



ACLU SUES TO STOP NEW VOTER SUPPRESSION LAW

Once it hit his desk, Governor Bill Lee wasted no time signing into law a bill that would suppress voters in the state he was elected to lead.

The new law, which engendered local and national outrage as it wound its way through the legislature, forces nonprofits, churches, businesses and other groups to jump through hoops to hold voter registration drives. It also makes Tennessee the only state in the nation to penalize the submission of forms that are incomplete. This law is a blatant effort to frighten civic-minded groups and chill voter registration of historically disenfranchised communities — like students, immigrants, people of color and the elderly.

ACLU-TN sprang into action, joining with the national ACLU Voting Rights Project, the Campaign Legal Center and the Fair Elections Legal Network to file a lawsuit challenging the law on behalf of the League of Women Voters

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ACLU URGES ADDITIONAL INVESTIGATION OF DISTRICT ATTORNEY

After Coffee County District Attorney Craig Northcott's disturbing anti-LGBTQ and Islamophobic public statements surfaced, we sent a letter urging the Tennessee District Attorneys General Conference (TDAGC) to investigate.

Video showed Northcott admitting that he does not prosecute domestic abuse between same-sex couples due to his religious beliefs. He also made Facebook comments expressing his hatred for Islam and those who follow it.

We asked the TDAGC to examine whether Northcott instituted discriminatory office policies or

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ACLU TO CHALLENGE QUALIFIED IMMUNITY AT U.S. SUPREME COURT

Alexander Baxter was already sitting on the ground, hands in the air, when a Nashville police officer unleashed a dog on the surrendering burglary suspect, who was viciously bitten. Baxter sued for use of excessive force, but a federal appeals court found that his claim should be thrown out under the doctrine of “qualified immunity.”

Qualified immunity is a contentious legal concept that shields government officials accused of committing constitutional violations that aren't considered “clearly established.” Generally this means that plaintiffs have to show a prior case with very similar facts. The practical effect of this doctrine is that public officials — particularly members of law enforcement — regularly get away with unconstitutional misconduct simply because no court has ruled on that exact kind of misconduct before. Qualified immunity undermines official accountability and has no sound legal basis, weakening respect for the rule of law and denying justice to the victims of many constitutional violations.

ACLU-TN, ACLU-DC and the national ACLU have asked the U.S. Supreme Court to reverse the granting of immunity to the officers responsible for the dog attack on Baxter, but also to reconsider the doctrine of qualified immunity itself. Our petition to the Supreme Court is pending.

ACLU-TN'S 2019 LEGISLATIVE
REPORT INSIDE

The legislative session is always a hard-fought battle to defend civil rights and civil liberties in our state, but the first year of the 111th Tennessee General Assembly was unlike any I have ever seen before.

From advancing discriminatory legislation that attacked the most vulnerable Tennesseans, to cutting the mics of dissenting lawmakers, ordering state troopers to physically remove silent protestors from committee meetings, and finally the revelation of racist and sexist text messages circulated amongst staff, Rep. Glen Casada's first and last session as the speaker of the house demonstrated not just a blatant disregard towards the principles of equality, fairness and justice, but a shocking contempt for the people of Tennessee's right to participate in the democratic process.

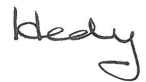
There's no denying it — this year's legislative session was a roller coaster ride from beginning to end; with a new crop of legislators eager to prove themselves, Tennesseans faced some of the most insidious, discriminatory legislation introduced in recent years.

As always, ACLU-TN and our partners were there every day, fighting to curb some of the most egregious attempts to codify discrimination into law and to usher forward policies that would help make our state fairer and more just.

I am also excited to share that Brandon Tucker recently joined ACLU-TN as our first ever policy director. His expertise in building and implementing strategic legislative campaigns with a range of stakeholders will strengthen and advance our work at the legislature (see article below for more).

Now, more than ever, we are so grateful to the thousands of our members and supporters like you who took action this session. **Your voice matters.** As always, thank you for joining with us.

Onward,



ACLU-TN BOARD NOMINATIONS

ACLU-TN is now soliciting suggestions for board candidates. In addition to submitting nominees, nominations can be made by submitting a petition signed by any twenty current ACLU-TN members.

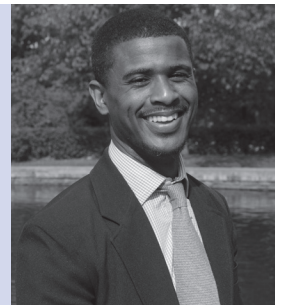
Suggestions should confirm that the nominee wishes to serve on the board and their background, qualifications and contact info. Please send submissions by Wednesday, July 31 to:
ACLU-TN
P.O. Box 120160
Nashville, TN, 37212

ACLU-TN WELCOMES POLICY DIRECTOR

On April 1, ACLU-TN welcomed Brandon Tucker as our first-ever policy director. Tucker leads our organization's policy advocacy program, including working with elected officials, partner organizations, administrative agencies and other stakeholders to advocate for civil liberties and civil rights.

