

The Vigil



American Civil Liberties Union of Tennessee

Summer 2003

**Join ACLU of Tennessee at our
Annual Membership Meeting,
featuring the John Googin Memorial Lecture:**

One Nation, Under Surveillance

**Speaker:
Barry Hargrove
9-11 Field Organizer
ACLU Washington National Office**

**Saturday, September 20, 2003
2:30 pm—4:00 pm**

Refreshments will be served
following the program.

Room 204

Owen Graduate School of Management,
Vanderbilt University,
401 21st Avenue South, Nashville

DIRECTIONS: From West End Avenue, take 21st Avenue South. The Owen School is a large red brick building located across from Starbucks, between the Vanderbilt Law and Divinity Schools.

PARKING: Public parking is available on the first 2 floors of the Wesley Place Garage at the corner of 21st Avenue South and Scarritt Place. Look for a brick building with Alpine Bagel and CVS Pharmacy.

Call (615) 320-7142 for more information.

Message from the Executive Director

When I was asked to make some brief remarks to Nashville high school students being inducted into the Cum Laude Society, I decided to use the opportunity to discuss what it means to be patriotic. Too frequently, those who disagree or protest government actions during times of war are maligned as unpatriotic. My hope is that young people will recognize that it is their patriotic duty to participate in society and, when necessary, criticize and protest their government. These remarks were given in May 2003.

Good Evening. I am very happy to be with you tonight to celebrate your induction into the Cum Laude Society, and to congratulate each of you (and your parents) on your major accomplishments.

I am going to read two quotes to you. The first is by the late U.S. Supreme Court Justice Thurgood Marshall. He wrote:

“This is a country that stands tallest at troubled times, a country that clings to fundamental principles, cherishes its constitutional heritage, and rejects simple solutions that compromise the values that lie at the roots of our democratic system.”

The next statement was made by U.S. Attorney General John Ashcroft when he testified before the Senate Judiciary Committee soon after 9-11. He said:

“To those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid the terrorists, for they erode our national unity and diminish our re-

solve. They give ammunition to America’s enemies and pause to America’s friends.”

The difference in Justice Marshall’s views and Attorney General Ashcroft’s views and the difference in the times in which their sentiments were expressed raise the question about the meaning of patriotism.

Discussing the meaning of patriotism affords us the opportunity to explore the formation of your political selves. As you become educated and productive members of society, you will confront your own political selves. Indeed, living in a democratic society (small d) compels us to develop our political selves. There are a number of political identities you can choose: there is the apathetic citizen, the zealot patriot, the conscientious voter, and/or the active political party member.

I do not have the answer as to what “correct” political identity you should embrace. But we can discuss the meaning of the patriot and what it means to be patriotic. Just who is that person, and how does that person express his or her own identity?

Webster’s New World Dictionary defines a “patriot” as a person who loves and loyally or zealously supports his own country.

What does it mean to be loyal to one’s country and to support one’s country? Do you stand to say the pledge of allegiance? Do you wholeheartedly support you elected officials? Do you assume the government knows best and does not need to hear from you?

Or do you protest your government when they do not do what you like? Do you petition them to make changes? Do you exercise your right to free expression?

After 9-11, we joined hands as a nation to confront the horror, the tragedy, the fear and the anger we had.

Standing to say the pledge or singing “America the Beautiful” was empowering and comforting at that time. But is being comforted the same as being patriotic? I would have to say to you all NO.

I tell you this not to be adversarial, or to create anger, but to say being patriotic requires you to stand up for something you believe in. It requires you to form your own identify and be comfortable challenging government and others when you see injustice or inequality. It requires you to confront the ills of the world and become responsible and thoughtful citizens who will work to make things better.

