

## ACLU-TN Defends Religious Freedom in Jackson

When a family in Jackson, Tennessee, was targeted for religious discrimination by city officials, ACLU-TN was there to defend their First Amendment right to worship free from government interference.

Shari and Paul Yetto, who are practicing pagans, host friends at their home to participate in activities related to their religion. To their alarm, they received a letter in March from a Jackson city planner informing them that the family would need to seek special approval from the city board of zoning appeals and comply with the zoning requirements for churches before they could host any more religious gatherings in their home.



The onerous zoning requirements the city listed included building a privacy fence or vegetative screen, doubling the size of the driveway, and combining two lots the couple owned. While such requirements might be necessities for a working church, they are undue burdens for

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## UPCOMING FREEDOM FORUMS: CHATTANOOGA, KNOXVILLE, JOHNSON CITY

We are continuing our statewide Freedom Forum tour in the coming months, and we may be coming to a city near you! ACLU-TN will travel to Chattanooga, Knoxville and Johnson City in the near future to discuss our work – particularly around criminal justice reform and voting rights – and how you can take action for justice and equality. Freedom Forums have already taken place in Memphis, Jackson and Nashville this year. For more details, visit [bit.ly/2017FreedomForum](http://bit.ly/2017FreedomForum) (case sensitive).

## Free Speech Victory for Woman Calling Out White Supremacy

This fall, ACLU-TN successfully defended a Franklin County woman who had been wrongly charged with defamation after calling a man who put a “League of the South” hate



*Photo from Rung's Facebook post (circle added)*

group bumper sticker on his car a “white supremacist” on Facebook.

Robert Weidlich, a vocal opponent of a gay-straight alliance student club at the local high school, had made public statements at a school board meeting about LGBT people that some attendees, including a woman named Lisa Rung, found offensive. After another board meeting, Ms. Rung saw Mr. Weidlich's car in the parking lot bearing the League of the South bumper stickers.

Rung, who knew that Mr. Weidlich's wife was considering running for the local school board at the time, posted a photo of the bumper sticker on Facebook alongside a pointedly-worded statement expressing her opinion based on the sticker that the Weidlichs were white supremacists and that the community should remember this come election time. Mr. Weidlich sued Ms. Rung for defamation.

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The year is rapidly drawing to a close.

In many ways, I am ready to turn the page on this year. The Trump era has brought with it a host of egregious and unconstitutional executive orders that attack the most vulnerable among us. These actions at the highest level of government have set the stage for dangerous assaults on our civil liberties and civil rights closer to home – from the anti-immigrant, anti-refugee and anti-LGBT proposals of the Tennessee General Assembly, to the militarization and civil asset forfeiture practices of police, to white supremacists marching on our streets.

**Faces of Freedom:  
Help Us Celebrate  
ACLU-TN's 50<sup>th</sup> Anniversary**

ACLU-TN is getting ready to celebrate its fiftieth anniversary in 2018!

As part of our celebration, we'd like to showcase some of the many people who make this organization a powerful force for justice and equality in Tennessee, including our clients, members, supporters, volunteers, cooperating attorneys, interns, allies, partners, board members and more.

Please take a few moments to share why you are part of ACLU-TN at [bit.ly/facesoffreedom](http://bit.ly/facesoffreedom) (case sensitive). Thank you!

But this has also been a remarkable year in many ways. Thousands upon thousands of people rallied at airports in the wake of the Muslim ban, marched in the streets for women's equality, and called and visited their representatives in Congress and the Tennessee General Assembly to support access to health care, oppose the wall, and to speak out for transgender service members, refugees, undocumented young people, and many more.

Americans across the board are also rejecting President Trump and Attorney General Jeff Sessions' tough-on-crime approach. A new ACLU poll shows that the vast majority of Americans – including 52 percent of Trump voters – believe that the criminal justice system is unjust and needs significant reform, an insight which will bolster our ongoing work to reform the criminal justice system in the areas of police accountability, bail reform, juvenile justice, prosecutorial reform and reentry.

I am also excited about the launch of our No Barriers to the Ballot Box campaign, which seeks to eliminate obstacles to voting that contribute to Tennessee's low voter participation. The campaign is initially focused on reforming Tennessee's onerous and complicated voter restoration law for people with felony convictions. The campaign is also supporting efforts to modernize Tennessee's voter registration system, including automatic registration and same-day registration.

We anticipate working on proactive bills to advance voting rights and criminal justice reform as the Tennessee General Assembly convenes in January. We also expect to be fighting back on measures that undermine the fair treatment of immigrants and refugees, LGBT equality and reproductive justice.

The year has been a long, exhausting one, but the challenges it has brought have only made us stronger as an organization, mobilizing supporters old and new across the state and strengthening our resolve.

