

liberty
and
Justice
for y'all

ACLU Tennessee

Education Equity & Free Speech

ACLU-TN works to ensure that all children in Tennessee are given an equal educational opportunity regardless of race, ethnicity, religion, sex, wealth, citizenship, sexual orientation, gender identity, or ability. And we continue to fight for every student so they have the critical opportunity to engage in nurturing and safe schools that provide high quality education free from discrimination.

This fiscal year, the lawsuit we filed alongside our partners on behalf of Davidson and Shelby County parents **challenging the unconstitutional diversion of public funds to private schools continued.** The program violates the Tennessee Constitution and state law, exacerbates underfunding of public schools, and treats Davidson and Shelby County students and taxpayers differently from their counterparts across the state. In November 2022, the Davidson County Chancery Court dismissed the case saying that the plaintiffs did not have standing and the claims were not yet ripe because the voucher program replaces the diverted funding for the first three years. We disagree and are currently reviewing our options.

Our education equity work also includes opposing Tennessee’s oppressive and vague policies that attempt to censor honest discussion of America’s history and threaten free speech about race and gender in the classroom.

During the 2022 session, state lawmakers continued their efforts to censor discussion and books in Tennessee’s classrooms and libraries. We **helped defeat one of the worst bills, which would have allowed any parent to enforce their definition of “obscenity” on a whole school district** and force the removal of books from library shelves for at least 30 days. However, politicians passed bills that allow the state textbook commission to ban books deemed “inappropriate” across the state based on an appeal from one parent in one district, force schools to develop removal procedures for “inappropriate” books, and restrict discussion of a broad range of concepts related to race and gender on college campuses.

We continue to raise educator awareness through workshops and printed FAQs on the state’s new censorship laws, and empower parents and community members by sharing our school board advocacy toolkit as a resource to educate Tennesseans about advocating against book and content bans in schools.

We are also **creating engaging programming for K-12 kids to counteract the dangerous erasure of our shared history** thanks to these overzealous classroom censorship laws. Our goal is to ensure that Tennessee students are learning about our state’s history and relationship with white supremacy, its bearing on ACLU priority issues today, and the efforts of legislators to restrict students’ rights and silence discussion about systemic racism. Our initiative also builds ACLU-TN capacity and visibility by allowing us to engage and build relationships with new partner organizations and mobilize young people to fight back against systemic racism and further censorship.

We remain vigilant and active in the fight against book bans, attacks on academic freedom, and other efforts to impose a narrow and myopic way of looking at the world around us.

Voting Rights

Voting is the cornerstone of our democracy. ACLU-TN works to ensure that all eligible voters have an opportunity to cast a ballot that will be counted; to make voting as easy and accessible as possible; and to make sure that all votes are counted equally. That focus is guided by our knowledge that to sustain a strong, robust democracy in our country, we must ensure that the broadest possible base of voters can exercise their right to vote.

During the 2021 legislative session, lawmakers passed a bill **requiring creation of a voter-verifiable paper audit trail for every ballot cast**, which we supported. Tennessee will now comply with best practices for election security that are already in place in most states across the country.

However, legislators also rejected, deferred, or weakened bills that would have expanded voting rights. They also redrew Tennessee’s electoral maps, splintering precincts statewide. This led to ballot errors across the state during the midterm elections, with voters being grouped in the wrong districts and receiving incorrect ballots.

When we discovered that hundreds of people in Davidson County had been provided with incorrect ballots during early voting, we swung into action and filed a lawsuit. We quickly **secured a court order to lock in commitments to maximize ballot accuracy on voting day and to require transparency during the state’s investigation into the errors** after the fact so that we can prevent any risk of faulty ballots moving forward.

We also continue our advocacy to restore voting rights for people with felony convictions. We are currently working on a **storytelling and community advocacy campaign in rural communities** to increase local and state support for expanding voter eligibility in Tennessee, and we will soon launch an **in-depth research project** to learn more about the people disenfranchised due to felony convictions in Tennessee in hopes that this data will provide additional leverage to change our archaic state law.