Let’s consider what Justice Marshall meant. He spoke of the power and inspiration of the United States Constitution and the Bill of Rights. These documents guide us as we form our political selves. While the Constitution sets out the three branches of government and how they work, the Bill of Rights delineates the rights we have and the restrictions placed on (continued on next page)

The Vigil

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ACLU-TN Challenges Ban on Fortune Telling

In late July, the American Civil Liberties Union of Tennessee (ACLU-TN) filed a lawsuit on behalf of a Dickson woman whose free speech rights are being violated because of a local city ordinance prohibiting fortune telling.

According to the ACLU legal papers, Beth Daly, the owner of Curiosity Corner, was notified that she could not continue to conduct tarot readings at her shop because the activities violated Dickson City Ordinance §11-201.

On July 27, 2002, Daly opened the Curiosity Corner New Age Shop where she sold candles, yoga supplies, local artwork, books, and music. Until she was notified about the city ordinance that prohibits fortune telling, Daly was regularly holding tarot readings in her shop. Daly stopped her readings in fear of being fined or facing charges for her actions.

In January 2003, ACLU-TN sent City officials a letter notifying them that the city ordinance prohibiting "any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers" was unconstitutional. In her letter, ACLU-TN Executive Director Hedy Weinberg explained that "A number of federal courts have reviewed similar ordinances and found them to violate the free speech rights of persons who engage in fortune telling....We ask you repeal the current ordinance."

According to Weinberg, the City did not respond to the

ACLU-TN request and repeatedly deferred any decision on the ordinance. As a result, filing the lawsuit was the only way to protect Ms. Daly's free speech rights.

According to Barbara Moss, ACLU-TN Cooperating Attorney, "Because of the protections of the First Amendment, our government may not decide which ideas are right or wrong. A person is free to write or sell books that the earth is flat or the moon is made of green cheese. Our client should be free to make predictions, for fun or profit, without government interference."

The lawsuit filed in United States District Court, Middle District of Tennessee, asks that the City be enjoined from enforcing the ordinance and that people be allowed to engage in fortune telling.

Donations Needed for Bill of Rights Celebration!

ACLU-TN is currently seeking donations to the silent auction which will be held at our annual Bill of Rights Celebration in November. We are especially interested in:

- Event tickets (concerts, sporting events, plays, etc.)
- Vacation packages
- Political items
- Gift certificates (restaurants and stores)

Please call us at (615) 320-7142 to arrange a donation.

("ED Message" cont.) government so that individual members of the community—both in the majority and the minority—can participate in our democracy. We have the right to practice our own religious beliefs or none at all. We have the right to be treated equally and fairly by government. And we have the right to express our opinions both in support of or in disagreement with the government.

What Justice Marshall seems to suggest is echoed by former governor and presidential candidate Adlai Stevenson:

"Democracy is great not just because the majority prevails, but because its safe to be in the minority."

In contrast, today dissenters are castigated and branded as unpatriotic. This treatment of dissenters is unpatriotic because it violates the spirit of the First Amendment. The First Amendment encourages political expression. The

meaning of patriotism implied by the First Amendment is loyalty to a nation that encourages its citizens to participate in the continuous reshaping of that nation. In fact, those who speak out and challenge government to be fair are the true patriots. They are embracing the principles upon which this country was founded.

As you go about defining your political selves, think about how you want to exercise your rights to participate in our democracy. To what ideals will you be loyal? What is a better society? Addressing these questions is your patriotic contribution to the shaping of American society.

You are now entering a phase of life that requires you to take on challenges. You will be required to step outside of your safe zone. You have the responsibility to be a patriot and participate in the community in which you live. With your family, friends, and teachers, I welcome you into that community. Congratulations!

Intern Spotlight

ACLU-TN has for many years benefited from having a full-time intern from the University of Tennessee School of Social Work. The latest of these wonderful interns was Amanda Baskin, who worked in the ACLU-TN office last fall and spring.

While all the interns who come to ACLU-TN have a dedication to our work, Amanda's passion for civil liberties runs in her family. Amanda's father is an active ACLU member in Palm Springs, CA, and even hosted a coffee for other ACLU members in his area at which Amanda spoke about her experiences as an ACLU-TN intern!

