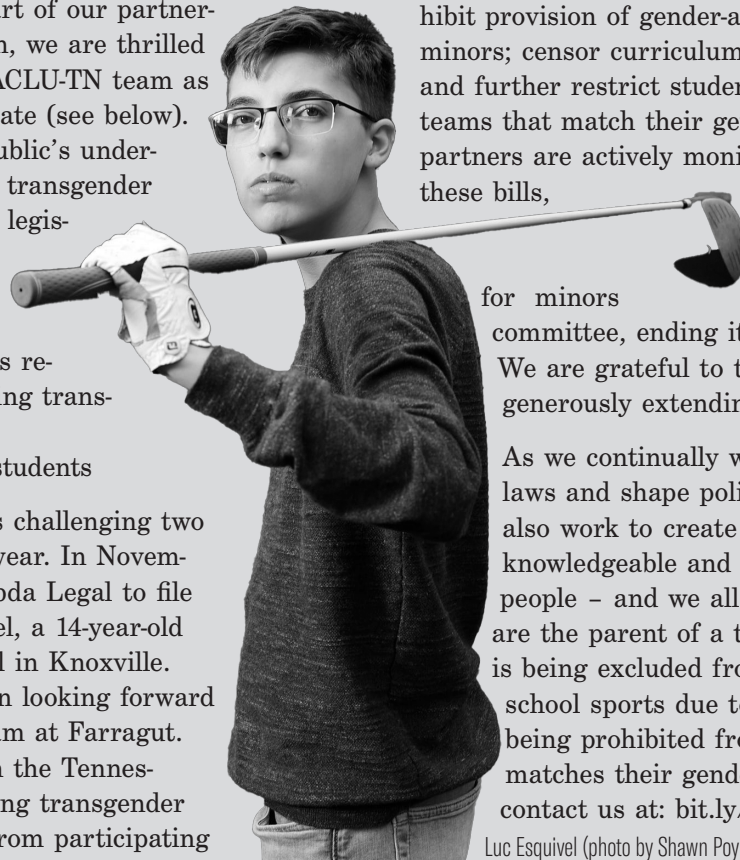


The Fight for Trans Rights

Over the past several years, Tennessee lawmakers have doubled down on their efforts to codify government-sanctioned discrimination against LGBTQ Tennesseans. In response, we have leaned into our integrative advocacy approach, advocating for change using a strategic combination of litigation, advocacy, policy, and communications. This led to a partnership with the TAWANI Foundation, which enabled us to strengthen our integrative advocacy work.

Education and Advocacy. As part of our partnership with the TAWANI Foundation, we are thrilled to welcome Henry Seaton to the ACLU-TN team as our new transgender justice advocate (see below). Henry will work to increase the public's understanding of the obstacles faced by transgender Tennesseans, including dangerous legislation, and build support for the rights of transgender people. We also recently published a digital FAQ that answers questions regarding the Tennessee laws affecting transgender students in public schools: bit.ly/faq-tn-laws-and-transgender-students

Litigation. We have filed lawsuits challenging two of the anti-trans bills passed last year. In November 2021, we partnered with Lambda Legal to file a lawsuit on behalf of Luc Esquivel, a 14-year-old freshman at Farragut High School in Knoxville. Luc is an avid golfer who had been looking forward to trying out for the boys' golf team at Farragut. That aspiration was derailed when the Tennessee legislature passed a law banning transgender middle and high school students from participating



on interscholastic sports teams that match their gender. Currently, the trial is set for March 2023.

In addition, we and our partners succeeded in securing a preliminary injunction to block a law that requires businesses that allow trans people to use public restrooms that match their gender to post government-prescribed "warning" signs, in violation of the First Amendment. The lawsuit is ongoing.

Policy. During the current legislative session, the Tennessee General Assembly introduced bills that prohibit provision of gender-affirming health care to minors; censor curriculum related to LGBTQ identity; and further restrict student participation on sports teams that match their gender identity. We and our partners are actively monitoring and lobbying against these bills,

and we are happy to share that the bill prohibiting gender-affirming health care for minors was sent to a general subcommittee, ending its movement for the year. We are grateful to the TAWANI Foundation for generously extending our lobbying capacity.

As we continually work to challenge dangerous laws and shape policy, we know that we must also work to create a culture that is more knowledgeable and affirming of the lives of trans people – and we all have a role to play. If you are the parent of a trans or non-binary child who is being excluded from participating in public school sports due to gender identity, or who is being prohibited from using the restroom that matches their gender identity at school, please contact us at: bit.ly/gethelpACLUTN.

Luc Esquivel (photo by Shawn Poynter/ACLU)

ACLU-TN Welcomes Transgender Justice Advocate

We are excited to welcome **Henry Seaton** (he/him) as our new transgender justice advocate. Henry began his journey with ACLU-TN in 2016 while in high school, where he spent time meeting with legislators, writing op-eds, and educating others about living life day-to-day as a trans person, especially in relation to restroom access in public schools. He later was hired by the national ACLU as an LGBTQ organizer, focusing on building coalitions with grassroots organizations and uplifting queer and trans stories.

