Life After DOMA in Tennessee

In the recent ACLU lawsuit United States v. Windsor, the U.S. Supreme Court struck down the core of the Defense of Marriage Act, affirming that all legally-married couples deserve equal respect and treatment under the law (for more on the case, see p. 2). However, what this decision means on a practical level for Tennesseans is still unfolding.

Tennessee’s constitution was amended in 2006 to prohibit same-sex couples from marrying. The DOMA decision does not change that. It does, however, mean that same-sex couples living in Tennessee who were legally married elsewhere should be treated as married by the federal government.

There are more than 1,100 places in federal law where a protection or responsibility is based on marital status, including federal student aid, social security, military benefits, health care, taxes, immigration, family medical leave and more.

Federal programs differ in the ways they determine marital status—some look to the law in the state where a couple married, while others look to the law in a state where a couple resides. More information on specific federal programs can be found at http://www.aclu-tn.org/TNAfterDOMA.html.

Access to the full range of federal marital protections will take some work and time to achieve, especially since Tennessee’s ban on marriage equality will likely pose obstacles for legally-married couples and surviving spouses in accessing federal protections and responsibilities. ACLU-TN’s immediate focus is on mobilizing support for the federal Respect for Marriage Act. This legislation would ensure that legally married same-sex couples can enjoy the benefits and protections of marriage for all federal programs even if they live in a state like Tennessee where their marriage is not recognized.

While there is still work to be done in Tennessee, the DOMA victory gives us additional momentum as we continue to mobilize and organize to achieve LGBT equality in our own state.

Are you in a legal same-sex marriage and being denied federal benefits?

We want to hear from you. www.aclu-tn.org/gethelp.htm
Defending Religious Freedom in Cumberland County

When a concerned Cumberland County parent contacted ACLU-TN because his son felt pressured to take a Bible during a classroom presentation, we immediately stepped in to protect the family’s religious freedom. Members of Gideons International had been allowed into an elementary school classroom and the teacher called students to the front of the class to choose whether or not to take a Bible—a clear violation of the Establishment Clause of the First Amendment.

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Zimmerman Verdict Must Be a Catalyst

The shooting death of unarmed 17-year-old Trayvon Martin brings to the forefront the tragic consequences that can come from seeing the world through a lens of racial stereotypes. The confrontation that resulted in Trayvon Martin’s death occurred because George Zimmerman saw a young African-American male as a threat to his community.

We must use the Zimmerman verdict as a catalyst to seek reforms to a system rife with racial injustice, to ensure that there is not another Trayvon Martin.

In Tennessee and nationwide, ACLU is committed to ending policies in our schools and in our criminal justice system that lead to the removal, arrest and incarceration of people of color at alarmingly disproportionate and discriminatory rates. In the wake of the trial, we must join together to increase awareness about racial profiling and pursue legislation that will prohibit racial profiling and lead to reforms in mandatory sentencing. Our collective task now, indeed, our mandate, is to hasten the end of racial profiling and strengthen the movement to ensure racial justice for everyone.

VICTORY for Occupy Nashville

In a ruling underscoring Tennesseans’ right to political speech, a federal judge ruled in June that the state of Tennessee’s arrest of Occupy Nashville protesters was an unconstitutional violation of their First Amendment rights.

ACLU-TN filed the lawsuit, Occupy Nashville et. al., v. Haslam et. al., in October 2011 after the State of Tennessee met in secret and revised the rules controlling Legislative Plaza and then arrested the Occupy Nashville demonstrators under the new rules.

In the ruling, Judge Aleta A. Trauger wrote, “The First Amendment cannot yield to the enforcement of state regulations that have no legal effect...In choosing to adopt and implement new regulations by fiat without seeking necessary approval from the Attorney General, they made an unreasonable choice that violated the plaintiffs’ constitutional rights in multiple respects.”
ACLU-TN is frequently contacted by families concerned about school-sponsored religious activities taking place in their children’s schools. In the past several years, we have successfully challenged such practices in Sumner, Cheatham and Wilson counties in court.

In this case, we were pleased that we were able to work with the school board to come to an agreement stating that all Cumberland County schools would permanently refrain from any such practices on school grounds during school hours. Under the agreement, teachers will also receive training on what is and is not constitutionally-permissible. The agreement ensures that all Cumberland County students will be treated fairly and equally, regardless of their religion, when they go to school.