Criminal Legal Reform

America’s criminal justice system should keep communities safe, treat people fairly, and use fiscal resources wisely. ACLU-TN advocates for a criminal justice system that fosters public safety with every tool in our integrative advocacy toolbox – from litigation and community engagement to public education, legislative lobbying and more.

At the end of 2021, we and our partners issued a letter and initiated negotiations with numerous Shelby County judicial and government officials demanding that the county stop bail practices that violate the constitutional and statutory rights of people arrested in Shelby County. We succeeded and in August 2022 announced that **Shelby County’s bail process will now be one of the fairest in the nation.** The new system includes creation of a new bail hearing courtroom, individualized bail hearings with counsel no later than three days after a person’s arrest, examination of a person’s financial circumstances prior to any decision, court reminders, and imposition of secured money bail only as a last resort.

During the statewide DA elections in August, we **educated voters about the power that DAs hold to shape our criminal legal system** and impact state incarceration rates. In Shelby County, we worked closely with local partners and our national office on a nonpartisan voter education campaign that included polling; a candidate questionnaire including their positions on money bail, abortion, transparency and more; a website; billboards; mailers that reached 90,000 voters; and digital ads that garnered over 2.5 million impressions.

Alongside our partners, ACLU-TN also continued the fight for a more humane and just criminal legal system during the state legislative session. We successfully beat back a bill that would have severely restricted public **access to body camera and in-car camera footage**; laid crucial groundwork with partners for a bill that would have **ended fee and fine assessments for juveniles and their families**, and succeeded in **eliminating one of the most harmful aspects of the law that allows suspension of licenses** for “unsatisfactory academic progress.”

Additionally, we believe in the right of all children to learn in a safe, supportive environment and recognize the devastating effects of the policies that push students into the criminal justice system. We supported a bill that advocated for an end to suspension and expulsion of students in pre-kindergarten through second grade. Studies have repeatedly shown that this approach is bad not only for disciplining students, but for the school’s climate as a whole. Removing children from the classroom leads to worse outcomes for our students – more behavioral problems, a higher likelihood of dropping out, and more interactions with the criminal justice system. While the bill failed during the 2022 session, we will address the problem of exclusionary discipline for our youngest students in the years to come.

We will continue to advocate for a criminal legal system that keeps communities safe, treats people fairly, and uses fiscal resources wisely.

Please join us at the front lines to advance equality and justice for all. Defending civil rights and civil liberties day after day takes a lot of hard work – and financial support. Please remember to give generously when you can – either online at bit.ly/aclutn-give (case sensitive) or by mailing a contribution to: ACLU FOUNDATION OF TENNESSEE, P.O. BOX 120160, NASHVILLE, TN 37212 ACLU-TN. ACLU-TN also accepts gifts of stock, IRA and other retirement assets, and mutual fund shares—and offers methods to give via your will, trust or life insurance policy. For more information, please contact Director of Development Sarah Howard at (615) 320-7142 x 308 or by e-mailing showard@aclu-tn.org. Thank you for your partnership!

LGBTQ Equality

ACLU-TN has long fought to make this state a place where LGBTQ Tennesseans enjoy full equality in every aspect of their lives. Our goal is an America where LGBTQ people can live openly, with their identities, relationships and families respected. We fight discrimination based on sexual orientation and gender identity – at the workplace and in schools, housing, public places and health care.

On November 4, 2021, ACLU-TN, the ACLU, Lambda Legal, and the law firm of WilmerHale filed a **lawsuit challenging a Tennessee law excluding transgender youth from participating in school sports.** Luc Esquivel was then a 14-year-old high school freshman from Knoxville who had been looking forward to trying out for the boys’ golf team. That aspiration was derailed when Gov. Bill Lee signed into law legislation that bans transgender middle and high school students from participating on interscholastic sports teams that match their gender. L.E. v. Lee is still pending.

