

“Scopes Revisited”: Intelligent Design in Tennessee Classrooms?

A new Tennessee law undermines public school science education by effectively granting permission for teachers to bring religion into the classroom. Even with broad-based national and local opposition to the so-called “Monkey Bill,” super-majorities in both chambers passed the bill and it became law on April 10 without Governor Haslam’s signature.



John Scopes, the science teacher represented by the ACLU when he was tried for breaking a state law banning the teaching of evolution in Tennessee’s infamous 1925 “Monkey Trial.”

Under the pretext of fostering critical thinking, the new law states that teachers must be allowed to discuss “weaknesses” in

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Haywood County: Protecting LGBT and Pregnant Students from Their Principal

Gay students are “not on God’s path” and are “ruining their lives,” then Haywood High School principal Dorothy Bond reportedly told students at a February assembly. She also threatened to administer severe punishment—including 60-day suspensions, assignments to an alternative school or expulsion—to any students observed publicly displaying affection for members of the same sex, though the school’s existing policy on public displays of affection is not that harsh and is neutral on sexual orientation.



Multiple students contacted ACLU-TN to report their concerns about the anti-LGBT sentiments expressed by Bond.

On March 1, 2012, ACLU-TN and ACLU sent a letter to the Haywood County school district superintendent asking the school to clarify that students have the constitutional right to identify as gay, lesbian or bisexual; to acknowledge that two students of the same sex are dating; to express LGBT-friendly political views; and to receive an education free from the unlawful promotion of religion by school officials.

The incident appears to be part of a broader pattern of official anti-gay remarks and policies by the principal, and of incorporating prayers and proselytizing into school events. On one occasion, school officials threatened students who did not bow their heads in prayer with discipline. On another, the principal told a lesbian student that she would go to “hell” because of her sexual orientation. Bond also reportedly told students that “life is over” for girls who became pregnant.

Bond resigned within hours of the school district receiving the letter.

ACLU-TN continues to investigate the culture at Haywood High School, because all students, regardless of sex, sexual orientation, parenting status or faith, should feel safe and welcome in our public schools.

From the Executive Director...

By Hedy Weinberg

After waging a full-frontal assault on civil liberties, the 107th Tennessee General Assembly adjourned on May 1. A majority of legislators—senators and representatives alike—attacked the principles of fairness, freedom, equality and justice, cracking the cornerstone of democracy in Tennessee. The assault on civil liberties was especially focused on religious freedom, LGBT equality, privacy, reproductive freedom, minority rights and equal treatment under the law.

For example, the “Scopes Revisited” law jeopardizes religious freedom by allowing teachers to inject creationism into the science classroom. The requirement that TANF applicants and recipients be drug tested challenges their right to privacy and due process. Laws that cap foreign staff in charter schools and allow magistrates to consider immigration status as a single aggravating factor in setting bail discriminate against immigrants and ethnic minorities. The “Gateway Sexual Activity” law requires sex education to focus “exclusively and emphatically” on abstinence, restricting students’ access to accurate and life-saving information. The new requirement that doctors performing abortions must have admitting privileges other doctors do not undermines equal treatment under the law for all doctors and limits access to abortions.

National media has feasted on these many initiatives that undermine civil liberties and civil rights and embarrass Tennessee. From the *Los Angeles Times* editorializing against the “Scopes Revisited” law to *The Colbert Report* satirizing the “gateway sexual activity” bill to John Stewart mocking the “Don’t Say Gay” bill, Tennessee has been portrayed as politically regressive during the entire two-year legislative session.

Worse yet, recent voter suppression initiatives limit Tennesseans’ capacity to cast a vote and mobilize for change. Last year the TGA passed a photo ID law requiring eligible voters to present government-issued photo IDs in order to cast a vote at the ballot box. This year ACLU-TN joined with the recently founded “No Barriers to the Ballot Box” Coalition and lobbied the state legislature to repeal the new photo ID law. Though Tennesseans from across the state urged the repeal, the initiative fell on deaf ears.

Echoing pre-1965 barriers to voting, this new law especially disenfranchises minority voters, people of color, seniors, students, disabled individuals, and the poor. We are now considering litigation to challenge the law, but at the same time we need to mobilize to not only re-enfranchise these individuals but to elect legislators who will restore civil liberties and civil rights for all Tennesseans. As always, thank you for joining with us to stand up for our freedoms. We need your voices now more than ever!

