

Striking Down Murfreesboro Anti-LGBTQ+ Ordinance and Protecting Drag for BoroPride

To protect the freedom of speech and expression of LGBTQ+ community members and drag performers, ACLU-TN, ACLU, Ballard Spahr, and Burr Forman filed a lawsuit in federal court on October 6, 2023, against the city of Murfreesboro, on behalf of the Tennessee Equality Project (TEP), founder and host of the annual BoroPride Festival. The lawsuit challenges a new anti-drag city ordinance and a local policy denying all special event request permits by TEP.

The lawsuit was filed after the Murfreesboro mayor and city manager engaged in a yearlong, concerted anti-LGBTQ+ campaign to chill TEP and Murfreesboro residents' protected speech and expression, culminating in the city establishing an official policy prohibiting the issuance of permits to TEP, discriminatorily and unconstitutionally denying TEP's request for a permit for the 2023 BoroPride celebration; and implementing a sweeping and vague ordinance designed to censor any LGBTQ+ speech or conduct within the Murfreesboro community or from TEP. This ordinance has already been utilized to ban multiple LGBTQ+ books from Murfreesboro public libraries.

The lawsuit alleges that the defendants explicitly seek to restrict protected speech and expression because they disagree with its content, its message, and its messenger. The lawsuit further alleges that the ordinance is unconstitutionally broad, vague, and discriminatorily violates Murfreesboro residents' free speech rights protected under the First Amendment. The lawsuit also challenges the ordinance's discrimination against the LGBTQ+ community as violating the Fourteenth Amendment.

On October 20, a federal judge signed an order that blocked the city of Murfreesboro and officials from enforcing its anti-LGBTQ+ ordinance. The order protected the free speech and expression of Murfreesboro residents and drag performers during the BoroPride Festival on October 28. The lawsuit is ongoing.

Challenging Tennessee's Discriminatory Aggravated Prostitution Law

Tennessee's aggravated prostitution statute and related sex offender registration requirements are unconstitutional and violate the Americans with Disabilities Act (ADA).

Tennessee's aggravated prostitution law was passed in 1991 at a time of national panic over HIV. The law targets people engaged in sex work, enhancing their charges from misdemeanors to felonies solely based on HIV status, making it difficult to find other employment.

We, along with the national ACLU and the Transgender Law Center, are challenging this discriminatory law and the lifetime sex offender registration requirement on behalf of OUTMemphis and four individuals who were convicted of aggravated prostitution and made to register as sex offenders.

The aggravated prostitution statute is rooted in fear and discrimination, targeting people living with HIV for harsher punishment and forcing them to register as "violent sex offenders" for the rest of their lives. Tennessee is the only state in the nation that requires people living with HIV who have been convicted of prostitution to register as "violent sex offenders" for their entire lives. Criminalizing people with HIV defies evidence-based best practices. It is patently unlawful as it singles out people living with HIV — a protected disability — for harsher punishment.

Our lawsuit challenges Tennessee's aggravated prostitution law as a violation of the Americans with Disabilities Act (ADA), the Equal Protection Clause of the 14th Amendment, and the 8th Amendment's prohibition against cruel and unusual punishment, among other constitutional protections.

We are asking the court to strike down the aggravated prostitution statute and remove the individual plaintiffs and all others with aggravated prostitution convictions from the state's sex offender registry. The lawsuit is ongoing.



A WORD FROM THE EXECUTIVE DIRECTOR

KATHY SINBACK (she/her)

Everyone should have equal access to the ballot box to choose representatives who will fight for the issues and policies they care about. Yet, for decades, Tennesseans' voting rights have been steadily eroded, preventing people from participating in one of our most basic freedoms. Tennessee consistently ranks among the states with the lowest voter turnout. Recently, the state changed the felony voter restoration process, already the most cumbersome and restrictive in the country, to make it impossible for individuals who have served their time to participate in our democracy. These attacks on voting rights disproportionately impact Black and Brown people across the state as more than 9% of the general voting-age population in Tennessee cannot vote because of a felony conviction, and 21% of Black adults in Tennessee are disenfranchised.

Voting is fundamental to protecting and expanding civil rights and liberties across the board, including access to healthcare and reproductive care, LGBTQ+ equality, racial justice, economic justice, criminal legal reform that reduces mass incarceration and ensures police accountability, protection of free speech and expression without fear of censorship, and much more.