Amanda worked primarily with ACLU-TN's legislative program, tracking civil liberties legislation (both good and bad) and creating a weekly legislative calendar. Amanda also monitored meetings and hearings on Capitol Hill with ACLU-TN Executive Director Hedy Weinberg and ACLU-TN volunteer lobbyist Joe Sweat.

Amanda also worked a great deal on reproductive freedom issues, including initiating the first steps necessary to reviving the Tennessee Alliance for Choice (TAC). Amanda contacted previous members of TAC and potential new members to gauge interest and provide information.

Amanda also assisted with ACLU-TN's advocacy program, answering phone calls and letters from Tennesseans requesting assistance, and with ACLU-TN's annual Bill of Rights Celebration.

"I enjoyed the opportunity to be a part of ACLU-TN," Amanda said. "The planning that the staff do to create an integrated learning environment for students is wonderful. The learning built upon itself as the year flew by, and I only wish I could have continued to work at the ACLU."

"It was such a great experience to be involved in the process of change on a personal and policy level. This is a side of social work that is so important for protecting the fundamental rights of all people," Amanda said.

Amanda is currently the Lead Clinician of the Dual Diagnosis inpatient psychiatric unit at Tennessee Christian Medical Center in Nashville. Amanda provides family therapy, individual therapy and group-based counseling to persons who are diagnosed with a mental illness in combination with a drug addiction. Amanda has a BSW from Western Kentucky University and a MSSW from the University of Tennessee.

Please join ACLU-TN in fighting to keep our country both **SAFE AND FREE**.

Make a tax-deductible contribution to assist with our advocacy, litigation and public education programs:

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P. O. Box 120160
Nashville, TN 37212

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Save the Dates!

Saturday, September 20—ACLU-TN Annual Membership Meeting in Nashville.

Wednesday, September 24—Banned Books Week (BBW) Program at Davis-Kidd Booksellers in Nashville.

Thursday, September 25—BBW Programs in Memphis (Davis-Kidd Booksellers), Knoxville (Borders), and Chattanooga (A Novel Idea).

Saturday, November 8—Annual Bill of Rights Celebration in Nashville.

Reflections on ACLU's First-Ever Membership Conference

In June 2003, ACLU held its first-ever Membership Conference. Thousands of ACLU members and staff from across the country gathered in Washington, DC to debate issues, lobby Congress, and become invigorated for our future work. One of the attendees was ACLU-TN student intern Jonathan Boughtin, who participated in the youth organizing activities. Jon is a junior at Vanderbilt University, and shares his thoughts on the experience below.

It should come as no surprise that the 2003 annual ACLU Membership Conference was changed by the presence of its young activists. The message was clear that the ACLU is no dying relic, but has the potential to flourish and grow from the energy of future leaders.

As for the present, the nearly 400 young conference attendees were certainly not short of dreams and ideas. Under the guidance of National ACLU Youth Communications Coordinator Rosa Clemente, herself under 30 and full of passionate intensity, youth activists planned for the future and networked within their respective regions.

Clemente held a planning session for youths in which she proposed that we identify issues we felt required change, then asked that we formulate plans with other students from our region to determine how to address those issues. Debates raged and tempers flared, though not without an impressive hint of maturity, and in the end each region was able to formulate plans for our own specific part of the country.

The overwhelming consensus was the need for strong youth organization, and the mobilization of programs that would ad-

dress issues ranging from gay rights to the death penalty. As one student pointed out, effective measures will take place only if people follow through with their auspicious plans.

Though we probably should not expect to see scores of youth activists taking organized stands any time soon, their passion should not go overlooked. The ACLU has a fine resource in these young leaders, and it is to the credit of the ACLU and its leaders for allowing these kids to come express themselves as equals among their elder members.

