

## ACLU-TN Stands Up for Prison Guards' Free Speech

From dangerous working conditions to problems with staffing and dubious inconsistencies in reporting, the Tennessee Department of Correction is in a state of crisis. So when ACLU-TN heard reports that TDOC employees were being reprimanded for exercising their First Amendment right to speak out about prison conditions, we quickly stepped in to protect their right to free speech.



TDOC employees reported being admonished for participating in rallies and for speaking to state legislators regarding staffing and prison conditions, with some officers being warned

to remain silent or suffer consequences. Others were reportedly told that "internal affairs" officers would attend protests to photograph and record the names of participants.

ACLU-TN sent a letter to TDOC urging it to stop chilling the protected free speech of its employees and to issue a statement clearly affirming that no employee will be retaliated against for speaking out on matters of public concern. We reminded TDOC that individuals do not relinquish their constitutional rights when they accept employment with the government, and that public employees have the right to speak out as private individuals.

"Transparency is crucial to ensuring government accountability, especially at times like these and particularly when a government agency's actions have such a direct bearing on public safety," said Hedy Weinberg, ACLU-TN executive director. In addition to protecting individual TDOC employees' right to free speech, safeguarding the ability of those working daily in our state's prisons to speak publicly helps ensure a full assessment of conditions in Tennessee prisons.

ACLU will continue to monitor the situation, and to ensure that the free speech rights of TDOC employees are protected.

## Victory in Shelby County Civil Forfeiture Case

Aditi Prabhakar, a San Jose, California college student, has a bank account funded by family members that she uses to pay her tuition. She has never been to Tennessee and has no relatives here, nor was she ever charged with a crime. So she was shocked when she discovered that the Shelby County Sheriff's Office had seized over \$19,000 from her bank account under Tennessee's civil forfeiture laws. ACLU-TN stepped in to protect Aditi's property and her right to due process.



The sheriff's office alleged that two deposits placed

into her account by an unknown person in Memphis were related to a drug scheme, though neither the person who made the deposits nor the sheriff's office alleged that Aditi knew anything about any such activity. Indeed, when Aditi heard about these allegations, she said that if there was any chance money in her account came from illegal activity and not her relatives, she wanted nothing to do with it.

Aditi agreed to release those deposits to the sheriff's department. However, the sheriffs confiscated her entire account, even though the remaining balance was clearly from her family members.

ACLU-TN filed a claim on Aditi's behalf, eventually securing the return of over \$12,000 of Aditi's tuition money.

ACLU-TN will continue to fight for reform  
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## From the Executive Director...

Hedy Weinberg

2015 was a roller coaster year for civil liberties, from the tragedy of Freddie Gray's brutal death while in the custody of Baltimore police to the landmark U.S. Supreme Court ruling in *Obergefell*, which ushered marriage equality into every state in the nation.

In Tennessee, we had much to celebrate.

We secured access to counsel for Knox County youth charged with truancy.

We ensured that a Carroll County seventh grader had an equal opportunity to play football for her school after she was refused a place on the team solely because of her gender.

We secured the First Amendment rights of Williamson County educators being threatened and harassed by school board members for discussing board policies on their own private time.

We won a historic settlement and immigration relief in a federal lawsuit filed on behalf of victims of a warrantless immigration raid.

We protected the religious freedom of a Washington County student whose ability to apply for a Tennessee Promise scholarship was being jeopardized by his attendance of a religious service.

We launched the "What To Do Before 'I Do!'" online marriage resource center and published *Stand Up/Speak Up: A Guide for Youth Activists*.

And we successfully lobbied against bills that would have 1) allowed students enrolled in counseling programs to discriminate against clients based on their own religious beliefs; 2) expanded the ability to criminalize new mothers struggling with addiction; and 3) made the Bible Tennessee's state book.

Looking back over the past year it is clear we have much to celebrate, and yet much work ahead. Our priorities for the coming year are criminal justice reform, including police accountability and reducing mass incarceration; voting rights; and privacy—including LGBT equality, government surveillance and religious freedom.

In addition to advancing pro-active legislation in these priority areas, we anticipate fighting egregious proposals that attempt to nullify marriage equality, block refugee resettlement, allow the use of religion to discriminate, harm transgender people and more.

We are able to do this work because of your generous support. We look forward to our continued collaboration to advance civil liberties and civil rights in 2016. Thank you for your partnership.

