

## Students' Rights Conference Draws Youth from Across State

—Marissa Mamon, ACLU-TN Intern



The "Street Law" Panel, L to R: Magistrate Calloway, Juvenile Public Defender Mothershead, School Resource Officer Cannon, Sergeant Chick

ACLU-TN's 2010 Students' Rights Conference was an overwhelming success. Held on October 30 in Nashville, high school students from across Tennessee came to learn about their rights in school and on the streets. Participants were from different backgrounds, races, and religions, but they all listened attentively and actively participated in discussions about illegal searches, LGBT rights and the First Amendment.

This day-long event included a wide array of highly-respected experts on constitutional rights sharing information that every student should know, but

that very few students have easy access to. Speakers included First Amendment Center scholar David Hudson; Belmont professor and blogger for the Baptist Joint Committee Don Byrd; Magistrate Sheila Calloway; Metro Nashville School Resource Officer D'Mitri Cannon; Metro Nashville Police Department Sergeant Twana Chick; Juvenile Public Defender Kyle Mothershead; and Vanderbilt law professor Terry Maroney. Another panel included Constance McMillen, a recent graduate who successfully sued her Mississippi school for refusing to allow her to bring her girlfriend to prom, and her ACLU attorney, Christine Sun. The audience was amazed at Constance's courage in standing up for her rights.

As an ACLU-TN intern and the student organizer of this event, I was proud to have been part of such an effective and fun learning experience for Tennessee students. Students interested in learning more about their rights can get a copy of *Know Your Rights: A Guide for Public School Students in Tennessee* at <http://www.aclu-tn.org/studentsrights.htm>. ACLU-TN is also looking for motivated high school youth interested in civil liberties to serve on its first ever Youth Advisory Committee, helping build ACLU-TN's youth program. Please email [aclutn@aclu-tn.org](mailto:aclutn@aclu-tn.org) for more information.

## ACLU-TN Defends East Ridge Fortune Teller's Free Speech

On October 5, Candice Wohlfeil, spiritual counselor and East Ridge flea market vendor, contacted ACLU-TN because the City of East Ridge had notified her that reading tarot cards in her booth violated a city ordinance that banned fortune telling. Wohlfeil attempted to resolve the issue on her own but was unsuccessful. Under threat of hefty fines, she had no choice but to close her booth so she sought ACLU-TN's help to resolve this violation of her free speech rights.

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## ACLU-TN Successfully Protects Lakewood Voters from Being Forced to Reveal Votes

In a case that reinforced the importance of ballot secrecy, a Davidson County chancellor recently upheld a protective order filed by ACLU-TN to protect voters from being required to reveal how they voted in a local election.

In August 2010, voters in Lakewood chose to dissolve their city charter and become a part of Metro Nashville. In a lawsuit contesting the one-vote margin in the election, the City of Lakewood subpoenaed multiple voters as witnesses, challenged the legitimacy of their votes, and tried to force them to disclose how they voted. Numerous voters contacted ACLU-TN for assistance. We filed a Motion for Protective Order on September 20 to prevent plaintiffs from forcing these voters to disclose the substance of their votes. The protective order was ordered by the court and we monitored the proceedings to ensure that it was enforced and that the secrecy of our clients' ballots was preserved.

The lawsuit, *City of Lakewood, et al. v. The Davidson County Election Commission, et al.*, was heard in Davidson County Chancery Court by Chancellor Claudia Bonnyman. The voters were represented by ACLU-TN Staff Attorney Tricia Herzfeld and ACLU-TN Cooperating Attorney Paul Ambrosius of Trauger & Tuke.

"Democracy cannot survive without secrecy of the ballot—it is crucial to protect against undue influence and manipulation when casting a vote and against retaliation for how one voted," said Herzfeld. "This case safeguarded the integrity of the election process."



# From the Executive Director

By Hedy Weinberg

As the year comes to a close, I write to thank you for your ongoing support of the ACLU of Tennessee. Your commitment ensures that we can continue to promote and protect civil liberties and civil rights throughout our state.

Our work occurs in a disturbing context of increasing cultural intolerance. This takes multiple forms—from religious proselytizing in public schools and at government meetings to profiling and harassment by law enforcement officers of ethnic and racial minorities; from aggressive bullying of minority and gay, lesbian and transgendered students to controversy over and even desecration of mosque construction.