Though it is often incredibly difficult for young adults to be heard, they were certainly a noticed and, most importantly, appreciated element at the 2003 ACLU Membership Conference. The ability to not only express ourselves, but the chance to express ourselves as equals, will help youth maintain our passion for civil liberties and keep us involved in this type of activism at an exciting and energizing level.

If nothing else, youth like me will take away from the conference a lasting memory of what it truly feels like to engage in free speech, a sentiment that will remind us for years to come why we belong to the ACLU.

ACLU-TN Board Member Ben Pressnell also attended the Conference. Ben has a long history with the ACLU; at age 11, he was the plaintiff in ACLU-TN-sponsored litigation challenging religious activities in Claiborne County public schools. Ben is an attorney in Tazewell, and provides an overview of the conference below:

The ACLU held its first annual Membership Conference June 11-15 in Washington, DC. Over 3,000 civil libertarians of all ages from across the country descended upon our nation's capitol to celebrate our freedom, to honor those who have courageously defended it in the past, and to organize, plan, and discuss how best we can protect and defend the Constitution and the Bill of Rights in these troubled times.

Among those honored at the conference were Muhammad Ali and Anthony Lewis. Ali was awarded the first "Champion of Liberty Award for Heavyweights in the Arts, Business, Science and Sports," which will bear his name for future recipients.

Lewis, a two-time Pulitzer Prize winner, was awarded the coveted and prestigious Roger N. Baldwin Medal of Liberty. A columnist for the [New York Times](#) and a visiting professor at Columbia University, Lewis has dedicated a lifetime to justice and equality through covering the U.S. Supreme Court for over fifty years. He is the author of [Gideon's Trumpet](#), [Portrait of a Decade](#), and [Make No Law](#), books about the right of indigent criminal defendants to counsel, race relations during the Civil Rights Movement, and free speech, respectively.

Speakers at the Conference included U.S. Supreme Court Justice Ruth Bader Ginsburg, FBI Director Robert S. Mueller, Representatives Eleanor Holmes Norton of Washington DC and

John Lewis of Georgia, and a host of journalists, satirists, comedians, actors, lawyers and students.

One day of the Conference was Lobby Day on Capitol Hill. Conference members from all 50 states rode buses from the hotel to the Capitol to lobby their respective members of Congress on important civil liberties issues as flag desecration, PATRIOT Acts I and II, the Voting Rights Act, government funding of religion, and racial profiling.

The Tennessee delegation to the hill included myself, Executive Director Hedy Weinberg, ACLU National Board Representative Joe Sweat, and ACLU-TN student intern Jon Boughtin. We attended scheduled meetings with Congressman Jim Cooper and with staffers from Senator Lamar Alexander's office. We also stopped by my representative's office, Representative Zach Wamp, in the hopes of talking to him or one of his staffers. Instead, Representative Wamp's receptionist only allowed us to leave a business card and suggested we call or write instead.

On the whole, the Conference was a huge success. It was the first it what promises to be a long tradition of fellowship, camaraderie, mentorship and activism among the members of our nation's premier guardian of liberty and of the individual rights and freedoms guaranteed by the Constitution and laws of the United States.

ACLU Files First Challenge to USA PATRIOT Act

Bridge Refugee and Sponsorship Services in Knoxville is one of six plaintiffs represented by the ACLU in its challenge to the USA PATRIOT Act.

Muslim Community Association of Ann Arbor et al. v. John Ashcroft and Robert Mueller, the first lawsuit of its kind, challenges the constitutionality of Section 215 of the USA PATRIOT Act. This provision vastly expands the power of the Federal Bureau of Investigation to obtain personal records and other “tangible things” about people living in the United States, including American citizens and permanent residents.

The FBI can use Section 215 to obtain personal belongings directly from one’s home, including “books, records, papers, documents, and other items.” It also can order charities, political organizations, libraries, hospitals, Internet Service Providers, or indeed any business to turn over the personal records of others.