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It Ain't Pretty: A Wrap-Up of the 2012 Legislative Session

From attacks on religious freedom and LGBT rights to free speech and reproductive freedom, we faced an outright assault on our civil liberties during this year's legislative session. Here are highlights of the bills we actively lobbied. These descriptions show the bills' original, core intentions. To learn more or to sign up for alerts, please visit: <http://www.aclu-tn.org/actioncenter.htm>.

“Don't Say Gay” – OPPOSE – SB 49/HB 229 would have prohibited public school teachers and counselors from providing instruction or material discussing sexual orientation other than heterosexuality. The ban would apply regardless of whether local educators believe that such instruction is necessary to combat bullying or for another educational purpose. This legislation did not pass.

Repeal of the “Special Access to Discriminate” Law – SUPPORT – SB 2762/HB 2908 would have repealed the 2011 “Special Access to Discriminate” (SAD) law, which prevents local governments from enacting non-discrimination ordinances that protect employees of government contractors against discrimination based on sexual orientation or gender identity. SAD also revoked any such existing non-discrimination ordinances. The bill did not pass.



“English-Only Driver's Licenses” – OPPOSE – SB 2602/HB 2721 would have required that all written and oral exams for driver's licenses be in English, eliminating the current Spanish, Korean and Japanese translations. This bill targets and unfairly discriminates against Tennesseans with limited-English-speaking ability and creates an unfriendly and hostile climate for overseas businesses interested in working in Tennessee. After broad-based opposition, sponsors decided not to pursue this bill.

Discrimination in Charter Schools – OPPOSE – SB 3345/HB 3540 would prohibit charter schools from having more than 3.5 percent of their total staff positions filled by foreign nationals. This bill discriminates against lawfully-admitted noncitizens and raises serious equal treatment and protection issues. This legislation was pursued by the Eagle Forum and other anti-Muslim groups. It became law without the governor's signature.

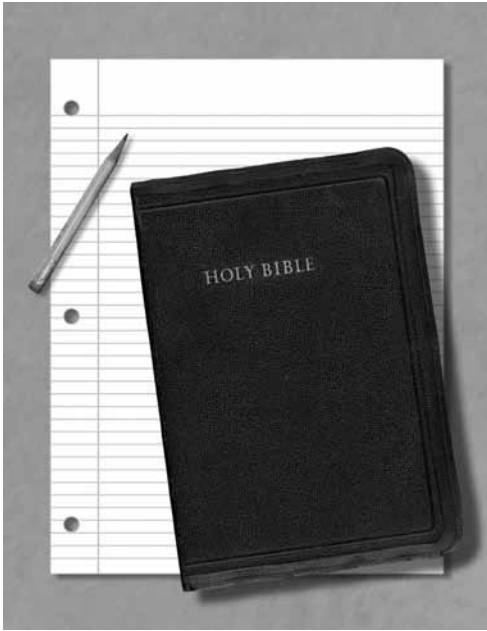
Suspicionless Drug Testing of the Poor – OPPOSE – SB 2580/HB 2725 would require Temporary Assistance to Needy Families applicants and recipients to undergo mandatory drug tests. Drug testing without probable cause is unconstitutional, ineffective and a waste of taxpayer dollars. Research shows that people receiving public assistance do not use drugs at a greater rate than the general population. This legislation targets Tennesseans solely on their socioeconomic status. This bill passed the legislature and awaits the governor's signature.

Barriers to Reproductive Health – OPPOSE – SB 3323/HB 3808 originally required extensive public reporting of individual demographic information for women seeking abortions and doctors performing them, jeopardizing their privacy and safety. After national outcry, sponsors amended the bill to prohibit physicians from performing abortions unless they had admitting privileges at a local hospital, a discriminatory hurdle not required of doctors performing other procedures. This legislation creates barriers to accessing safe, legal reproductive health services. This bill passed the legislature and now awaits the governor's signature.

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Victory in Sumner County: Defending Students' Religious Freedom

By Allyson Conley, Intern



During the last school year, numerous Sumner County families contacted ACLU-TN to protect their right to teach their own children about religion, without interference from the public schools. The families had been trying to stop a range of religious activities taking place at the schools for years, to no avail.

ACLU-TN negotiated with the school district for months, but the district failed to create sufficient changes to school policies and practices. On May 2, 2011, we filed a lawsuit on behalf of four families against the school district in the U.S. District Court for the Middle District of Tennessee.

On December 6, 2011, the Sumner County Board of Education voted to enter into a consent decree with ACLU-TN that ended the unconstitutional pattern and practice of religious activities in the school system.