## ACLU-TN Responds to Backlash Against Syrian Refugees

ACLU-TN mourns and condemns the horrific attacks in Paris, Beirut and Baghdad.

However, as is often the case in the wake of such attacks, lawmakers tend to react reflexively and curtail our civil liberties in response. Governor Haslam has requested that the federal government suspend resettlement of Syrian refugees in our state. Other lawmakers have called for a moratorium on all refugees entering the U.S. and for Syrian refugees in Tennessee to be "gather[ed] up" and sent to U.S. Immigration and Customs Enforcement.

Singling out Syrian refugees doesn't make sense. The U.S. already has an extremely rigorous and multi-layered refugee security screening program. In addition, refugee resettlement is a federal issue in which states have no authority. Profiling and discrimination based on race, religion or national origin challenge the very values that our constitution protects. As the U.S. State Department says, refugee resettlement "reflects the United States' highest values and aspirations to compassion, generosity and leadership."

ACLU-TN and our partners have been working with organizations, businesses and faith institutions state-wide to respond to lawmakers' extraordinarily misguided efforts to blame and punish innocent people for the very terror they are fleeing. We stand ready to ensure that the posturing of these politicians does not undermine our American values of fair treatment and freedom during the upcoming legislative session.

## Edward Snowden's Attorney Discusses NSA Surveillance, Privacy Issues

Over a hundred Tennesseans attended ACLU-TN's annual meeting to hear Ben Wizner, director of the ACLU Project on Speech, Privacy and Technology and lawyer to National Security Agency whistleblower Edward Snowden, lead a discussion entitled, "Surveillance State: Can Democracy Survive?"

Wizner described his experiences working with Snowden, whose shocking revelations proved the existence of multiple NSA programs collecting data about ordinary Americans on an extraordinary scale. He identified marked improvements to government intelligence oversight in the time since Snowden's disclosures, including increased



*Ben Wizner*

media coverage on classified government reports, the passage of the USA Freedom Act, which allowed the call-records provision of the Patriot Act to expire, and a federal appeals court decision finding the NSA's surveillance program illegal.

After his initial remarks, Wizner and ACLU-TN executive director Hedy Weinberg discussed how technological advances have threatened privacy in Tennessee, including ACLU-TN's legislative work to responsibly limit the use of police drones in our state.

Wizner then took questions from the audience. Students, journalists and community leaders participated in a spirited conversation on the people's right to privacy and free speech in a post-Snowden world.

Wizner spoke about the need for the media to remain independent in the face of the aggressively punitive climate for whistleblowers since Snowden and Chelsea Manning. When an audience member asked what was going to happen to his client now, Wizner replied, "What's next for Edward Snowden?...He's not going to come back...and lose civil rights as a consequence of his act of conscience. He's not going to accept a sentence to be held up as a deterrent to future acts of whistleblowing."

Wizner also pointed out the importance of joining ACLU to help ensure that civil liberties are enhanced by technological innovation, rather than compromised by its use at the hand of law enforcement, private companies and our own government.

The discussion, co-sponsored by the Nashville Public Library, is available to view online at <http://bit.ly/1QKP4kR>.

## Police Body Cameras Must Be Used Accountably

In the wake of recent incidents of police brutality nationwide and the growing number of Tennessee law enforcement agencies using body cameras, ACLU-TN executive director Hedy Weinberg testified before the state Senate Judiciary Committee about the need for strong policies and laws to ensure that body cameras are helpful—not harmful—law enforcement tools.

Weinberg explained that ACLU only supports law enforcement agencies using body cameras if they are used according to policies that assure accountability, protect privacy and allow transparency. Issues regarding access to footage and retention of video must also be addressed and incorporated into law and agency policies.

Weinberg called on law enforcement agencies currently developing body camera policies to remember that in order to maintain trust, they must remain transparent and protect the civil liberties and civil rights of the communities they serve.

For more information, see ACLU's policy paper, "Police body-mounted cameras: With right policies in place, a win for all" at <http://bit.ly/1HuNoVh>.



*Wizner and Weinberg*



## Carrying the Torch Forward: ACLU-TN Honors Tennessee's Champions of Marriage Equality, Voting Rights at 2015 Bill Of Rights Celebration

Over 300 civil libertarians gathered for a rousing Bill of Rights Celebration in Nashville this fall. The crowd gave standing ovation after standing ovation as we honored the Tennessee plaintiffs and attorneys in the *Tanco v. Haslam* U.S. Supreme Court marriage equality case with the Benjamin S. Pressnell Bill of Rights Award and Charles K. Grant, voting rights champion, with the Bruce Kramer Cooperating Attorney Award. ACLU Voting Rights Project director Dale Ho delivered stirring keynote remarks, and award-winning songwriter Gretchen Peters offered an emotional special performance.