In November, we saw the power of voting illustrated through critical victories for reproductive freedom in Ohio, Virginia, and Pennsylvania. These were major wins for the nation and incredibly inspirational for Tennessee and much of the South, where near-total bans on abortion remain in effect.

While we celebrate these wins, we must ensure that between now and next year's voting season, we regularly

remind voters they should make a plan to cast their ballots. We must send a clear message that we will not tolerate any attempt to roll back our rights, and we must ensure our friends and family understand what this moment means for the future of our democracy.

By joining together as voters in record numbers, we seek to build and defend an inclusive and accessible democracy in Tennessee. We will work to transform our electoral and governance systems to ensure that people who have been historically and systemically marginalized have the power to elect leaders who care about their lives, communities, and freedoms.

In the year to come, we will push our leaders to enact policies that unite and support the well-being of all Tennesseans as opposed to policies steeped in bigotry and divisiveness. Additionally, we will fight against voter suppression and defend democracy by advancing key voter restoration legislation, recruiting and training volunteers, mobilizing and activating our bases in partnership with grassroots organizations, and raising awareness of upcoming elections through public education to increase voter turnout in 2024.

Please support our vital work and stand with us against threats to our constitutional liberties by donating today at <https://action.aclu.org/give/support-aclu-tennessee>. We are truly grateful you are with us in this fight.



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ACLU-TN Hosts Federal ID Legal Clinics

Over the past few months, we and our partners, OUTMemphis, the Tennessee Equality Project (TEP), and Bass, Berry & Sims, have hosted legal clinics across the state to assist community members with applying for a federal ID.

Access to accurate identification is an integral part of daily life, as it allows Tennesseans to open bank accounts, enroll in school, start new jobs, vote, and travel. However, under a new policy, the Tennessee Department of Safety and Homeland Security has stopped changing gender markers on driver's licenses to accurately reflect the gender of transgender people.

This new policy was created in response to a new state law that established the definition of the word "sex" throughout Tennessee state code as "a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex."

This law is dangerous to the civil liberties of Tennesseans. Not having accurate identity documents exposes trans people to harassment, discrimination, violence, and adverse mental health outcomes. Further attempts to enforce this law could mean educators, state employees, and other community members (whether they are transgender or not) might face burdensome administrative hurdles, invasive physical inspection, searches, or blood draws if someone suspects they might be transgender.

That is why it is essential that all people, transgender or not, have access to official documents that accurately reflect who they are.

If you have been denied a gender change on your Tennessee driver's license, please complete our legal intake form at <https://www.aclu-tn.org/legal-assistance/>.

To learn more about the "definition of sex" law, visit our Know Your Rights webpage at <https://www.aclu-tn.org/en/know-your-rights/definition-sex-law-how-it-affects-you>.

ACLU-TN Welcomes DIRECTOR OF PHILANTHROPY

GEORGE G. TOLBERT II (he/him)



We are proud to announce George G. Tolbert II as our director of philanthropy. George attended Xavier University in New Orleans, majoring in chemistry and pharmacy, followed by additional pharmaceutical education at the University of Tennessee College of Pharmacy. George also received his MBA at the University of Phoenix, with a concentration in health care management. He then started POURS Health & Wellness, LLC, to help residents across the state achieve their desired lifestyle modifications.

Despite having such a heavy background in the healthcare field, George's passion is fundraising. He served as the fundraising consultant for the African American Museum of the Performing Arts and the National Museum of African American Music prior to joining the ACLU-TN team. In addition, he is working towards a doctoral degree in public health from Walden University. George lives in the greater Nashville area with his wife, Dainer, and two boys, Trevor and Drew.

George looks forward to working with the ACLU of Tennessee as it presents a phenomenal opportunity to engage with the public regarding the issues impacting our daily lives. He believes it's an honor and privilege to serve an organization that honors the unique voices of members of our society independent of their political affiliations and their role in developing policy that can influence society for generations to come.





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Tennessee Families and Doctors Urge Supreme Court to Block Ban on Essential Health Care for Transgender Youth

This month, transgender youth, their families, and their medical providers asked the United States Supreme Court to block a Tennessee law banning gender-affirming medical care for trans people under 18.

The Tennessee law prohibits medical providers from treating transgender youth with evidence-based gender-affirming medical treatment. It also requires youth receiving gender-affirming care to end that care by March 31, 2024.

We, along with our partners, asked the Supreme Court to review a September 2023 decision by the Sixth Circuit Court of Appeals allowing Tennessee's ban to remain in effect.

Photo by Sarah Rushakoff