Brent Moore/Flickr

Notwithstanding these formidable cultural threats to our civil liberties, ACLU-TN will continue to translate the guarantees of the Bill of Rights into a reality for all Tennesseans. Our work this year successfully challenged these cultural conflicts and obstacles to fairness and our newsletter shares highlights from this quarter.

These divisive social issues are likely to overwhelm the 107th Tennessee General Assembly when it convenes next month. Far fewer legislators than in times past will be standing up for civil liberties and civil rights. The new legislators (22 of 99 representatives and 4 of 33 senators) flaunted their anti-civil liberties agenda during the recent campaign season and election. Furthermore, continuing legislators can be counted on to vote against civil liberties. ACLU-TN will focus on the range of issues that will generate the most anti-civil libertarian initiatives, including reproductive freedom, immigrant rights, LGBT equality, religious freedom, racial justice and freedom of speech. At the same time, we hope we will be able to garner bi-

partisan support to pursue initiatives that will protect against government surveillance, which is on the rise.

The success of our legislative program depends on Tennesseans across the state contacting their legislators about pending bills and urging them to vote “the right way.” Please join our email alert network so that you will receive all the information you need to send those emails and make those calls. You can sign up online at: <http://bit.ly/c7WwNW>, call (615) 320-7142, or email [aclutn@aclu-tn.org](mailto:aclutn@aclu-tn.org).

As we look forward to 2011, we expect the changing political climate will bring new assaults on civil liberties and civil rights in our state, and we know we face an aggressive, well-funded opposition. However, we are confident we can confront the challenges that lay ahead and we are now preparing multi-faceted campaigns using a range of strategies, including advocacy, coalition-building, legislative lobbying, litigation and public education.

But we can't do it alone. Please consider a year-end gift to the ACLU of Tennessee Foundation. ACLU-TN's vision is one of a strong democracy where liberty, justice and equality prevail. I hope you will join us as we work to realize this vision.

Wishing you a healthy, happy and civil-liberties-filled new year,

Hedy

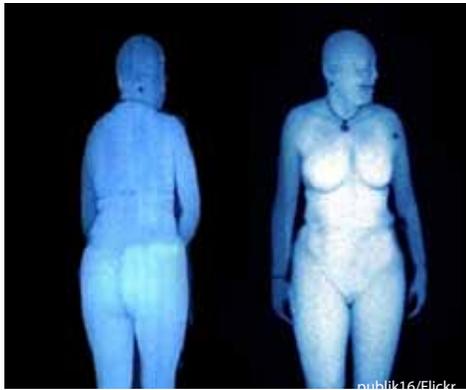
## ACLU of Tennessee Launches Online Resource Center for Immigrants

In response to the passage of numerous reactionary, anti-immigrant laws in Tennessee last session, ACLU-TN launched an online Immigrant Resource Center to help ensure the preservation of fairness and due process for the state's immigrants. The Immigrant Resource Center provides information to help people better understand the justice system and its safeguards to ensure fair treatment for citizens and non-citizens alike. Documents at the Resource Center include information on obtaining visas in cases of domestic and workplace abuse or human trafficking, encounters with law enforcement, the detention system, safety planning and raids. The information is in English and Spanish.

The Resource Center can be found at <http://www.aclu-tn.org/immigrantresourcecenter.htm>. A CD copy of the information can be ordered by calling (615) 320-7142.

Ludovic Bertron/Flickr

## 'Tis the Season...to Be Exposed and Groped by TSA?



Following the 9/11 attacks and attempted acts of terrorism since, much talk has rightly centered on increasing security measures at airports. But with holiday travel approaching, travelers at many airports have been faced with choosing between full body scanners that create a naked outline of their bodies, and aggressive pat-downs by TSA agents. The government must keep us safe, but it must do so in an effective way that poses the least threat to our civil liberties.

Body scanners pose a huge threat to privacy by producing strikingly graphic images of passengers' bodies (and can potentially show

highly personal details like colostomy bags, adult diapers and mastectomy scars). "Enhanced" pat-downs that amount to groping by strangers are embarrassing, intolerably invasive and raise concern of abuse by TSA agents. The ACLU has received hundreds of reports from travelers who describe the touching of men's scrotums and penises, forceful touching and pressing of women's vaginas and breasts, and squeezing of arms, thighs, stomachs, backs and buttocks. Screeners often run their hands on the inside of the waistbands of travelers' pants or skirts. Travelers report that such invasive searches resulted in feelings of violation, humiliation and trauma comparable to sexual assault.