In direct violation of the Fourth Amendment’s protection against unreasonable and warrantless searches, the FBI need only assert that the records or belongings are “sought for” an ongoing foreign intelligence, counterintelligence, or international terrorism investigation. The FBI is not required to establish probable cause—or any reason—to believe that the search pertains to a criminal suspect or foreign agent.

The targets of Section 215 orders are *never* notified that their privacy has been compromised. Moreover, the law includes a gag provision that prohibits charities, political organizations, and all other businesses served with

Section 215 orders from disclosing, even in the most general terms, that the FBI has sought information from them.

By seriously compromising the rights to privacy, free speech, and due process, the ACLU argues that Section 215 violates the First, Fourth and Fifth Amendments of the United States Constitution.

In addition to Bridge Refugee and Sponsorship Services, the groups participating in the lawsuit are: Muslim Community Association of Ann Arbor (MCA), which operates a mosque and school; American-Arab Anti-Discrimination Committee (ADC), a national civil rights organization based in Washington, DC; Arab Community Center for Economic and Social Services (ACCESS), based in Dearborn, MI, which operates a medical research center as well as a center for refugees and torture victims; Council on American-Islamic Relations, a grassroots membership organization based in Washington, DC; and The Islamic Center of Portland, Masjed As-Saber, which operates a mosque and K-12 school, based in Portland, Oregon.

The ACLU is seeking a declaration that Section 215 is facially unconstitutional and a permanent injunction against its enforcement.

National ACLU attorneys Ann Beeson and Jameel Jaffer and ACLU of Michigan attorneys Michael Steinberg and Noel Saleh are representing the plaintiffs. The lawsuit was filed on July 30, 2003 in U. S. District Court for the Eastern District of Michigan (Southern Division).

UNPATRIOTIC ACTS

The FBI's Power to Rifle Through Your Records and Personal Belongings Without Telling You

An ACLU Report

Published July 2003

Written by Ann Beeson and Jameel Jaffer

“Imagine this scenario: You flee Iraq after being imprisoned and persecuted for your political views. When you arrive in the United States, a local charity helps you find housing and medical care. You start a small business, join a mosque, and become active in a Muslim community association. You use email at a public library to keep in touch with your extended family in Iraq, and to discuss politics with friends.

Two years later, you are grateful for the freedoms you enjoy in your new home. When the U.S. invades Iraq, you are thankful to be rid of Saddam but angry about civilian casualties and the extended U.S. occupation. You write a letter to the editor of your local newspaper encouraging a quick transfer of power to Iraqi civilians....

As it turns out, you never learn that the FBI is spying on you....”

This new report (previewed above) examines in detail Section 215 of the USA PATRIOT Act, which gives the FBI unprecedented access to sensitive, personal records and any “tangible things.” It reviews the history of unlawful surveillance, and explains why it would be a serious mistake for us to rely on the government to police itself. The report also documents attempts by Congress and the ACLU to challenge the secrecy surrounding the FBI’s use of Section 215. And finally the report explains what the ACLU is doing—and what you can do—to get Section 215 off the books.

The full report is available online at www.aclu.org.

Statement of Mary Lieberman, Executive Director, Bridge Refugee and Sponsorship Services

The organization I work for, Bridge Refugee and Sponsorship Services, is an ecumenical non-profit organization that resettles refugees throughout East Tennessee. We have joined the ACLU lawsuit because we are concerned that Section 215 of the PATRIOT Act compromises our ability to serve our clients.

Our clients have come to the United States seeking refuge from persecution. Working with local churches, synagogues and mosques, we help them to get the services they need in order to adjust to life here. Of course, we can't get them the help they need if they won't trust us with their personal information. And they won't trust us with that information if they think we are going to hand it over to the FBI.

Bridge was approached twice by FBI agents seeking information about Iraqi refugees. The first time, an agent came to my office and I refused to allow him to take away records or notes. The second time, in November 2002, the FBI served Bridge with a subpoena for all records relating to its Iraqi clients.

