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# **American Civil Liberties Union of Tennessee**

**Annual Report**  
**April 1, 2010 – March 31, 2011**

# Letter from Our Leadership

Dear Friends of ACLU-TN,

During the past year, from the capitol to the classroom, Tennesseans' civil rights and civil liberties have been under attack to an unprecedented degree. Our core values of fairness and equality were challenged by a cultural intolerance that underlay many bills before the Tennessee General Assembly. There were numerous reports of religious activity in public schools across the state. Lesbian, gay, bisexual and transgender Tennesseans continued to face discrimination in their working and personal lives. Many minorities, including immigrants, were targeted by law enforcement or denied due process because of their accents or the color of their skin.

Needless to say, we were busy this year. Engaging every prong of our integrative advocacy model, we took action through public education, legislative lobbying and litigation on these issues and more.

In spite of the challenges to civil liberties we face in Tennessee, and perhaps because of them, we are growing. The National ACLU selected ACLU-TN as one of ten state affiliates to participate in its "Strategic Affiliate Initiative." This ambitious initiative is a multi-year, significant financial investment designed to build a long-term, sustainable model for the ACLU of Tennessee, expanding our work on all fronts. Our selection as an SAI affiliate demonstrates the national organization's confidence in the commitment of our supporters and in our vision for the future.

Our ability to sustain the growth launched by this initiative depends upon our generous supporters across Tennessee. We look forward to working with you as we pursue our multi-faceted campaign to protect and promote civil liberties and civil rights in this state.

Thank you for joining with us to protect our freedoms and for your investment in ACLU. With your continued commitment we will have an even greater impact in Tennessee.

With best wishes,



Hedy Weinberg  
ACLU-TN Executive Director



Susan L. Kay  
ACLU-TN Board President



# 2010-2011 Highlights

## Freedom of Speech

*The hallmark of democracy is the right to express ourselves. To ensure the free speech of Tennesseans, we:*

- ★ Successfully negotiated with school officials on behalf of a Robertson County high school freshman who was sent home from school for wearing a T-shirt that said, "I (Love) Lady Gay Gay." School officials agreed to stop censoring students from wearing shirts expressing pro-gay messages and to provide training on its anti-bullying policy to staff and students to ensure that it is clear that harassment of any student, regardless of sexual orientation, is not acceptable.
- ★ Successfully filed a lawsuit on behalf of a Hamilton County spiritual advisor who was prohibited from engaging in fortune-telling activities because of a city ordinance. In response, the city council repealed the ordinance.
- ★ Successfully defended the free speech rights of the owner of a website who was being sued for selling T-shirts that said, "Bush Lied, They Died." The Court dismissed the case, finding that the shirts were used "to make a political statement, which is an exercise of free speech."
- ★ Represented a civil rights activist who was seeking government records from Shelby County but was being denied access because he was not a Tennessee citizen. This case is still pending in federal court.

## Religious Freedom

*The Establishment and Free Exercise clauses of the First Amendment protect our right to practice any religion, or no religion at all. In an effort to defend religious freedom, we:*

- ★ Raised awareness among the 137 school superintendents about religious activities in public schools, sending 1) a letter about keeping holiday celebrations inclusive and 2) a letter and brochure about the importance of supporting religious freedom and not including prayer at graduations.