## ACLU-TN Reprimands Sheriffs For Anti-Muslim Remarks

After media accounts surfaced detailing Islamophobic remarks made by Hamilton County Sheriff Jim Hammond and Sevier County Sheriff Ronald Seals at local events this summer, ACLU-TN immediately took action. Hammond called Islam “a state, wrapped in a religion” that threatens constitutional government while Seals proclaimed that President Obama “belongs to the Muslim Brotherhood.” Both sheriffs stated they would be monitoring Muslim residents of their counties.



ACLU-TN quickly sent letters to both sheriffs, admonishing them to retract their statements and to ensure that their departments do not engage in

profiling. We also sent a letter to the Tennessee Sheriffs’ Association urging it to take a public stance against racial and cultural profiling and to provide guidance on the issue to its members.

The United States and Tennessee constitutions protect the freedom to worship for all Tennesseans, including Muslims, while also prohibiting the singling out of religious groups for discrimination. Our letters warned the sheriffs that “targeting people...on the basis of their perceived race...or religion rather than evidence of criminal activity is racial and cultural profiling,” a direct violation of the Equal Protection clause of the U.S. Constitution.

We also reminded the sheriffs that in addition to being unfair and wrong, racial profiling is ineffective, and officers who police based solely on demographic factors rather than evidence of criminal activity are less successful at protecting public safety than those conducting actual police work.

ACLU-TN additionally joined with the American Center for Outreach, the American

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## ACLU Welcomes SNL’s Sasheer Zamata as Newest Celebrity Ambassador

We are thrilled to welcome comedian Sasheer Zamata (*Saturday Night Live*) as ACLU’s newest celebrity ambassador, joining Harry Belafonte, Michael K. Williams, Lewis Black, Melissa Etheridge and other stars who highlight ACLU’s priority civil liberties issues, including mass incarceration, voting rights, disability rights, and LGBT equality.



*Sasheer Zamata, in a scene from ACLU’s “Still a BFD”*

In her role as ambassador, Zamata will elevate the ACLU’s work to fight gender inequality and structural discrimination against women in employment, education, healthcare, and criminal justice through advocacy and public education. Zamata is featured in *Sasheer Zamata Says Women’s Rights “Still a BFD!”*, a hilarious new ACLU video spotlighting gender inequality and privilege. To view the short film or watch other ambassador’s work with ACLU, visit: <http://bit.ly/1kD6mnY>.

## ACLU-TN Announces Search for Development Director, Criminal Justice Policy Advocate

We’re looking for exceptional talent to join our team:

**Director of Development** - Working closely with colleagues at the national ACLU and with the ACLU-TN executive director, the director of development is responsible for planning, supervising, and executing ACLU-TN’s program to raise funds to support the organization’s strategic goals.

**Criminal Justice Policy Advocate** - This new position will advance ACLU’s work in criminal justice reform by identifying policy change opportunities, developing and implementing issue-specific campaigns, working closely with stakeholders, and identifying and mobilizing coalition constituencies and partners. The CJPAA will focus on legislative advocacy, policy research and community engagement to achieve organizational goals.

If you or someone you know is interested, please visit: <http://www.aclu-tn.org/CurrentListings.htm>.



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*Sheriff Remarks, Muslim Advisory Council, and the Tennessee Immigrant and Refugee Rights Coalition to issue a joint statement condemning the sheriffs' remarks.*

We will continue to monitor these counties to ensure that residents are not being unfairly targeted by local law enforcement, nor having their right to worship trampled.

*Civil forfeiture, of Tennessee's civil forfeiture laws during the 2016 legislative session.* **If you or someone you know has had their money or property unfairly confiscated by law enforcement in Tennessee, please share your story at <http://bit.ly/policingforprofitTN>.**

## 2015 BY THE NUMBERS:

- 11** public education events held
- 85** new investigations opened
- 38** speaking engagements
- 10** legal initiatives
- 1,972** intake requests processed
- 657%** increase in average daily total Facebook reach
- 18,668** action alert subscribers
- 371** media mentions

For more on the work ACLU-TN accomplished this fiscal year, view our Annual Report online at <http://bit.ly/1HyVGk0>.