



Sumner County: Public Schools or Sunday Schools?

Teachers prayed and conducted Bible study with students. Youth ministers proselytized during lunch in school cafeterias. Bibles were distributed during the school day. Crosses were posted on walls. School board meetings began with a group prayer.

These activities, which have taken place in the Sumner County schools for many years, are indicative of a "pattern and practice" of religious proselytizing by the school system. Four Sumner County families have now stepped forward to protect their right to make their own religious decisions for their children. After numerous attempts to stop the schools'

practices on their own, each of these families contacted ACLU-TN.

On May 2, ACLU-TN filed a lawsuit against the Sumner County School Board on behalf of nine students from these families. The lawsuit charges that the Sumner County School District violated the Establishment Clause of the First Amendment and the Tennessee Constitution by endorsing a range of religious activities.

"The Constitution does not endorse any religious creed, and it does not recognize any power of government to decide theological questions," said ACLU-TN Cooperating Attorney George Barrett of Barrett Johnston LLC. "It is unfortunate that the School Board remained indifferent to the constitutional violations occurring in Sumner County classrooms."

The American Center for Law and Justice, a religious right group founded by televangelist Pat Robertson, is representing the Sumner County School Board.

Filed in U.S. District Court for the Middle District of Tennessee, the lawsuit is scheduled for trial in June 2012.

Defending Free Speech and Press in Williamson County

When Calvin Hart and Andrew Harrington, vendors for *The Contributor*, were issued citations for selling newspapers in Brentwood, ACLU-TN stepped in to defend their rights to free speech and press.

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. On June 29, ACLU-TN filed a lawsuit challenging the constitutionality of Brentwood's ban on selling materials on public streets.



L to R: Calvin Hart, ACLU-TN Legal Director Tricia Herzfeld, *Contributor* Director Tasha French, ACLU-TN Executive Director Hedy Weinberg, *Contributor* Director of Vending Tom Wills

From the Executive Director

By Hedy Weinberg

Last month in a Nashville Federal Court Room, Juana Villegas described her horrific ordeal being detained and shackled during the last stages of pregnancy. Arrested and jailed in 2008 for driving without a license, Juana recounted reporting to a Metro Davidson County jail guard that “her water broke” and that she was having labor pains. The jail staff called an ambulance to take her to the hospital. On the ride, she was placed on a stretcher, her wrists restrained in front of her and her legs chained together. Juana remained in shackles throughout most of her labor. The shackles were removed just prior to delivery and replaced several hours after she gave birth to her son.

Although regarded as an assault on human dignity and an unsafe medical practice, women prisoners are routinely shackled during pregnancy and recovery across the country. Shackling pregnant women endangers the health and safety of both the mother and her fetus and is almost never justified by the need for safety of medical personnel, correctional guards or the public.

When ACLU-TN first learned what happened to Juana, we initiated a legislative campaign to end this brutal practice in Tennessee. Our goal was to prevent the violation of women’s dignity, health and, not least, civil liberties.

Working closely with Metro Davidson County Sheriff Daron Hall and the Tennessee Department of Corrections, we garnered support from across the ideological spectrum. We drafted legislation and identified sponsors who skillfully and strategically pursued the initiative. The bill passed unanimously in the Senate. However, in the House the bill met stiff opposition. Rather than see the bill gutted, the sponsors withdrew it.



Major national correctional and medical associations now all voice serious concerns about the practice of shackling pregnant women. The American Correctional Association, the American Medical Association and many others recognize that shackling incarcerated women during labor, delivery, and postpartum recovery is unnecessary and dangerous to a woman’s health and well-being.

Over the past several years, fourteen states from West Virginia to Texas to California have passed laws restricting or banning shackling of women during labor, delivery and recovery. ACLU was a key leader in securing these laws and I’m hopeful that we will soon add Tennessee to this list. ACLU-TN plans to return to the Tennessee General Assembly in January with a legislative proposal to ban shackling of pregnant inmates.