- ★ Convened a group of advocates to organize support for the Muslim community in Rutherford County, which was facing community opposition, including vandalism and threats, in response to construction of a new mosque.
- ★ Created the "I Stand for Religious Freedom in Tennessee" petition in the wake of the vandalism to the Rutherford County mosque construction site and delivered the signatures of hundreds of supporters to mosque leadership.
- ★ Spearheaded opposition to the "Scopes Revisited" bill, a thinly-veiled attempt to inject religion into the science classroom by authorizing teachers to question the theory of evolution, presenting so-called "scientific controversies" and examining alleged weaknesses.
- ★ Partnered with Muslims and clergy statewide to oppose a bill that originally targeted Muslims by giving discretion to the Attorney General and the governor to investigate and designate certain organizations as "terrorist" and criminalize "material support" to those organizations.
- ★ Intervened on behalf of a Muslim woman who had been required to remove her hijab for a booking photo at the Davidson County Jail and successfully negotiated to have her photo replaced in a publicly-accessible database with one in which she was wearing her head covering. Davidson County also agreed to rewrite its policy on religious head coverings in its facilities.
- ★ Negotiated on behalf of a family whose kindergartener was expected to read from the Bible and talk about the meaning of the spirit of Christmas at the school's Christmas celebration or else sit in the principal's office. The school board agreed to hold a "holiday celebration" where students could talk about what the holiday season means to them and non-participating students could go to the library.
- ★ Investigated allegations of religious freedom violations in school systems statewide and monitored those districts. Allegations included mandatory assemblies featuring religious content, Bible distribution in the classroom, and prayer at football games and graduation ceremonies.

*"The fight for civil liberties never stays won."*

**-Roger Baldwin**

# 2010-2011 Highlights

## Lesbian, Gay, Bisexual & Transgender Equality

Lesbian, gay, bisexual and transgender (LGBT) people should enjoy the same constitutional freedoms of privacy, equal protection and equal treatment under the law as all Americans. In defense of LGBT equality, we:

- ★ Successfully represented a Gibson County lesbian mother in her appeal to allow her partner of nine years spend the night while she had custody of, or visitation with, her teenage children. The Court found that decisions about parenting plans should reflect the best interests of the children, regardless of parents' sexual orientation.
- ★ Successfully mobilized opposition against the "Don't Say Gay in School" bill that would prevent school staff from providing "any instruction or materials discussing sexual orientation other than heterosexuality."
- ★ Lobbied against the "Special Access to Discriminate" bill, which essentially prevents local governments from enacting non-discrimination ordinances that protect LGBT individuals and revokes any non-discrimination ordinances that currently protect against discrimination based on sexual orientation or gender identity. Despite our efforts, the bill became law.
- ★ Successfully defended a transgender parent whose ex-wife filed a petition to terminate or limit her parental rights/visitation with the child when she began her transition into living full-time as a woman. We argued that her transgender status should not interfere with her fundamental right to parent her child.
- ★ Please see "I [Love] Lady Gay Gay" case in the "Freedom of Speech" section above.

## Racial and Ethnic Justice

Everyone is afforded equal treatment and protection under the law. In our fight against racial and ethnic discrimination, we:

- ★ Requested and received a grant to examine the implementation and impact of the 287(g) program, a partnership between U.S. Immigration and Customs Enforcement (ICE) and the Davidson County Sheriff's Office. The study will include data analysis and interviews with immigrants and their advocates.
- ★ Launched an Online Immigrant Resource Center including bilingual "Know Your Rights" documents on safety planning; encounters with the police; detention; and ICE raids (<http://www.aclu-tn.org/immigrantresourcecenter.htm>).
- ★ Collaborated with legislators to draft and introduce legislation to prohibit biased-based policing by law enforcement.
- ★ Successfully mobilized opposition to bills that would prohibit driver's license exams in languages other than English, encourage racial and ethnic profiling, and require that parents enrolling their children in public schools show documentation of the children's immigration status.
- ★ Co-organized and participated in a "Face the Truth" hearing on racial profiling, including collecting testimony to support the federal "End Racial Profiling Act."
- ★ Negotiated with a middle Tennessee school board on behalf of a 15-year-old high school sophomore who was subjected to daily racial harassment. The school board agreed to institute and enforce a comprehensive anti-bullying policy and training for school staff.
- ★ Intervened on behalf of an undocumented high school student arrested for a minor offense and held in jail for more than two weeks, effectively being told he could not bond out by uninformed jail officials. ACLU-TN and its partners secured his release, allowing him to graduate before his ultimate deportation.

