office, we do closely examine proposals that candidates of all stripes put forth. The ACLU's constitutional analysis of policy proposals that have been discussed during the current presidential campaign can be found at <https://medium.com/acluelection2016>.

ACLU-TN fights all year, every year, to protect the right to vote, but we expand these efforts during election years. This year we launched our "Let People Vote" voting rights education campaign, distributing free resources to empower voters to protect their rights at the ballot box.



Election Dates:

- **Voter Registration Deadline:**
Oct. 11
- **Early voting:** **Oct. 19 - Nov. 3**
- **Deadline for receiving by-mail ballot application:** **Nov. 1**
- **Election Day:** **Tuesday, Nov. 8**

The campaign targeted populations vulnerable to voting restrictions, including communities of color, the elderly, people with felony convictions, and people with disabilities. To date, ACLU-TN has distributed thousands of resources across the state including the "2016 Voter Empowerment Card," a pocket-sized card outlining when and where to vote, getting off work to vote, dealing with problems at the polls, and more; "Getting Ready to Vote: What You Need to Know Before Election Day," which provides helpful facts about registration and by-mail ballot deadlines, along with details regarding early voting and address changes; the "Get Your Right to Vote Back" brochure, which describes the

process for people with felony convictions to restore their right to vote, and more.

If you would like to order free voting rights materials for yourself or your organization, please visit our online order form at: <http://bit.ly/ACLUTNVoterKYR> (case sensitive). Thank you for joining us in the fight to ensure that every citizen is able to freely exercise the right to vote.

See you at the polls on November 8!

A handwritten signature in cursive script that reads "Hedy".

UPDATE: ACLU-TN wins victory for pro-LGBT student speech in Giles County

In a victory for free speech, ACLU-TN settled a federal lawsuit filed on behalf of Richland High School graduate Rebecca Young, who was publicly reprimanded by her principal for wearing a shirt that read, "Some People Are Gay, Get Over It." She was banned from wearing the shirt or any other pro-LGBT clothing to school.



ACLU-TN's lawsuit argued that the school system's policy violated Young and her peers' First Amendment rights. A federal district court agreed, granting Young a preliminary injunction ordering the ban on pro-LGBT speech lifted.

The Giles County Board of Education modified its dress code policy for reasons unrelated to the lawsuit, however the change in its discriminatory policy addressed Young's concerns. The new dress code no longer singles out one type of speech for censorship.

The lawsuit was filed in the United States District Court for the Middle District of Tennessee. In addition to ACLU-TN, the Young family was represented by cooperating attorney Mark J. Downton of Downton Clark, PLLC.



Join the American Civil Liberties Union of Tennessee for

The Constitution Uncorked

Thursday, November 17, 2016

- Auction at 6:00 P.M. Cocktails, hors d'oeuvres & *celebration* until 8:00 P.M. •
- The Noah Liff Opera Center • 3622 Redmon Street, Nashville •

Presenting the Bill of Rights Awards to
Drost Kokoye, Henry Seaton & Justin Bautista-Jones
and the Life-time Achievement Award to
Bernard Werthan

I/we want to sponsor ACLU-TN's Constitution Uncorked on Thursday, Nov. 17, 2016!

Sponsorship & Reservation Levels

_____ *Guardian of Liberty* (\$2,500): Sponsorship includes reserved seating for 10, drink tickets, recognition in event materials, a copy of the Constitution and an invitation to special donor events during the year.

_____ *Constitutional Champion* (\$1,000): Sponsorship includes a reservation for 2, drink tickets, recognition in event materials and a copy of the Constitution.

_____ *Friend of Freedom* (\$500): Sponsorship includes a reservation for 1, drink tickets, recognition in event materials and a copy of the Constitution.

_____ *Individual Reservation* (\$150 per reservation, \$175 after Nov. 9) Reservation includes a drink ticket. *No. of Reservations* _____

Name(s): _____

Please list me/us in event materials: ___ as written ___ as anonymous

Address: _____

Phone: _____

Email: _____

_____ My check, payable to ACLU Foundation of Tennessee, is enclosed.

_____ Please charge credit card #: _____

Exp: _____ Security Code: _____

I cannot attend; please accept my tax-deductible gift of \$ _____

Please **RSVP** by sending this card to **ACLU-TN**, P.O. Box 120160, Nashville, TN 37212 or respond online at:
<http://bit.ly/UNCORK2016> by **Friday, September 16, 2016.**

ACLU protects youth from solitary confinement

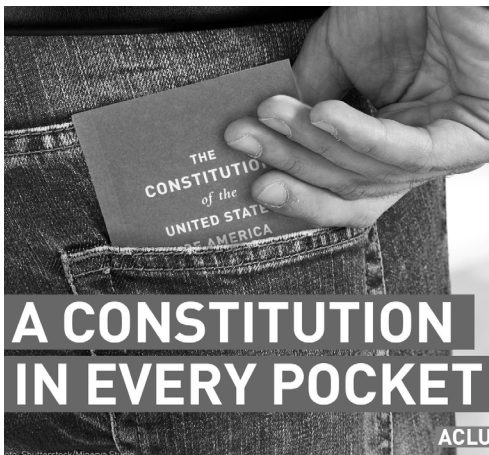
For several long days last April, a fifteen-year-old boy was held in isolation — for 23 hours a day — in a concrete cell at the Rutherford County Juvenile Detention Facility. For the first two days he was denied access to books, magazines, music and other materials. The reason he was in solitary confinement? He had allegedly disrupted a classroom, “hollered,” “rapped,” and “flashed gang symbols.” The boy, who was being held pre-trial, was never alleged to be a danger to himself or others.