We urge you to join with us now to make sure no other woman in Tennessee is ever treated in this barbaric way. If you belong to an organization or religious community that might be interested in joining our campaign, please email aclutn@aclu-tn.org, subject “Delivery Without Chains.” Please also sign up to receive our e-alerts so you will know when to contact your legislators and urge their support of this important bill.

Has Your Online Speech Been Silenced?

Ever posted an image online? If so, a new Tennessee law exposes you to potential prosecution. The “offensive images” law makes it a crime to transmit any image online that causes “emotional distress” to any individual.

Effective on July 1, the law was intended to curtail cyber-bullying but provides no criteria for determining what is offensive or disturbing, thus violating the First Amendment freedoms of speech and expression. The new law’s overly broad and vague language leaves everyone with an online presence vulnerable to prosecution.



Individuals, especially artists and political activists, who believe that their freedom of speech and expression will be limited by the new law should contact ACLU-TN by calling (615) 320-7142 or emailing aclutn@aclu-tn.org and including “Offensive Images” in the subject line.

Protecting Free Speech in Sevier County



Rose Williams makes her living by providing intuitive psychic readings, fortune-telling and other spiritual services. When Sevierville prevented Williams from engaging in her business, she contacted ACLU-TN to help protect her free speech. ACLU-TN filed a lawsuit challenging the Sevierville ordinance that treats fortune-telling as an “adult oriented activity” and severely restricts where psychic businesses can operate because it violates the Constitution’s guarantee of freedom of expression.

This is the third local ordinance restricting fortune-telling businesses that ACLU-TN has challenged. ACLU has pursued these efforts statewide in the hopes that local government bodies will begin to understand that, except under a few narrow circumstances, they cannot restrict freedom of speech and expression for small business owners.

ACLU-TN cooperating attorney Tim Housholder, of Gilreath and Associates, filed the lawsuit in U.S. District Court for the Eastern District of Tennessee at Knoxville.

2011 Legislative Wrap-Up

The first year of the two-year 107th Tennessee General Assembly, which ended in late May, was grueling for proponents of civil liberties and civil rights. ACLU-TN successfully lobbied against and mobilized opposition to the egregious legislation introduced, including bills that encouraged Arizona-style racial profiling, restricted the mention of LGBT issues and the teaching of evolution in school, required a photo ID to vote and fostered anti-Muslim sentiment.

However, we expect to confront many of these challenges when the second year of the 107th Tennessee General Assembly resumes in mid-January 2012. Please visit www.aclu-tn.org for our Legislative Wrap Up and to learn how you can sign up for the e-alert list and help protect and promote civil liberties in Tennessee during the legislative session.

The Contributor case, continued from p. 1

“The City of Brentwood’s prohibition of such access is unacceptable and violates the guarantees of the First Amendment,” said ACLU-TN cooperating attorney Irwin Venick of Dobbins, Venick, Kuhn & Byassee.

The Contributor papers are sold by homeless and formerly homeless individuals. The lawsuit prompted Brentwood to revise its ordinance. However, ACLU-TN is still pursuing litigation because the ordinance continues to restrict press distribution and limit vendors’ First Amendment freedoms.

A Growing Communications Department:

Welcome, Leah Puttkammer!



The very first communications program associate has landed at ACLU-TN!

Leah Puttkammer will enhance the public’s understanding and appreciation of constitutional rights and the principles of freedom, justice and equality by working with the public and the media to strategically communicate ACLU messages. She will organize public education campaigns and programs, earn media attention and develop an online presence.

New to Tennessee by way of D.C. and Oklahoma, Leah has two Bachelor’s degrees from Oklahoma State University in Journalism and Political Science. Prior to ACLU-TN, Leah worked for the Oklahoma State University Athletic Department, on multiple political campaigns, and most recently for the Brookings Institution’s Tax Policy Center and Retirement Security Project. In her spare time, she enjoys photography, music and reading. She’s excited to become part of the ACLU-TN team and a member of the Nashville community.



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Upcoming Events

Please Join Us!

“State of the State” Discussions

Hedy Weinberg, ACLU-TN Executive Director, will lead these regional conversations. All events are 5:30-7:00 p.m. local time, free and open to the public.