We are in it for the long haul. We are ready for what lies ahead. And we are grateful to have you by our side on the road to realizing freedom, justice and equality. With many thanks for your continued support and with wishes for joy and justice in the new year.

*Hedy*

## Defending Free Speech and Drag Queens

When lawmakers in Portland, Tennessee recently attempted to ban drag shows in their town, ACLU-TN stepped in to defend the performers' First Amendment rights. We sent a letter on behalf of Elite Productions and Envy Restaurant Bar and Grill to Portland's mayor and board of aldermen, urging that the city drop a proposed unconstitutional ordinance



that tried to classify drag shows as "adult-oriented businesses" in an attempt to effectively ban them.

In our letter, ACLU-TN argued that artistic expression is not erotic in nature simply because it involves male or female impersonators, and that the First Amendment protects freedom of speech and expression, no matter what the individual is wearing.

While the board dropped the original ordinance in early November, they introduced a second ordinance regulating sexually-oriented businesses. The definition of "adult cabaret" in the current version of the second ordinance matches the definition under state law, which the court has interpreted to mean that performances are only considered erotic if they show certain parts of the body – a definition that would not apply to our clients, who perform fully-clothed.

We will continue to monitor this situation to ensure that the ordinance that is ultimately passed, and its enforcement, do not violate the constitutional rights of our clients.

## Victory for Transgender Youth in Tennessee

In Tennessee, name changes are a routine legal process that typically does not require legal assistance. For one Tennessee teenager, however, the process was not so easy — simply because he identified as transgender.

The teen, who had been socially known by his chosen name to his friends, relatives and teachers for several years, joined his parents to file a petition for a name change this past spring, normally a smooth and straightforward process. Despite the teen, his parents, his teacher and medical professionals asserting that it was in his best interest, the judge refused to comply. After the family tried in vain for months to get a response from the judge, they contacted ACLU-TN for help.

We appealed on behalf of the young man, demanding another hearing. After being denied by the same judge again, we appealed to the Tennessee Court of Appeals. The appeals court granted the order, and we succeeded in securing the teen's name change. ACLU-TN will continue to fight for gender equality and transgender rights in Tennessee.

## ACLU-TN Fights Seizure of Disabled Vet's Car

On a September morning in Nashville, officers from the Mount Juliet Police Department entered disabled veteran Lewis Cain's home, opened his garage door and drove away in his 2009 BMW, despite the fact that they had no warrant to seize the car and that Mr. Cain had not been accused of any crime.



The seizure was part of a practice known as civil asset forfeiture, which allows law enforcement agencies to seize an individual's cash and property without convicting them of a crime.

In Mr. Cain's case, the officers had come to his home with an arrest warrant for his son. After asking the son for the car keys and learning that the car belonged not to him but to his father, the officers entered Mr. Cain's home, woke him up by shining a flashlight in his eyes and asked for the keys. Confused but wishing to cooperate, Cain handed over the keys and the officers drove his car away. When he objected, they told him they were allowed to do so.

At no point did the police produce a search or forfeiture warrant authorizing them to enter the home and seize the car.

ACLU-TN filed a complaint with the Department of Safety, arguing that the seizure without a warrant violated Cain's Fourth Amendment rights and that the officers had purposefully misrepresented Mr. Cain's son as the owner of the car in police reports, despite evidence that this wasn't the case.

We currently await a hearing date.



## Tennessee

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NON-PROFIT ORG  
U.S. POSTAGE  
**PAID**  
NASHVILLE, TN  
PERMIT NO. 3169

### *Free Speech, from p.1*

The appeals court ruled that since the bumper sticker was indeed on the car and visible in the social media post, her post was an expression of her opinion about what the photo showed, which is not defamatory but protected by the First Amendment.

Days after the decision in Ms. Rung's favor was announced, a "Southern Heritage" group in Hillsborough County, Florida dropped its defamation case against a collection of activists who had called the organization a white supremacist group, reportedly fearing that the Rung decision would set precedent against their claim.

The case was filed in the Tennessee Court of Appeals – Middle Division.

In addition to ACLU-TN, the plaintiff is represented by ACLU-TN cooperating attorneys Gregory F. Laufer and Stephen C. Thompson of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

### *Religious Freedom, from p.1*

the Yetto home, which is not open to the public, does not keep regularly scheduled hours, host daily programs, or offer any services that are traditionally associated with running a church. When they learned they could be fined or even jailed if they did not comply, the Yettos turned to ACLU-TN.

After numerous attempts to resolve the issue were unsuccessful, ACLU-TN filed a lawsuit against the city of Jackson. We argue that as no other families in Jackson who host religious or non-religious gatherings at their houses have been asked by the city to register their homes as churches, the targeting of the Yetto family is discriminatory and violates their First Amendment rights as well as the Religious Land Use and Institutionalized Persons Act. We await the court's decision.

The lawsuit was filed in the U.S. District Court for the Western District of Tennessee.