Tucker is no stranger to ACLU or Tennessee. A graduate of Fisk University, Tucker worked as a state advocacy strategist with the national ACLU, developing and implementing legislative and advocacy campaigns in collaboration with state affiliates across the country. He also previously served as political coordinator for the United Food & Commercial Workers International Union in Washington, D.C., managing issue, organizing and electoral campaigns in multiple states.

"I am excited to be back in Tennessee and to hit the ground running to protect and expand civil liberties and civil rights during this particularly critical moment in our state and our nation's history," Tucker shares. "I look forward to partnering with people from across the political spectrum to advance policies that protect the rights of all Tennesseans."



2019

LEGISLATIVE REPORT

ACLU-TN'S 2019 LEGISLATIVE ADVOCACY

Growing chorus for criminal justice reform

ACLU-TN, with our partners, continued to push for substantial criminal justice reform legislation again this year and bipartisan momentum continues to grow.

Pre-trial detention is a leading cause of mass incarceration. Many Tennesseans remain jailed while they await trial not because there is a risk that they will flee or threaten community safety but because they simply cannot afford to post bail. With the Tennessee Coalition for Sensible Justice, of which ACLU-TN is a founding member, we pursued legislation that would allow people arrested for expungeable offenses to be released on their own recognizance – meaning they can go home without paying cash bail unless evidence is presented that money bail is necessary to ensure they appear in court. The bail bond industry aggressively opposed the legislation and it was deferred until 2020; we plan to resume the fight then.

Victories include passage of laws that 1) remove unnecessary burdens on law enforcement officers, making it easier for them to issue citations for minor offenses rather than arrest those individuals; and 2) eliminate the court fees required to expunge certain criminal records. Lifting the financial barrier to clear one's record increases opportunities for employment and housing.

We are now preparing our criminal justice legislative agenda for next year.

Stopping attempts to make Tennessee the "last place" immigrants would want to be

This session, lawmakers made no attempt to hide their anti-immigrant agenda, trumpeting the

onslaught of discriminatory and dangerous bills meant to make Tennessee, as one legislator said, the "last place [immigrants] want to come."

But this mean-spirited plan largely failed to take-off, with the state's immigrant and refugee communities and their allies rallying to stop bills



that would institutionalize discrimination against undocumented people in housing, in the courts and in the health care system. Advocates also overcame measures that would have undermined birthright citizenship and taxed Tennesseans to pay for a border wall.

ACLU-TN was proud to once again stand with our community partners, members and supporters to stop anti-immigrant measures. We will continue to fight attempts to turn Tennessee into an unwelcoming and hostile place for our friends, families and neighbors.

Undermining education equity

Despite widespread opposition across the state, the Tennessee General Assembly passed legislation that undermines educational equity by taking desperately needed resources away from public schools, which serve everyone, and channeling them to private schools. Celebrated and signed into law by Governor Lee, the voucher law applies only to

We are excited to launch our new **text messaging system** to share **upcoming actions and events**.

We'll only use it when it matters.

To sign up, please email your name, zip and cell phone number to: communications@aclu-tn.org with **"TEXT SUBSCRIBE"** in the subject line.

Davidson and Shelby counties whose delegations opposed the bill but were unable to exempt their counties. The other urban and rural delegations who also

opposed the legislation were allowed to amend their counties out during the legislative process.

The new law also discriminates against students from undocumented families, excluding them from participating in the program — despite the fact that federal laws prohibit discrimination on the basis of national origin in public education. The United States Supreme Court has long recognized that undocumented students have a constitutional right to access public education and that requiring students or parents to provide information about their immigration status is unconstitutional.

We will continue to monitor a pending FBI investigation into whether any improper incentives were offered to pass the bill in the House and will fight to ensure that all students in Tennessee schools are being given equal access to opportunity, regardless of their families' immigration status.

Protecting the right to abortion access

Since January, seven states passed laws banning abortion. ACLU is suing, or preparing to sue, to stop the bans in Alabama, Georgia, Ohio and Kentucky, and we'll keep fighting to make sure those laws are never enacted.

Tennessee narrowly avoided passage of its own version of an effective abortion ban. A bill prohibiting abortion after the detection of fetal cardiac activity passed the House. However, the Senate Judiciary Committee sent the bill to summer study and a public hearing is scheduled for August 12 and 13. We are now preparing for the hearing and mobilizing opposition to the pending legislation. We have made

it clear that if an abortion ban bill becomes law in Tennessee, we will see the state in court.

Despite this deluge of attacks, ACLU-TN and our allies will continue to fight against government attempts to interfere with our constitutional right to an abortion — up to and including at the Supreme Court.

Fighting the anti-LGBTQ "slate of hate"

This session, lawmakers once again put forward a "slate of hate" — legislation intended to encourage government-sanctioned discrimination against LGBTQ Tennesseans.

ACLU-TN and our allies fought bills that would have protected businesses with internal policies that discriminate against LGBTQ people; allowed discrimination against prospective LGBTQ adoptive and foster families; and required the state attorney general to provide representation for school districts with anti-transgender policies.

While these bills passed on the House floor, they slowed down in the Senate and were deferred until 2020. We stand ready to once again mobilize our supporters and work to defeat these bills next year.