Chattanooga

Tuesday, October 4
Public Library, 1000 Broad St.

Nashville

Tuesday, October 11
East Nashville Branch Library, 206 Gallatin Rd.

Knoxville

Thursday, October 13
TN Valley Unitarian Universalist Church, 2931 Kingston Pk.

Memphis

Thursday, October 20
First Congregational Church, 1000 South Cooper St.

Students’ Rights Conference

Saturday, Oct. 22, 10-3

This annual conference will focus on young people’s rights in school and in the community. Pre-registration at www.aclu-tn.org required. This free conference will be held in Nashville and is open to current high school students only.

dotRights Campaign

November 7-9

The dotRights Campaign includes a statewide speaking tour on protecting privacy online and TN’s new “offensive images” law (see p. 2); and a CLE on cyber-bullying for attorneys and law students. For more info, visit www.aclu-tn.org.

2011 Bill of Rights Celebration Thursday, December 8, 6:30 p.m.

Jane G. Eskind will receive the Lifetime Achievement Award for her lifelong commitment to empowering women, increasing their participation in the democratic process and widening the range of voices in political discourse. She was Tennessee’s first woman elected to statewide office.

Karyn Storts-Brinks will receive the Bill of Rights Award for her tenacious advocacy for freedom of speech and LGBT equality. Karyn is a librarian at Fulton High School in Knoxville and was a plaintiff in ACLU-TN’s successful Internet filtering case.

The Celebration, held in Nashville, will feature a silent auction at 6:30 p.m., followed by dinner and the awards presentation at 7:30. For more information or to purchase tickets, please call 615-320-7142 or visit www.aclu-tn.org. Tickets are \$125 and sponsorship opportunities are available. We look forward to seeing you there!

Election Ballot for ACLU-TN At-Large Board Members

This is your ballot for the election of at-large members to the ACLU-TN Board of Directors. The following slate was proposed by the Nominating Committee of the ACLU-TN Board. Nominees were selected to increase minority and geographic representation and to diversify board skills and experiences. ACLU-TN must receive ballots from at least 10 percent of the members in good standing or from 25 members, whichever is less, in order to elect at-large directors.

Ballots must be received by Monday, October 24, 2011.

Eugene (Gene) Bartoo (Chattanooga) is a recently retired professor of education at UT Chattanooga. He also is active with the Chattanooga theater community and has acted in a number of productions. As an active member of ACLU-TN, Gene has organized and hosted a number of workshops devoted to ACLU concerns. Gene's areas of interest include freedom of speech, religious freedom and privacy.

Phillip Bell (Nashville) is the owner of BellMedia, which produces television and Internet programming for a variety of television networks, corporate and non-profit clients. He was associate producer of *Uncounted*, a nationally-recognized documentary revealing vote-counting disparities in America. Previously, Phil was a news anchor, reporter, producer and manager for numerous major network affiliates. Phil is on the board of the National Academy of Television Arts & Sciences and has received four Emmys. He currently volunteers for the Brooks Fund History Project, interviewing senior LGBT people. He is particularly interested in freedom of speech and press, open government and LGBT rights.

Thomas Bibler (Chattanooga) is a Professor Emeritus after 32 years at UT Chattanooga. At various times during his tenure, Tom was Director of Student Teaching, Head of the Teacher Preparation Academy, Head of the Graduate Studies Division, and Faculty Senate President. He is a past president of ACLU-TN and has also served as treasurer and affirmative action officer. In 2000, Tom, his wife and others were successful plaintiffs in the ACLU-TN lawsuit challenging the display of the Ten Commandments in the Hamilton County Courthouse. He is especially interested in LGBT rights, the death penalty and religious freedom.

Priscilla Craig (Nashville) is a retired union organizer from the Tennessee Education Association where she also worked as a lobbyist, fundraiser and trainer. Currently she volunteers at Belmont Mansion and the Nashville Zoo. Priscilla received a Masters of Librarianship from Emory University and her undergraduate degree is from Berry College. Her particular interests are freedom of speech and privacy issues.