After graduating from the University of Denver with degrees in political science and communication studies, Henry has rejoined the ACLU-TN family. He looks forward to expanding upon his prior work by hosting educational events for community members to learn more about trans lives and experiences, working to change the narrative about trans people in the state, and empowering trans individuals to mobilize and advocate for their rights.



TAKE ACTION

Our 2022 Legislative Agenda

Over the next few months, legislators will be voting on key issues that, for good or bad, will impact the rights of Tennesseans. We are excited about our proactive 2022 legislative agenda, which moves the needle on education equity and criminal justice reform. Specifically, we are pursuing bills to:

Eliminate Juvenile Fines & Fees

Tennessee state law authorizes officials to charge hundreds of fees and fines to youth and their families who are involved in the justice system. In 2018, the legislature shifted the burden of paying juvenile fines and fees from kids to parents, guardians, or custodians. However, this does not alleviate the harm that legal financial obligations wreak as low-income families, especially in rural Tennessee, can be forced to choose between paying fees and fines and meeting basic needs. **SB 2172/HB 2307 would eliminate fines and fees for justice-involved people younger than 18.** There is bipartisan momentum to eliminate youth fees and fines: 12 states have taken action, including Texas and Louisiana. Locally, Shelby, Davidson and Hamilton County Juvenile Courts have made efforts to address discretionary fees and fines.

End unjust bail garnishment

In Tennessee, defendants' cash bond deposits may be subjected to garnishment for fines, court costs and restitution – meaning money posted to secure an individual's release from jail can be used to guarantee payment of future court-imposed debts. Bail garnishment is unjust, and the practice should end across Tennessee. **SB 1499/HB 1308, which has bipartisan support, would end bail garnishment in Tennessee.**

Stop expulsions pre-K – 2

ACLU-TN opposes overuse of suspension and expulsion as a disciplinary tool. Expulsions and suspensions – which are disproportionately imposed on Black students – increase the likelihood of students dropping out, using drugs, and being involved in the criminal legal system. This practice has not been shown to successfully deter disruptive behavior and negatively affects the school climate. These students need more in-school support, not less. **SB 2173/HB 2258 would stop expulsions for children in second grade and younger.**

Fix “No Pass, No Drive” law

ACLU-TN advocates for the improvement of the Tennessee's “No Pass, No Drive” (NPND) law by **eliminating the provision that suspends a student's license if they fail to make “satisfactory academic progress.”** The current NPND law prohibits students with low attendance or poor academic performance from driving themselves to school, medical appointments, the grocery store, or other family responsibilities. There is little evidence that proves this incentive is successful in improving a student's academic progress, and it disproportionately affects students across counties and students of color. **SB 2176/HB 2037 would fix the law and help our students succeed.**

In addition to our proactive work, we are, as always, prepared to fight back against attempts to suppress voters, undermine reproductive justice, harm immigrants and refugees, perpetuate racial injustice, and discriminate against LGBTQ individuals and religious minorities. More information on the bills we are working on can be found at our legislative action center: <https://www.aclu-tn.org/category/take-action/>.

Traveling Hopefully

I remember the first time I read Maus, the powerful graphic novel by Art Spiegelman that describes his parents' horrifying experiences during the Holocaust. Spiegelman had responded to ACLU-TN's request for an autographed copy for our silent book auction. Before setting the book aside to be processed, I took it into my office to look through it. I was moved to tears by the images of the horror. I also was inspired by the author's inscription, which read “organize, educate, and litigate!”

The recent decision by the McMinn County school board to ban Maus from the 8th grade curriculum is the latest act in the wave of thought control occurring across the state – from McMinn County to Williamson County to Hamilton County to Blount County – and beyond, across our country. The same political and morally conservative forces that banned the teaching of evolution in the 1920s and condemned progressive thinking in the 1950s are now disrupting discourse over systemic racism, LGBTQ+ rights, and the horrors of world history. We recently sent an open records request to the McMinn County school board seeking information about this decision and explaining that the First Amendment protects students' right to receive information and ideas.

Yet state and local elected officials are using their power to ban books and create restrictions on classroom curricula. Last year, Governor Lee signed a bill into law prohibiting public school classroom conversation about the role race, racism and legalized discrimination have played in American history. The current Tennessee General Assembly is considering a bill that would extend this law to state colleges and universities. Legislators also have filed bills that would remove books from school libraries that any parent considers “obscene” for a minimum of 30 days, and ban curricula in public schools that “promote, normalize, support, or address lesbian, gay, bisexual, or transgender issues or lifestyles.

These initiatives harm the targeted BIPOC and LGTBQ+ individuals by attempting to erase their life experiences from history books and classroom discussion. They also unduly limit the requisite learning opportunities for students who are next in line to become Tennessee leaders.

This wave of thought control undermines our efforts to realize a robust and inclusive participatory democracy. It is critical now more than ever that we stand together to challenge these educational gag orders at the state and local level. Please join us in our fight to preserve freedom of speech and academic freedom in our educational institutions.