"You can protect your liberties in this world only by protecting the other man's freedom. You can be free only if I am free."  
-Clarence Darrow

# 2010-2011 Highlights

## Reproductive Freedom

ACLU-TN is committed to protecting the laws and policies that ensure that families can make very personal decisions regarding reproduction free from interference by the government or other voters. This year we:

- ★ Mobilized opposition to SJR 127, the passage of which was the first step in amending Tennessee's constitution to remove protection for abortion. Despite our opposition, SJR 127 passed and we began building a broad-based coalition to raise awareness about this anti-choice initiative, which will now be on the statewide ballot in 2014.
- ★ Launched the "I Stand for Reproductive Freedom in Tennessee" online petition to support base-building efforts for the SJR 127 campaign.
- ★ Recruited service members to sign on to a letter to Congress asking them to repeal the ban on private funding of abortion on military bases.
- ★ Investigated the use of abstinence-only curriculum in Tennessee public schools by filing a series of open records requests.
- ★ Lobbied against and urged the Governor to veto legislation prohibiting coverage for abortion under any health care plan established by the new federal health reform law. Despite this, the bill passed.

## Government Surveillance

When government officials use their authority to target individuals based on their unpopular views, it chills free speech and undermines essential rights in a democratic society. In an effort to curtail government surveillance of lawful activity, we:

- ★ Asserted concerns about surveillance of First Amendment-protected activities and the need for greater oversight with the Tennessee Department of Safety, the Tennessee Bureau of Investigation and the Tennessee Fusion Center, following inclusion of ACLU-TN's holiday letter to school superintendents on the government-run Fusion Center's online map of "Terrorism Events and Other Suspicious Activity."
- ★ Filed a series of open records requests to the Tennessee Bureau of Investigation, the Tennessee Fusion Center, and local law enforcement agencies to learn about the relationships and agreements between these agencies and determine the extent and prevalence of government surveillance in Tennessee.
- ★ Drafted legislation that prohibits surveillance by law enforcement of protected First Amendment activities and recruited bill sponsors.

## FY 10-11 At A Glance

<i>Bills Lobbied</i>	<i>Demand Letters Sent</i>	<i>Media Citations</i>	<i>Op-Eds Published</i>
<b>75+</b>	<b>six</b>	<b>467</b>	<b>eight</b>
<i>Interventions Completed</i>	<i>Intake Request Processed</i>	<i>Events Held</i>	<i>Speaking Engagements</i>
<b>27</b>	<b>2,839</b>	<b>nine</b>	<b>14</b>
<i>Amicus Briefs Filed</i>	<i>Press Releases Sent</i>	<i>Active Cooperating Attorneys</i>	<i>Cases Filed</i>
<b>two</b>	<b>28</b>	<b>15</b>	<b>four</b>

# 2010-2011 Highlights

## Students' Rights

The guarantees of the Bill of Rights apply to all Tennesseans, regardless of age. To protect the basic rights of young people, we:

- ★ Organized the annual "Youth in Action: Know Your Rights, Make Some Change" Students' Rights Conference, which was attended by students from across the state.
- ★ Released the third edition of our "Students' Rights Handbook," distributing it at the Conference, online and upon request.
- ★ Compiled policies from the 137 school districts across the state on a range of topics in preparation for a "school-to-prison-pipeline" project.
- ★ Empowered students by distributing "Know Your Rights" materials about prom and graduation activities to every school district in the state.



## Voting Rights

Voting is a fundamental right that is the cornerstone of our democracy. In our commitment to ensure that every citizen has the right to vote, we:

- ★ Launched a voting rights campaign during the November 2010 election season. The campaign included distribution of our bilingual voter empowerment cards and our felon voter restoration brochures; provision of resources to a statewide coalition's "get out the vote" phone bank; and a toll-free Election Day hotline.
- ★ Successfully protected a group of Lakewood voters from being forced to disclose how they voted in a referendum on dissolution of the city charter during a lawsuit over the results.
- ★ Lobbied against several bills that created barriers to the ballot box, including one requiring all in-person voters to present government-issued photo ID at the polls and one prohibiting the use of a state-issued student photo ID to vote.
- ★ Successfully negotiated with the State Administrator of Elections on behalf of approximately 2,100 Benton County voters, in partnership with our allies, when a newly-installed elections administrator threatened to purge them from the voting rolls.