Despite being far more intrusive than other methods, these new "enhanced" security methods have not been shown to be any more effective. Some experts have said explosives can be hidden from

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ACLU-TN tried to contact the East Ridge city attorney but received no reply.

Consequently, on October 8, we filed suit. ACLU-TN was able to negotiate an immediate temporary restraining order that allowed Ms. Wohlfeil to re-open her booth, and we continue to work towards a permanent resolution of the constitutional issues in the local ordinance.

ACLU-TN Client Candice Wohlfeil



"The First Amendment precludes the government from declaring which ideas are acceptable or not," said ACLU-TN Cooperating Attorney Donna Roberts, of Stites & Harbison, PLLC. "Our client has the right to make predictions, whether for fun or profit, without the government discriminating against the content of her speech."

The case, *Candice Wohlfeil v. The City of East Ridge*, was filed in the U.S. District Court Eastern District at Chattanooga. In addition to Roberts, Ms. Wohlfeil is represented by Tricia Herzfeld, ACLU-TN Staff Attorney.

## Celebration Honors Long-Time Civil Rights Leaders

Over 240 ACLU-TN supporters gathered in Nashville on November 20, 2010 for the annual Bill of Rights Celebration.

This year's celebration was especially meaningful because ACLU-TN honored Justice Adolpho A. Birch, Jr. with its Lifetime Achievement Award. Justice Birch, the first African-American to serve as Chief Justice of the Tennessee Supreme Court, was recognized for his enduring commitment to equality and justice—from his days defending students at the Nashville lunch-counter sit-ins to his courageous voice promoting access to justice for all litigants and fairness in the treatment of criminal defendants.

The musical highlight of the evening was a performance by Grammy®-winning

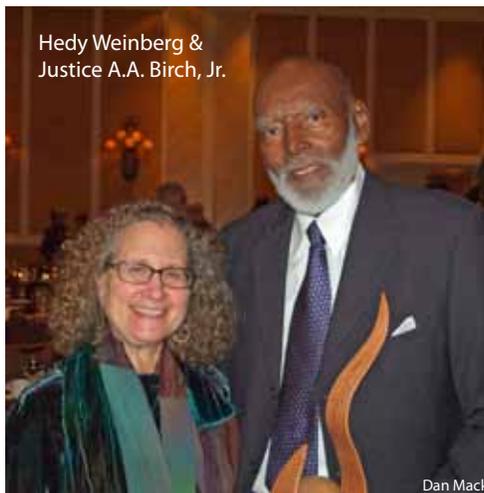
singer-songwriter Nanci Griffith. She performed her newest song, "The Loving Kind," inspired by the *Loving v. Virginia* case

(an ACLU case that struck down laws against interracial marriage in 1967).

The Heather Harper Volunteer Award was presented to Marianne Bentley, a forty-year ACLU member who has been a tireless volunteer in our Nashville office since 2005. The keynote speaker of the evening was Omar Jadwat, ACLU Im-

migrants' Rights Project attorney and co-lead counsel in the challenge to Arizona's recent racial profiling law.

"This year's event was an inspiring tribute to those who have gone the extra mile to safeguard the Bill of Rights for all," said Executive Director Hedy Weinberg.



Hedy Weinberg & Justice A.A. Birch, Jr.

Dan Mack



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*(Invasive TSA Security Screening, continued from p. 3)*

scanners by being molded against the body or in folds of skin. A study by British officials found the scanners would not be effective for stopping terrorist threats to planes. As invasive as they are, pat-downs do not guarantee that aircraft will be safe either. Government testing has regularly found that contraband can be slipped through carryon luggage screening, application of these pat-downs is sporadic and unpredictable, screeners' training and expertise at detecting contraband underneath clothes is uncertain, and explosives secreted in body cavities are not detected.

The government has ample authority to use enhanced techniques when individualized suspicion suggests they are necessary. But body scanners and enhanced pat-downs should only be used when the facts and circumstances suggest that there is reasonable suspicion sufficient to support such a search.

The first line of defense should be old fashioned law enforcement and intelligence work that stops plotters before they get to the airport. Evidence-based, targeted and narrowly-tailored investigations based on individualized suspicion would be both more consistent with our values and more effective than diverting resources to a system of mass suspicion.

While every American wants to be safe when flying, they also recognize that there are limits to what security agents can do to the traveling public. This just goes too far. Once we betray our own values, we stop looking like a free America, and the terrorists win.

**To learn more about your options at the airport this holiday season, visit**

**<http://www.aclu.org/technology-and-liberty/know-your-options-airport>**