Stephanie Ditenhafer (Nashville) is a consultant with The Hanback Group in human resources. Previously she was the Senior Human Resources Director for the Nashville Predators and the Nashville Arena. She is a graduate of Hobart and William Smith Colleges and she assisted a Boston-based equity fund in Warsaw prior to earning an MBA from Vanderbilt. Stephanie also serves on the board of The Schooner Foundation. Her areas of interest include reproductive freedom, racial justice, immigrants' rights and the death penalty.

Vernon "Sonnye" Dixon, Jr. (Nashville) is the pastor at Hobson United Methodist Church. Sonnye serves on the UMC Tennessee Conference Standing Rules Committee and the Nashville District Board of Ordained Ministry, and chairs the Nashville District Hunger Committee. He is a life member and past president of the Nashville Branch of the NAACP. Currently president-elect of the Interdenominational Ministers Fellowship, Sonnye is active on the boards of Nashville Alliance for Public Education, Nashville Family and Children Services, and Justice for our Neighbors. He chairs the Metro Nashville Community Education Commission. He attended Fisk University. His interest areas include the death penalty, equity in public education, racial equality, LGBT rights and voting rights.

Brian S. Faughnan (Memphis) practices law with Thomason, Hendrix, Harvey, Johnson & Mitchell PLLC. In addition to his commercial litigation and appellate practice, Faughnan represents, advises and counsels corporate and private lawyers and law firms on legal ethics and professional responsibility. Faughnan is listed in *The Best Lawyers in America* and has been rated "AV" by Martindale Hubbell. He is Chair of the Tennessee Bar Association's Standing Committee on Ethics and Professional Responsibility and is serving his third term as West TN Governor on the TBA Board of Governors. Brian received his undergraduate degree from Rhodes College and his law degree from the University of Memphis. His areas of interest include religious freedom, freedom of speech, and racial, gender and LGBT equality.

Virginia Foard (Nashville) is an Assistant Public Defender with the Office of the Metropolitan Public Defender. She was a law clerk for Judge Robert B. King of the U.S. Court of Appeals for the Fourth Circuit. She is licensed to practice law in California and Tennessee. In addition to her J.D. from UCLA, she received a Ph.D. in Statistics and two Masters from the University of California, Berkeley. Her undergraduate degree is in applied mathematics from the Georgia Institute of Technology. Her areas of interest include freedom of speech, fairness and liberty issues relating to criminal justice.

Mona Frederick (Nashville) is the Executive Director of the Robert Penn Warren Center for the Humanities at Vanderbilt University.

She has been with the program since its inception in 1988. Prior to joining the staff of the Warren Center, she was on the staff of the National Humanities Center in Research Triangle Park, North Carolina. She also serves on the Board of Commissioners for the Davidson County Sheriff's Office Work Release Commission. She is a graduate of the University of North Carolina at Chapel Hill. Her areas of interest include racial justice, criminal justice and privacy.

Melinda Meador (Knoxville) is Of Counsel with the firm of Winchester, Sellers, Foster, and Steele, P.C. She practiced law in Houston, Atlanta and Washington, D.C., before returning to her home state of Tennessee in 1996. She handles a broad spectrum of business and commercial litigation. In addition to her law practice, she is co-owner of Union Ave Books, an independent bookstore in Knoxville. She also sits on the boards of the Knoxville Museum of Art and the Knoxville Jazz Orchestra. Her areas of interest include free speech, the death penalty, privacy and reproductive freedom.

Amy Seigenthaler Pierce (Nashville) is the President of Seigenthaler Public Relations, overseeing national projects, campaigns and client services. Previously, she was Senior Vice President at Rasky Baerlein Strategic Communications. She was also Special Aide and Speechwriter to U.S. Ambassador Jean Kennedy Smith at the U.S. Embassy in Dublin during five critical years in the Irish peace process. Amy graduated from Boston College. She serves on the boards of Camp Marymount, Stand for Children Nashville and Pope John Paul II High School. Her interest areas include freedom of speech, the death penalty and racial justice.