When I received this document, I experienced a flood of emotions. This subpoena upended all of my assumptions about what our government stands for. I was heartbroken that my government would indiscriminately invade the privacy of people who were not suspected of any crime. I was also heartbroken for our Iraqi clients, many of whom had attained refugee status by virtue of the fact that they had risked their lives to help the American military during Desert Storm and were then persecuted by Saddam Hussein. I knew that they did not deserve this.

I was also angry; and in that frame of mind, I called Jerry Gulley, a former member of our Board of Directors who is an attorney. He immediately filed a motion to quash the subpoena.

Ultimately, the FBI agreed not to seek more information than Bridge's clients would already have provided to the INS. However, the FBI and the U.S. Attorney retained the right to seek further information from our case files. If the FBI came back to us with a Section 215 order, my staff and I would not be allowed to challenge the order or even discuss it pub-

licly as I am doing today.

Some people may wonder just what kind of people Bridge serves. I would like to tell you about one of them, Muwafa Albaraqi. Mr. Albaraqi was born in 1968 in Najaf, Iraq. In 1991, at the encouragement of the United States, he participated in an uprising against the government of Saddam Hussein. Although the uprising was successful in Najaf, American support did not materialize and ultimately the city fell again to the Iraqi Republican Guard. Those who had participated in the uprising were labeled traitors and were tortured, imprisoned, or killed. Mr. Albaraqi fled to Saudi Arabia, where he lived in a United Nations-administered refugee camp from March 1991 to September 1994. He applied for political asylum in the United States while living at the camp.

Bridge assisted Mr. Albaraqi in adjusting to life in Tennessee. He became a United States citizen in 1999 and he is now working as a check-out clerk at a grocery store in Knoxville. He is also a part-time student in electrical engineering at the University of Tennessee.

The FBI contacted Mr. Albaraqi in January 2003, stating that they wanted to meet with him. He was not told that the interview was optional or voluntary or that he had a right to contact an attorney and have an attorney present at the interview. During the interview, the FBI asked, among other questions, whether anyone associated with the Iraqi government had asked him to engage in terrorism against American targets; what he would do if an Iraqi agent asked him to engage in terrorism; and whether he might act differently if the Iraqi agent cut off his brother's finger and sent it to him in the mail.

We at Bridge were outraged by these questions. And we know that Mr. Albaraqi and others like him would not have sought our assistance on sensitive personal matters if he had thought that the government could easily access Bridge's records.

Bridge is participating in this challenge because we feel the need to speak out on behalf of our clients, who have suffered enough already. Our decision to participate in this challenge is the result of sober consideration, reverence for the Constitution, and respect for our clients.

Legislative Wrap-Up

The adjournment of the first year of the 103rd Tennessee General Assembly in late May brought mixed results for civil liberties and civil rights. ACLU-TN tracked and lobbied over 200 bills affecting our constitutional freedoms. We joined with other organizations to lobby pro-civil liberties bills and fight anti-civil liberties initiatives; we provided background materials to the legislators and the media; and we mobilized over 900 of our 2,700 members to contact their legislators. Special thanks to National ACLU Board Member Joe Sweat who once again generously volunteered his time as an ACLU-TN lobbyist.

Here are several key issues ACLU-TN focused on:

“Choose Life”—SB18/HB788—became law on June 17, 2003 without the Governor’s signature. **ACLU-TN is now preparing a lawsuit to challenge the “Choose Life” license plate.** The State can certainly elect whether or not to permit political slogans on license plates. But once the decision has been made to permit one political slogan, constitutionally, other competing ideas must be afforded the opportunity to use the same state-sponsored forum. In other words, if the State decides to politicize specialty tags, then it may not pick and choose which issues to support.

In addition, this law raises Establishment Clause concerns because a portion of the funds are distributed to New Life Resources, an agency affiliated with Tennessee’s Right to Life organization. New Life directs funds to 49 agencies which are required to maintain a partnership with New Life Resources. Many of these agencies self-identify as religious. Check our website at www.aclu-tn.org for updates.