Solitary confinement can be psychologically shattering for young people. It’s difficult to think of a more cruel and unusual practice. That’s why 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.

Two days later, a federal judge issued a temporary restraining order against the Department of Children’s Services and the Rutherford County Juvenile Detention Center to end the boy’s solitary confinement.

ACLU-TN and attorneys for the family seek to stop the use of solitary confinement for punitive or disciplinary reasons permanently, both for the boy in this case as well as for other juveniles in pretrial detention or who suffer from mental illness across the state.

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



A Constitution in every pocket

We couldn’t have guessed that the trendiest item this election season would be a classic: the U.S. Constitution. This summer, our national office gave away 100,000 pocket Constitutions, and orders came in so fast that we ran out in

just a few days.

Small in size yet mighty in scope, our handy pocket Constitution can travel with you anywhere, whether you’re going to school, the airport, or the voting booth. It comes complete with all seven articles and 27 amendments, plus a special Know Your Rights section.

Protect yourself against those with an ominous vision of America who say your American-ness is determined by your religion, who try to tell women what to do with their bodies, and who think that only some Americans should be able to vote. To order your very own ACLU pocket Constitution, visit: <http://bit.ly/ACLUConstitution>.

ACLU-TN launches new, interactive website

ACLU-TN is excited to announce the launch of our new, user-friendly website, redesigned to showcase the latest ACLU-TN news and civil liberties resources.



Check it out to explore Know Your Rights publications, take action, get involved and much more!

See you online at www.aclu-tn.org.



ACLU-TN ED, Nashville police chief honored

On Sep. 9, 2016, the Tennessee Muslim Community and the American Muslim Advisory Council

honored ACLU-TN's Hedy Weinberg and Nashville Police Chief Steve Anderson with the Bridge Builders Achievement Award, on behalf of their legislative work opposing anti-Muslim legislative initiatives and empowering community members to know their religious freedom rights.

Hep C lawsuit, cont. from p.1

direct-acting anti-viral drugs — which has a 90%+ cure rate — is the medically accepted standard of care set by the American Association for the Study of Liver Disease and the Infectious Disease Society of America. While TDOC has acknowledged this treatment guidance, as of May 2016, only eight of the 3,487 inmates identified as infected were receiving treatment with direct-acting anti-viral drugs.

The lawsuit alleges that TDOC has intentionally omitted direct-acting anti-viral treatment “in order to justify their routine denial of treatment with these life-saving medications.” This deliberate indifference, the lawsuit contends, has led to inmates’ acute physical suffering and, if continued, will lead to irreversible physical harm, including eventual death.

The lawsuit asks the court to declare that these policies and practices violate the Eighth Amendment and to require the department to develop and implement a new plan for diagnosis and treatment that complies with the community standard of care and expert medical advice.

ACLU-TN continues to protect families from Tennessee’s expired fetal assault law

Tennessee’s Fetal Assault Law, which singled out new mothers struggling with addiction and threatened them with jail time, sunset for good on July 1, 2016. Lawmakers opted not to extend the law after ACLU-TN and our partners implemented a successful lobbying campaign illustrating its devastating impact on mothers and children.



ACLU-TN is currently working with our Healthy and Free Tennessee coalition partners to ensure that no more families are harmed by this dangerous law. We are distributing flyers with information on the law’s sunset, as well as available community resources, to health care and social service providers, law enforcement, legal advocates and people directly impacted by the law across the state. The flyers can be found on our website at: <http://bit.ly/2d0MI2z>.

UPDATE: ACLU-TN’s fight to defend transgender students continues

Months after the close of the legislative session, the troubling debate over transgender students’ access to restrooms continues to rage on.

In May, eleven states, including Tennessee, filed a lawsuit to block the Obama administration’s interpretations of several federal laws, including guidance advising public school districts that the U.S. Departments of Justice and Education believe that transgender students should be allowed to use restrooms that correspond with their gender identity.

In August, a U.S. District Court judge issued a preliminary injunction against the federal government’s guidance in the lawsuit, *Texas v. United States*.

While ACLU-TN is very troubled by the court’s misguided decision, this ruling does not change the fact that transgender students still have the right to go to school without being singled out for differential treatment or discrimination. Tennessee school districts are not only permitted, but required, to treat transgender students fairly.

We will continue to fight for the fair treatment of all students in Tennessee.





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Broken windows, broken trust: Explore community-police relations at ACLU-TN's Annual Meeting on Oct. 22

Join ACLU-TN on Saturday, October 22 for "Broken Policing: Windows for Change," featuring Jeff Robinson, ACLU Deputy

Legal Director and Director of the ACLU Center for Justice. The conversation will focus the realities of race and policing in America, and how law enforcement and community groups can work together towards substantive changes in police training, education, and culture.

The event, co-sponsored by the Nashville Public Library, will take place at the downtown library (615 Church St., Nashville). The conversation with Robinson will be held from 11:00 A.M. – 12:30 PM. The event is free and open to the public. For more information, visit www.aclu-tn.org or call (615) 320-7142.

Coalition, cont. from p.1

cent are re-incarcerated within three years.

One reason is that most inmates leave prison without skills to get back on their feet. We need to put more emphasis on preparing inmates for life outside of prison, including education and job training. We must also do a better job addressing mental health and drug addiction to truly transform the criminal justice landscape.

A recent poll shows that 95 percent of Tennessee voters agree that at least some reform of the criminal justice system is needed. We as a state can and must do better. The Coalition for Sensible Justice will be a powerful advocate for fair, smart-on-crime policies.