This fall, our legal team also won summary judgment in Bongo Productions LLC et al v. Lawrence et al, **striking down a hateful anti-trans law** that would have required businesses and other entities that allow transgender people to use the public restroom that matches their gender to post a government-prescribed warning sign.

This year we also **launched TRANScend Tennessee, a statewide community education, engagement, and empowerment initiative focused on supporting and affirming trans Tennesseans** while educating the public, including lawmakers, on the critical need for ensuring that trans people have both a sense of belonging and access to gender-affirming healthcare and other resources. Our initiative also provides direct legal services to trans Tennesseans and educates community members on combatting hateful transphobia in our state through empathy and advocacy. This exciting campaign is led by two new staff members: Trans Justice Advocate Henry Seaton and Staff Attorney Lucas Cameron-Vaughn.

Over the past year, we have witnessed the relentless attacks on our civil rights and civil liberties in Tennessee and across the country. Tennessee has restricted peoples’ autonomy to make their own reproductive decisions, created barriers to the ballot box, criminalized poverty, introduced discriminatory legislation that inhibits transgender kids and adults from living freely as themselves, and threatened free speech in the classroom by censoring honest discussion of America’s history.

While these threats persist, ACLU-TN has consistently met those attacks head-on in the courts, in the Capitol and in local communities across the state. And we remain invigorated and committed to fighting back against these attacks.

To continue cultivating strategic and bold initiatives to advance freedom in our state, ACLU-TN has welcomed new executive director Kathy Sinback and expanded our legal team. Our report highlights our work over the past year and our promise to continue confronting attacks on our rights and to seize every opportunity to advance justice, fairness and equity in Tennessee.

We know that there are challenging times ahead of us. But ACLU-TN remains vigilant and we, along with our staff of strategic and tenacious advocates and litigators, our board of directors, and our members and our supporters, are prepared to aggressively and creatively confront attacks on our rights.

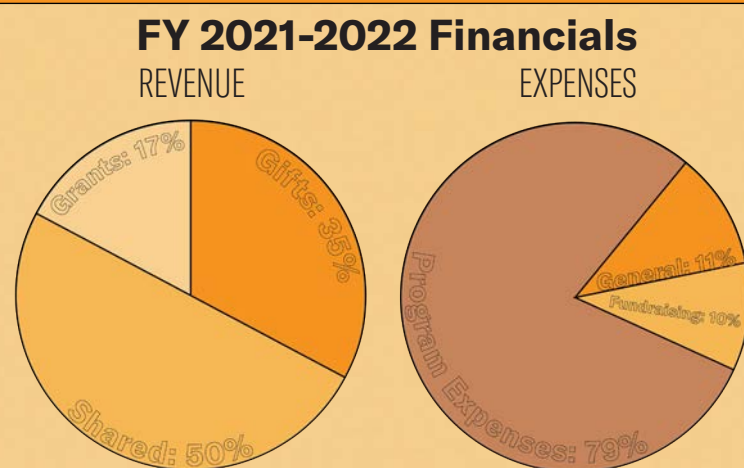
As always, thank you for your confidence in our work and your continued support. Together we will envision and advance the Tennessee we want. Together, we will change the civil liberties and civil rights landscape in Tennessee.

Kathy
Kathy Sinback
Executive Director

Paula
Paulette J. Williams
Board President

Lawmakers have already introduced legislation for the 2023 legislative session that would prohibit doctors and families from making necessary life-saving healthcare decisions to support transgender youth, despite multiple studies showing that providing gender-affirming and supportive care saves young people’s lives by dramatically reducing depression and suicidal ideation. We are **currently building up our defense against the new anti-LGBTQ bills that were among the first bills filed for the upcoming legislative session.**

The pressure and presence from trans advocates and allies is making a difference at the Capitol. However, there is still work to do and we will continue to demand that LGBTQ people in Tennessee be treated with humanity and respect by lawmakers.