## Communications Expansion

This year we launched several new platforms for our e-advocacy efforts:

- ★ Our new e-advocacy platform allows people to generate letters to legislators, spread the word about campaigns to friends or sign up for alerts and events with the click of a button.
- ★ We sent 29 e-alerts this year on pending state and federal legislation, campaigns and public education events
- ★ Our Facebook fanpage went live in July 2010. <http://www.facebook.com/aclutn>
- ★ We launched our Twitter page in July 2010. <http://www.twitter.com/aclutn>

# Financials

## Thank You: Your Support Makes a Difference

ACLU-TN is a vibrant and influential organization because of its creative and multifaceted strategies to protect freedoms and because of the generous support of its donors and card-carrying members. Substantial financial resources are essential to pursuing our work. ACLU receives no government funding and never charges for its services. We rely entirely on individual donations, membership dues, grants, court-awarded attorneys' fees and bequests.

ACLU-TN is a private, non-partisan, non-profit membership organization headquartered in Nashville and serving Tennesseans across the state. We are an affiliate of the national ACLU, but are independently directed by a statewide board.

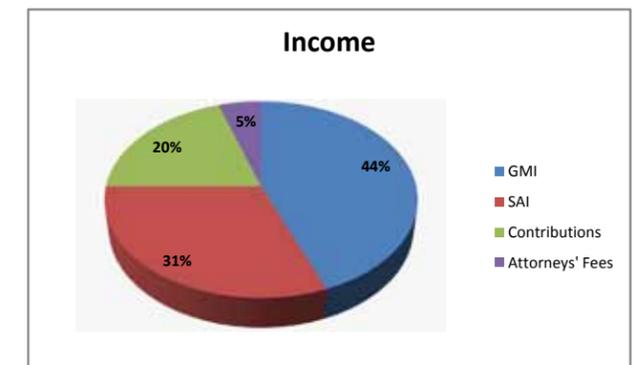
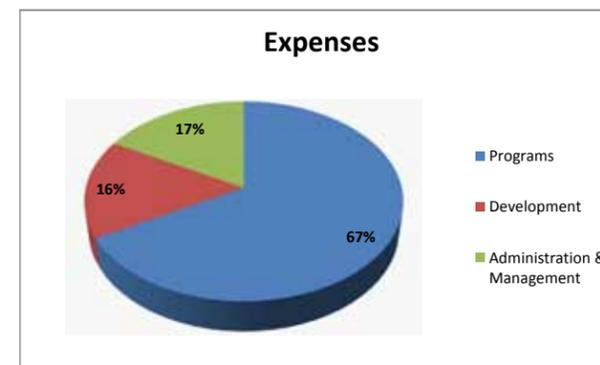
ACLU-TN is composed of the ACLU Foundation of Tennessee, a 501(c)3 tax-deductible organization that conducts our legal, advocacy, and education activities; and the ACLU of Tennessee Affiliate, a 501(c)4 organization that conducts membership outreach and legislative lobbying. Gifts to the Foundation are tax-deductible.

## Giving to ACLU-TN

ACLU-TN welcomes both Annual Campaign contributions as well as planned gifts. Immediate gifts provide for current needs, while planned gifts leave a lasting legacy and sustain the organization for the long term. Gifts to our Annual Campaign are happily accepted year-round via cash, credit card or check. Gifts may be made via mail or online at our website. ACLU-TN also accepts gifts of stock, securities or mutual fund shares; please call our Development office to obtain transfer information.

Planned Gifts, such as bequests, help sustain the ACLU for generations to come. In addition to designating the ACLU as a beneficiary in a will or revocable living trust, donors may also designate the ACLU or ACLU Foundation as a beneficiary of a life insurance policy, IRA or pension.

Detailed information about planned giving opportunities with the ACLU is available from the Development Department at 615-320-7142 x308.



NOTE: Combined unaudited financials are for both the ACLU Foundation of Tennessee and the ACLU of Tennessee Affiliate.