Defending access to the ballot box

ACLU-TN has long been a leader in the movement to reform Tennessee's voting system and remove barriers to the ballot box, and we went into the session anticipating being able to make great strides on voter restoration with bipartisan support. With our partners, we advanced a bill that would have streamlined the restoration process and restored the voting rights of Tennesseans with certain felony convictions after they complete their prison sentence, parole and/or probation. While it gained momentum this session, the bill was ultimately deferred to the first calendar of 2020. We

BY THE NUMBERS

Bills filed in the 2019 legislative session	1,765
Legislators in both the House and Senate	132
ACLU lobbyists present in the Statehouse	2
Bills ACLU-TN tracked	66
Bills ACLU-TN supported	46
Bills ACLU-TN opposed	20
Messages to lawmakers from ACLU-TN Supporters	36,329
Victories for civil liberties and civil rights, including good bills passing and bad bills being defeated or slowed down	22

FOR A COMPLETE REVIEW OF OUR LEGISLATIVE PROGRAM FOR 2019, VISIT:

bit.ly/19ACLUTGA (case sensitive)

“Stop the Bans!” rally in Nashville, May 2019 (Photo: ACLU-TN)



will continue to fight for this legislation next session. In the meantime, ACLU-TN continues to advocate for the restoration of voting rights through our “Get Your Right to Vote Back” program (more info at: bit.ly/2KxYEN7).

Beyond voter restoration, the session ended with a battle over a different bill that will make voting even less accessible in our state than ever before: the voter registration drive restriction bill. With our allies, we fought hard to defeat this bill, which imposes burdens on groups seeking to register voters, imposes penalties for forms that are incomplete and makes it harder for historically disenfranchised communities to participate in our elections. Despite national outcry, Governor Lee signed it into law on May 2. We quickly filed a lawsuit to keep this voter suppression law from being enforced (see page 1 for more).

Slapping down SLAPP suits

Free speech, healthy debate, peaceful dissent and the ability to speak out against injustice are critical to keeping democracy alive and well — now more than ever.

But SLAPP lawsuits, or “Strategic Lawsuits Against Public Participation,” are tools of the powerful used to silence those who speak out against them. Through unnecessary litigation, the individual who dared to exercise his or her right to free speech is dragged through court and subjected to the financial and emotional tolls of a lawsuit.

That’s why we supported “The Tennessee Public Participation Act,” which establishes legal protections for victims of SLAPP suits intended to chill their free speech. The bill was signed into law on April 23, 2019.

Onward

While this year’s legislative roller coaster ride is over, the second half of the 111th TGA will occur during an election year, so we expect next year’s session to be just as political and intense as this one.

Rest assured, we’ll be ready. And we know we can count on you to continue keeping the pressure on.

Until then: Thank you for all the calls and messages you sent to legislators and for standing with us through the ups and downs of this year’s session.

DATES TO NOTE

SB 1236 ABORTION BAN SENATE HEARING & PUBLIC TESTIMONY
MONDAY, AUGUST 12 & TUESDAY, AUGUST 13, 2019 | CORDELL HULL BUILDING, NASHVILLE

ACLU-TN ANNUAL MEETING
SATURDAY, OCT. 19, 2019 | NASHVILLE

2019 CONSTITUTION UNCORKED
THURSDAY, NOV. 14, 2019 | NASHVILLE



Tennessee

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Free Speech & the Knox Co. Sheriff's Detective

Do workers have expressive rights that protect them from being fired for what they say — even when they call for the government execution of LGBTQ people, as in the recent case of Knox County Sheriff's Detective Grayson Fritts?

ACLU-TN has long defended free speech. But under the First Amendment, a government employer can discipline workers for out-of-work speech if it has a real interest in regulating speech that strongly outweighs the worker's interest in exercising their constitutional rights.

When a law enforcement officer identifies himself as such and advocates for execution of an innocent group of community members, his agency clearly has an interest in responding in order to ensure that it can maintain community-law enforcement relations and promote public safety for all people.

ACLU-TN board member Bruce Barry recently wrote an op-ed for the Knoxville News Sentinel explaining the related case law.

You can read it here: bit.ly/2WOvyKN.

Voter registration restriction lawsuit, cont. from p. 1

of Tennessee, the American Muslim Advisory Council, Mid-South Peace and Justice Center, Rock the Vote, and Spread the Vote, all of whom regularly work to help Tennesseans gain access to the ballot box through voter registration drives.

Our lawsuit asserts that the new law violates freedom of speech, freedom of association, due process and the fundamental right to vote under the First and Fourteenth Amendments. We also sent a notice letter to the Tennessee secretary of state citing violations of the National Voter Registration Act.

The lawsuit, *League of Women Voters of Tennessee v. Hargett*, was filed in U.S. District Court for the Middle District of Tennessee. Bill Harbison of Sherrard, Roe, Voigt & Harbison PLC is serving as ACLU-TN cooperating attorney.

District Attorney letter, cont. from p. 1

failed to adhere to Tennessee laws regarding charging decisions; to cooperate with a pending Board of Professional Responsibility investigation; and to denounce Northcott's statements.