Remove State Constitutional Guarantee for Abortion Rights—SJR127—amends the State Constitution to add a new provision to Article 1 providing that “nothing in the State Constitution secures or protects the right to abortion or funding.” This is a very dangerous anti-choice initiative which could result in the prohibition of abortions in Tennessee were Roe v. Wade overturned by the U. S. Supreme Court and our State Constitution amended. If SJR127 passes during the 103rd Tennessee General Assembly, the resolution would need to receive a 2/3 majority vote by both chambers the following legislative session in order to appear on the state ballot for 2006 elections. ACLU-TN continues to lobby against SJR127 and to mobilize grass-roots opposition. **Oppose**

Racial and Ethnic Profiling—SB756/HB866—requires the State Highway Patrol and certain county sheriff and city police departments to collect specific information regarding all traffic stops and pedestrian stops by law enforcement. Data collection is a necessary first step in any effort to measure and combat racial and ethnic profiling. ACLU-TN is working with the bills’ sponsors to identify additional support for the bill. **Support**

Restoration of Voting Rights—SB386/HB518—would ensure that thousands of people who have been convicted of

felonies and are thereby disenfranchised would be able to restore their voting rights. The bill clarifies procedures for restoration of voting rights and identifies those felons who can seek to have their rights restored. ACLU-TN is joining in coalition to advance this bill during next year’s session.

Support

Lesbian and Gay Rights—SJR27— This resolution urges Congress to pass the pending federal constitutional amendment to define marriage “exclusively as a union between a man and a woman.” The recent Lawrence v. Texas decision overturning laws criminalizing same-sex sexual activities between consenting adults angered the Radical Right, which is now focusing on this constitutional amendment even more. We remain determined to defeat the Federal Marriage Amendment, which would amend the U. S. Constitution to define marriage as strictly between a man and a woman, invalidate all state and local domestic partnership laws, and nullify civil rights protections based on marital status. This initiative supports intolerance and would reverse the Constitution’s tradition of protecting, not taking away, individual freedoms. The resolution did not move through committee. **Oppose**

Limiting Access on the Internet—SB213/HB457—is an overly broad bill that would criminalize legal activities by consumers, educators, manufacturers, and business users. While bill’s sponsors say their intent is to strengthen existing cable theft laws, the language is much more comprehensive and could dictate how a person uses services they bought and paid for. For example, the bill could have chilling effects on encryption technology research and other security testing research, which would threaten the privacy of medical and financial records. After aggressive lobbying by Tennessee Digital Freedom Network, Vanderbilt University, and ACLU-TN, action on the bills was deferred until next year. **Oppose**

Banning certain Videos in Vehicles—SB176/HB591—prohibits exhibition of obscene or patently offensive videotapes within vehicles if visible to other drivers. The bill violates the First Amendment by regulating which materials individuals can view. While obscene videos are not protected by the First Amendment, patently offensive videos are not illegal and cannot be regulated within an individual’s vehicle. The term patently offensive is subjective, vague and overly broad. ACLU-TN successfully lobbied to keep the bills in committee. **Oppose**

If you have not joined our legislative alert list to keep up-to-date, please email us today at aclutn@aclu-tn.org. Enter “Subscribe Legislative Alert” in the subject line and include your name and address in your message.

Save the Date! BBW Events to be held Statewide

In recognition of Banned Books Week, ACLU-TN will hold readings from banned and challenged books in Nashville, Knoxville, Memphis, and Chattanooga.

This year's events will highlight Section 215 of the PATRIOT Act, which allows law enforcement to investigate the reading habits of individuals, even if those individuals are not under investigation. We will read from books that have been censored or suppressed by the government in other times of crisis.