Consolidated unaudited statement of activities for the ACLU of Tennessee and the ACLU Foundation of Tennessee and statistics from Fiscal Year 2021 – 2022 (April 1, 2021 to March 31, 2022).

Reproductive Justice

On June 24, 2022, the U.S. Supreme Court issued a shameful ruling overturning Roe v. Wade – the landmark decision recognizing the constitutional right to abortion nearly 50 years ago.

Under Tennessee law, it is now a Class C felony for any person to perform or attempt to perform an abortion in the state. Class C felonies carry a maximum penalty of 15 years in prison. There are no exceptions in the law for rape, incest or to save the life of the pregnant person. The law allows for a person charged with a crime under this law to use certain narrow circumstances as their defense in court. However, such circumstances do not prevent them from being charged with a crime in the first place.

This year, we have focused on **supporting and protecting Tennessee abortion providers** while grappling with our new post-Roe reality; **strategizing with community partners** on the continued fight for access to abortion in Tennessee, **educating protesters** on their rights, and **wrapping up prior litigation** in a methodical way to protect the potential for future lawsuits and legal opportunities.

This isn’t over. We at ACLU-TN are committed to using the full force of the organization in the streets, at the capitol, and at the ballot box in the fight to restore abortion rights – and we hope you will join us.

Organizational Changes

ACLU-TN has undergone some staffing changes this year.

In July 2022, **Executive Director Hedy Weinberg ended her long tenure at the helm of the ACLU of Tennessee.** Hedy dared greatly and traveled hopefully as the ACLU-TN executive director for over 37 years. After being named executive director in 1984, Hedy grew ACLU-TN into a strategic, multi-faceted powerhouse that never backs down from a challenge and always moves us ahead in the fight for justice and equity. Under her leadership, our organization grew from two to twelve staff, added several departments, expanded across the state, grew in financial strength, and rallied a colossal base of supporters – in Tennessee and across the country.

In September 2022, we were thrilled to formally **welcome Executive Director Kathy Sinback.** Prior to joining ACLU-TN, Kathy served as the Davidson County Juvenile Court administrator, where she helped lead county and statewide reform efforts to ensure youth justice procedures align with evidence-based best practices and collaborated with Metro and community agencies to implement policies to stanch the school-to-prison pipeline. She also served as a senior attorney with the Metropolitan Nashville Department of Law and began her career at the Metropolitan Public Defender’s Office.

Over the past few months, we have also built up the ACLU-TN legal team. Our former staff attorney, **Stella Yarbrough, has stepped into the role of legal director.** And we **added two new staff attorneys, Jeff Preptit and Lucas Cameron-Vaughn.**

We also expanded our communications and community engagement team this year, **welcoming Communications Associate Breana Staten and Transgender Justice Advocate Henry Seaton.**

We look forward to an exciting year ahead with our refreshed and reinvigorated team.

Staff

Lucas Cameron-Vaughn – **Staff Attorney**
Lauren Davis – **Legal Program Coordinator**
Claire Gardner – **Senior Community Engagement Strategist**
Sarah Howard – **Director of Development**
Lindsay Kee – **Director of Strategic Communications**
Jeff Preptit – **Staff Attorney**
Henry Seaton – **Trans Justice Advocate**
Kathy Sinback – **Executive Director**
Erin Sirignano – **Administration and Human Resources Director**
Breana Staten – **Communications Associate**
Stella Yarbrough – **Legal Director**

ACLU-TN AT A GLANCE

30.4k social media followers (1 9%)
735.6 M people reached via broadcast, print & online news
63k Donors & Supporters (1 27%)
6,000 messages to lawmakers from ACLU-TN supporters
122 bills ACLU-TN Supported in 112th TGA
48 bills opposed during 112th TGA
2 new lawsuits filed
922 requests for legal assistance (Intake)

Board

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Berthena Nabaa-McKinney
Rosevelt L. Noble
Marlene Sanders
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National Board Representative – Bruce Barry

Cover lettering by Cymone Wilder (@simonandmoose)