As always, thank you for friendship.



Hedy Weinberg
ACLU of Tennessee, Executive Director



The Need for Bail Reform in Shelby County

Tennessee law requires that judges treat money bail as a last resort, to be imposed only if other less restrictive conditions are deemed insufficient to ensure that someone appears for their trial. The U.S. Constitution also requires courts to hold bail hearings within a reasonable time of arrest, with representation by an attorney, and to take individual circumstances into account, including a person's ability to pay.

However, under Shelby County's pre-trial system, a person can be held for weeks or longer without a bail hearing with counsel. Additionally, one's ability to pay is not considered when bail is set, leaving those who cannot afford to pay detained indefinitely,

even if they are not a flight or safety risk. Meanwhile those who face the same charges but can afford to pay money bail are freed until trial.

A person who is detained for even a few days will often face serious collateral consequences such as loss of employment, housing, education, health care and child custody. Research demonstrates that money bail does not improve public safety or court appearance rates. Non-financial conditions of release – like unsecured bonds, reporting obligations, and phone and text message reminders of court dates – are more effective at ensuring public safety and court appearances.

In December 2021, ACLU-TN, ACLU,

Just City, and The Wharton Law Firm sent a letter to numerous Shelby County judicial and government officials demanding that the county stop bail practices that violate the constitutional and statutory rights of people arrested in Shelby County.

Our letter calls on the county to ensure that people who are arrested receive individualized bail hearings no later than 24 hours after a person's arrest, with counsel; that a person's financial circumstances are examined prior to any bail hearing; and that secured money bail is only imposed as a last resort. If an agreement about the proposed changes is not reached, litigation will be initiated.

Investigating the Hillsdale College Charter School Partnership

In late February, we sent open records requests seeking information about Governor Lee's developing partnership with Hillsdale College to establish a number of publicly funded charter schools in Tennessee. Outsourcing the operation of our public schools to a private, out-of-state religious college is not in the best interest of Tennessee's children and raises serious constitutional concerns. The open records requests were sent to Governor Lee's office, the Tennessee Public Charter School Commission, and the Tennessee Department of Education. The letters request copies of any agreements or draft agreements between the state and the private, Christian institution; communications between various state offices and the school; and records of any payments made by the state to the school.

Challenging School Vouchers

McEwen et al v. Lee et al

Our litigation challenging Governor Lee's unconstitutional voucher legislation is

currently on hold by the court. ACLU-TN and our partners filed a lawsuit on behalf of Davidson and Shelby County parents challenging this unconstitutional diversion of public funds



to private schools. Davidson and Shelby counties also filed a separate lawsuit challenging the voucher law. In a May 2020 ruling in the counties' lawsuit, Chancellor Martin permanently enjoined the state from implementing the unconstitutional voucher program. The state appealed the decision. Our case is currently on hold as the counties await a decision from the Tennessee Supreme Court.

Blocking Anti-Trans Restroom Signs

Bongo Productions LLC et al v. Lawrence et al

In July 2021, a federal judge blocked a new Tennessee law requiring businesses that allow transgender people to use public restrooms that match their gender to post government prescribed warning signs.

This ruling stops the enforcement of the law while our litigation proceeds. ACLU-TN has filed a motion for summary judgment requesting that the court make a ruling on the merits of our case before a trial. This case is still pending in federal court.



Fighting for Better Conditions at the Shelby County Jail

Busby v. Bonner

Shelby County Sheriff Floyd Bonner continues to resist improving conditions inside the county jail to protect the people living and working there from COVID-19, despite multiple court orders in the lawsuit we and our partners filed instructing him to do so.

The court denied the Shelby County sheriff's office motion to terminate the decree due to lack of improvement and terrible jail conditions. The sheriff's office appealed the decision to the Sixth Circuit Court of Appeals, spending county money and time attempting to get out of the consent decree that was in negotiation for months and protects medically vulnerable people amidst the ongoing COVID-19 pandemic. This lawsuit is ongoing.

ACLU

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Know Your Rights Resources

FAQ - How Tennessee Laws Affect Transgender Students in Public Schools

In 2021, a wave of discriminatory bills targeting LGBTQ Tennesseans passed the Tennessee General Assembly and were signed into law by Governor Bill Lee. Here you will find answers to how these laws affect transgender students: ([bit.ly/faq-tn-laws-and-transgender-students](https://www.aclu-tn.org/category/faq-tn-laws-and-transgender-students)).

Frequent Asked Questions About Critical Race Theory

A nationwide attempt to censor honest discussion of America's history is underway through attempts to ban critical race theory (CRT). We've answered frequently asked questions about Tennessee's oppressive and vague "divisive concepts" law here: ([bit.ly/faq-crt](https://www.aclu-tn.org/category/faq-crt)).

TAKE ACTION TODAY AND VIEW HIGHLIGHTS OF LEGISLATION WE'RE MONITORING AND/OR LOBBYING: [HTTPS://WWW.ACLU-TN.ORG/CATEGORY/TAKE-ACTION/](https://www.aclu-tn.org/category/take-action/)