Ben Pressnell (Tazewell) is an Assistant Public Defender for the Eighth Judicial District. He was the owner and managing partner of Pressnell & Harrell law firm from 1998 until 2010. In the 1980s, Ben was the 11-year-old plaintiff in a successful ACLU-TN case challenging religious practices in the Claiborne County schools. Ben received his B.A. in philosophy from Vanderbilt University and his J.D. from the University of Tennessee. He is the past president of Leadership Claiborne. Ben's areas of interest include criminal justice, the First Amendment and immigrants' rights.

Charles (Buzz) Sienknecht (Chattanooga) is a rheumatologist in private practice since 1975. He was elected President of The Chattanooga/Hamilton County Medical Society in 1990 and has continued to serve on its Medical Foundation Board. He graduated from the University of Tennessee and the University of Memphis College of Medicine before serving as a battalion surgeon with the 173rd Airborne Brigade in Vietnam. Buzz completed his rheumatology fellowship at the University of Toronto. He is also a playwright and has been a regular attendee at the Sewanee Writers' Conference since 1990. At Sewanee, he worked with Horton Foote on a play based on his year in Vietnam. Buzz's areas of interest include freedom of expression, privacy and due process.

Hershell Warren (Nashville) is Senior Advisor to the Nashville Mayor. Previously he was Director of Public Policy and Governmental Affairs at Meharry Medical College and Executive Director of the Lloyd C. Elam Mental Health Center. Boards he has served on include those of the Metro Human Relations Commission, the National Conference of Community and Justice (Nashville) and the National Prevention Partnership. He is also past President of the TN Association of Community Mental Health Centers and the TN Alcohol and Drug Association. Hershell served on the Health Care Task Force of the Tennessee Black Caucus of State Legislators and worked on statewide health care initiatives for the Office of Minority Health and the Black Health Care Commission. He is a graduate of Fisk and received his JD and MBA from Vanderbilt. His areas of interest include immigrants' rights, racial justice and the First Amendment.

Erika Wollam-Nichols (Nashville) is COO of The Bluebird Café and an adjunct instructor at the Watkins Institute of Art, Design & Film. Previously she was the Director of Development for the Nashville Songwriters Association International and co-director of the Tin Pan South Songwriters Festival. Formerly the Vice-President of Marketing at the Country Music Hall of Fame, she has spent many years involved with the Nashville music and arts scene including traveling with the First Amendment Center's live performance program, Freedom Sings. An alumnus of Leadership Music, she sat on the board for four years and is currently on the Mayor's Music Council. Erika received her undergraduate degree from Belmont University and her MFA from Vermont College of Fine Arts. Her areas of interest include freedom of expression, privacy and equal treatment under the law.

2011 Election Ballot for ACLU-TN At-Large Board Members

Please place an X before the names of up to 15 nominees. Each name on the ballot has two lines beside it; for joint members, one person can use the first line and the other can use the second. The outer envelope in which you mail your ballot must show your name and address so that we can verify membership. If you wish, you may seal your ballot in an unmarked inner envelope.

<input type="checkbox"/> Eugene (Gene) Bartoo	<input type="checkbox"/> Vernon "Sonnye" Dixon, Jr.	<input type="checkbox"/> Amy Seigenthaler Pierce	Write-In Candidates _____ _____ _____ _____ _____
<input type="checkbox"/> Phillip Bell	<input type="checkbox"/> Brian S. Faughnan	<input type="checkbox"/> Ben Pressnell	
<input type="checkbox"/> Thomas Bibler	<input type="checkbox"/> Virginia Foard	<input type="checkbox"/> Charles (Buzz) Sienknecht	
<input type="checkbox"/> Priscilla Craig	<input type="checkbox"/> Mona Frederick	<input type="checkbox"/> Hershell Warren	
<input type="checkbox"/> Stephanie Ditenhafer	<input type="checkbox"/> Melinda Meador	<input type="checkbox"/> Erika Wollam-Nichols	

Ballots must be received by Monday, October 24, 2011. Please mail to: ACLU-TN Board Ballots, P.O. Box 120160, Nashville, TN 37212.