Please join us at the following events, which are free and open to the public:

Nashville: Wednesday, September 24, 6 pm, Davis-Kidd Booksellers (4007 Hillsboro Road)

Memphis: Thursday, September 25, 6 pm, Davis-Kidd Booksellers (387 Perkins Road Extended)

Knoxville: Thursday, September 25, 7 pm, Borders (202 Morrell Road)

Chattanooga: Thursday, September 25, 6 pm, A Novel Idea (38 Frazier Avenue)

NCADP conference set for Nashville, Tennessee, - Oct 16-19

The National Coalition to Abolish the Death Penalty (NCADP) is holding its 2003 national conference in Nashville from Thursday, October 16 through Sunday, October 19. The conference, entitled "Tennessee and the New South: Organizing for Abolition," will take place at the Sheraton Downtown Hotel in Nashville.

Tennessee, in many ways, is at the forefront of the debate over capital punishment in the United States. The state has passed legislation banning the execution of juvenile offenders, people with mental retardation, and has executed only one person in the past quarter century. No former Confederate state has executed fewer people than Tennessee.

The conference, which is expected to attract more than 500 activists from throughout the United States and a half dozen foreign countries, will include a rally and demonstration in front of the state capital, live musical entertainment, a special awards banquet, a book signing featuring authors who have written about the death penalty, and more than two dozen workshops, plenary sessions, and keynote speeches.

For additional information, email nationalconference@ncadp.org, tcask@earthlink.net, or visit the NCADP website at <http://www.ncadp.org>.

Victims' Families Speak Out Against the Death Penalty

Anti-death penalty activists Rachel Kind and Hector and Susie Black recently spoke to an audience at Davis-Kidd Booksellers in Nashville about families of murder victims who oppose the death penalty.

King, the State Strategies Coordinator for the ACLU's Capital Punishment Project, read from her new book [Don't Kill in Our Names: Families of Murder Victims Speak Out Against the Death Penalty](#).

Susie and Hector Black shared their story about the murder of their daughter and how they dealt with their pain and grief. The Blacks are active in Murder Victims' Families for Reconciliation (MVFR), a nationwide group whose

mission is to end the use of the death penalty. The Blacks' personal account is a powerful testament to the failings of capital punishment. The Blacks spoke of how the death penalty fails victims' families—retribution does not bring back loved ones or provide families peace.

In her book, King weaves a third-person narrative with wrenching first-hand accounts, presenting the stories of ten families members of murder victims. All of the ten individuals profiled in the book are also members MVFR.

King is now at work on a book about the families of death row inmates. Proceeds from her current book will be donated to victims' rights organizations.

ACLU of Tennessee
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Stop State Killing: Philip Workman

On September 24, the State of Tennessee is scheduled to kill Philip Workman. Twenty-two years ago in Memphis, Philip Workman robbed a Wendy's restaurant. As Workman fled, Memphis Police Lieutenant Ronald Oliver died in a hail of bullets.

Evidence never heard by the jury in Workman's case proves that the bullet that killed Officer Oliver did not come from Philip Workman's gun. This evidence includes the following facts:

- **FACT:** New, undisputed medical and scientific evidence proves that Workman did not fire the fatal bullet.
- **FACT:** Harold Davis, the key "eyewitness" that the jury relied on to sentence Workman to death, wasn't even at the scene.
- **FACT:** Five of the original jurors have signed affidavits stating that they would not have sentenced Workman to death if they had been presented with this new evidence. In Tennessee, it only takes one juror to prevent a death sentence.

Tragically, Lt. Oliver was killed in the line of duty. But, new evidence indicates that Philip Workman did not shoot him. Even Lt. Oliver's daughter does not want Workman executed.

Please write, call or email Governor Phil Bredesen and urge him to grant clemency to Philip Workman and commute his sentence to life in prison without parole:

Governor Phil Bredesen
Governor's Office
Tennessee State Capitol
Nashville, TN 37243-0001
(615) 741-2001
phil.bredesen@state.tn.us

"Execution is not the Solution"