In accordance with the settlement, school officials can no longer promote their personal religious beliefs to students. Religious symbols and items may not be publicly displayed. School officials cannot

encourage or solicit prayer at school functions. School events may not be held in religious venues except under certain limited conditions and schools can no longer take field trips to religious sites. Groups wishing to distribute materials to students, such as Gideons International, must do so in a neutral way, minimizing contact with students. Non-religious clubs shall not have "chaplain" positions and all course materials and choral music must have a clear pedagogical purpose.

This is the third time in three years that ACLU-TN has successfully represented families in school systems where school-sponsored religious activities were taking place. In 2010, the Cheatham County school system agreed to a court order requiring that religious practices at the school halt and in 2008 a federal judge ordered the Wilson County schools to end their endorsement of religion.

ACLU-TN Youth Advisory Council Launched

By Kase Gobble, Intern

ACLU-TN's first-ever youth advisory council, Teens Advocating for Civil Liberties (TACL), held its inaugural meeting on February 25, 2012.

ACLU-TN created the group to inform young people about civil liberties issues that affect them and their communities, to obtain a youth perspective on our campaigns, and to engage and support a new generation of civil liberties activists. TACL is now confronting the issue of LGBT bullying in schools through public education.

TACL is currently composed of high school-age students representing Williamson, Sumner and Davidson counties.

We will be accepting TACL applications on a rolling basis from all high school-age youth across the state. TACL members living outside of the Nashville area will be provided with opportunities to join meetings remotely. If you or someone you know is interested in becoming a member of TACL, please fill out the application located at <http://bit.ly/ACLU-TACL>.

*"Scopes Revisited,"
continued from p. 1*

scientific theories such as evolution and other topics that cause "debate and disputation"—calling their very validity into question. Terms such as "weaknesses" and "critical thinking" are frequently used by those seeking to introduce nonscientific ideas such as creationism and intelligent design into the science curriculum.

ACLU-TN will be monitoring the impact of the new law and exploring legal options.

Please contact us at (615) 320-7142 or www.aclu-tn.org/gethelp.htm if you are concerned about what's happening in your public school science classroom.

*"Legislative Wrap-Up,"
continued from p. 3*

Religious Viewpoints "Anti-Discrimination" Act – OPPOSE – SB 3632/HB 3616 purports to require local school boards to adopt policies that treat students' voluntary expression of viewpoints the same whether religious or secular. However, in effect this legislation would subject public school students to prayer and proselytizing throughout the school day—in the classroom, sports assemblies and school events. At best, this bill is unnecessary—students' right to express their religious faith in public school is already protected by the U.S. and Tennessee constitutions. This legislation did not pass.

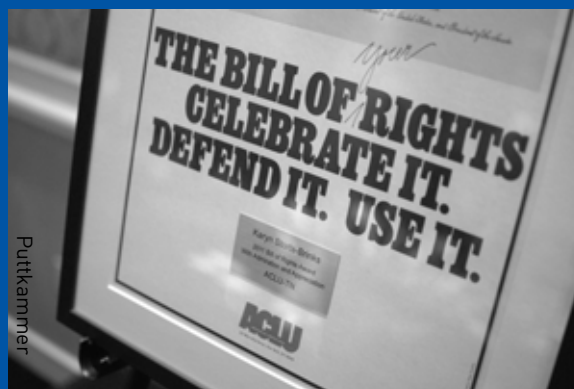
Public Schools as Sunday Schools – OPPOSE – SB 3060/HB 3266 stops local school boards and administrators from prohibiting staff participation in student-initiated religious activities on school grounds before or after the instructional day. This overreaching bill, a response to successful ACLU-TN litigation in the Cheatham County school system, impedes school boards' ability to protect students' First Amendment right to religious freedom. This bill was signed by the governor on April 10.

ACLU-TN Honors Civil Libertarians

Jane G. Eskind, the first woman to win a statewide election in Tennessee, and a driving force in creating a more open and inclusive participatory democracy, received ACLU-TN's 2011 Lifetime Achievement Award at the December 8 Bill of Rights Celebration. Journalist, civil rights advocate and First Amendment Center founder John Seigenthaler, a previous ACLU-TN Lifetime Achievement Award recipient, presented the award to Jane to a standing ovation.

In addition, Knoxville school librarian and activist Karyn Storts-Brinks received the Bill of Rights Award. Karyn, a plaintiff in the ACLU-TN lawsuit challenging the use of Internet filters on school computers to selectively block educational LGBT websites, is a passionate supporter of the First Amendment. She never hesitates to stand up for free speech and LGBT equality.

Nearly two hundred ACLU-TN supporters gathered for the event, held at Nashville's Loews Vanderbilt Hotel. Proceeds will support the ACLU Foundation of Tennessee's work to protect and promote civil liberties and civil rights in our state.





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