



The 2015 Legislative Session In Review

The first year of the two-year 109th Tennessee General Assembly convened with the usual flurry of bills in mid-January and adjourned in late April. The quickened pace proved challenging, leaving little time for thoughtful debate and resulting in a handful of wins, some troubling losses, and lots of unfinished business.

ACLU-TN worked closely with coalition partners and legislators on a number of civil liberties and civil rights issues, including access to abortion, criminal justice reform, religious freedom, LGBT equality, and fair treatment of immigrants. Below are highlights of the bills we lobbied. For more information about pending bills and the full list of the bills we are lobbying and monitoring, please visit our legislative action center at <http://www.aclu-tn.org/actioncenter.htm>.

Barriers to Abortion Access - OPPOSE - The assault on Tennessee women’s access to abortion began with the passage of Amendment 1, which opened the door for politicians to place even more burdensome restrictions on the right to abortion. Legislation requiring informed consent, given only to a doctor; a 48-hour waiting period; and burdensome clinic regulations was signed into law by the governor in mid-May. ACLU-TN joined with our coalition partners to lobby against these bills. Only 20 courageous legislators (out of 132) stood up for a woman’s right to privacy and her right to access a safe and legal abortion. Please make sure to thank those legislators at <http://www.bit.ly/2015TGAThanks>.



Pregnancy Criminalization - OPPOSE - SB 586/HB 1340 would have expanded the Pregnancy Criminalization Act, passed last year, which singles out pregnant women with addiction and threatens them with incarceration. Working with our allies, we successfully lobbied against the bill in the Senate Judiciary Committee, where it failed.



Racial Profiling Prevention Act - SUPPORT - This legislation, which requires state and local law enforcement agencies to adopt written policies prohibiting racial profiling, was signed into law by the governor on May 4, 2015. Next year ACLU-TN will continue to work with legislators to

pursue traffic stop data-collection legislation, which will help identify the extent and prevalence of *Cont. on p. 5*

ACLU-TN Defends Williamson County Educators’ Right to Speak Freely

In a victory for free speech, ACLU-TN has secured the First Amendment rights of six Williamson County educators who were being subjected to a politically-motivated witch hunt simply for exercising their right to speak freely.

The educators were part of a group who met privately after school hours at a public park to discuss school board policies in September 2014. The First Amendment clearly protects the right of these educators to discuss, and even criticize, the elected school board on their own time.



Recently, after receiving an altered audio recording of the gathering, school board members reportedly threatened the Hillsboro School educators with

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From the Executive Director...

Hedy Weinberg

The senseless deaths of Freddie Gray in Baltimore, Michael Brown in Ferguson, Eric Garner in Staten Island, Tamir Rice in Cleveland, Akai Gurley in Brooklyn, Walter Scott in North Charleston, and countless others who have died at the hands of law enforcement have shaken our nation to its core.

These high-profile tragedies are galvanizing outrage and bringing to the surface systemic injustices that have long needed to be addressed.

We know that police in America disproportionately use excessive—too-often fatal—force against people of color. We know that Ferguson, and Baltimore, and North Charleston are symbolic of communities of color nationwide that have a profound disconnect with local law enforcement due to racial profiling, excessive force, and misconduct by some, though not all, police officers. We know that nearly 1,600 police departments across the country arrest Black residents at rates even more disproportionate than those in Ferguson, including two dozen jurisdictions in Tennessee.

But until we know the full extent of the problem, the truth about how many people of color are racially profiled, disproportionately arrested, and brutalized by police, there will undoubtedly be more and more tragedies across the country.

While the announcement by the State of Maryland to pursue criminal charges in Freddy Gray's death isn't a victory, it is certainly a crucial step toward accountability. Accountability is rooted in transparency. Data collection and analysis of excessive force and racial profiling will give us the best, most accurate picture of today's law enforcement landscape—serving as both the catalyst and the blueprint for shaping systemic change. ACLU is working in Tennessee and nationally to require comprehensive law enforcement data collection and reporting.

Other needed reforms include adoption of a zero-tolerance policy toward racial profiling; an increase in training, including training on implicit bias; greater transparency and accountability by law enforcement agencies; and law enforcement agencies composed of residents from the communities they serve.

The challenges we are confronting are monumental. But the alternative is unthinkable. Over time, the daily injustices—the patterns of racial profiling and excessive use of force, the absence of fair and equal treatment of poor people and communities of color—oppress people's very spirit. We need to interrupt this cycle of violence.

ACLU—both in Tennessee and across the country—will not let up in our tireless pursuit of structural transformation of the criminal justice system. We know that the path to peace goes through justice. We are committed to moving forward on that path with urgency and determination.

Hedy

Stand Up/Speak Up: Youth Activism Manual

This spring, ACLU-TN released *Stand Up/Speak Up: A Guide for Youth Activists*, a handbook describing how young people can create change in their schools and communities.

The guide outlines youth activism strategies and offers tips on how young people can overcome challenges and capitalize on opportunities, develop an action plan, utilize research, build a coalition, strategically work with media, and more.

The handbook also features the stories of youth activists from across Tennessee, exploring their individual journeys toward building real, lasting change in their communities.

To download the guide or to order a hard copy, visit <http://www.aclu-tn.org/youthactivistguide.html>.



ACLU-TN Defends Parents' First Amendment Right to Name Their Children

In a victory for free speech and parents' right to make decisions for their children, ACLU-TN has secured a Brentwood family's right to give their child the surname of their choice, settling a lawsuit filed by ACLU-TN in October.

When Kimberly Sarubbi and Dr. Carl Abramson's third child, Camden, was born in Tennessee in 2014, the Tennessee Department of Health denied their request to use the name "Sabr," a com-



Camden Sabr and mom Kim visit ACLU-TN's office to get his birth certificate from legal director Tom Castelli

bination of their last names. Instead, the state issued a birth certificate for the child with the last name "Abramson," despite the fact that the married couple had used the surname for their first two children, both born in other states.

After ACLU-TN filed the lawsuit, *Abramson et. al. v. Dreyzehner et. al.*, the Tennessee Office of Vital Records agreed to issue a birth certificate for Camden including the last name "Sabr," as the Sabr family had requested at the time of his birth.

The Sabr family was represented by Thomas H. Castelli, ACLU-TN legal director, and ACLU-TN cooperating attorney Carolyn W. Schott of Sherrard & Roe PLC.

ACLU-TN will continue the fight to ensure that parents are able to exercise their First Amendment right to free expression, as well as to make decisions for their own children without government interference.

SAVE THE DATE: UPCOMING ACLU-TN EVENTS

June 6 **Chattanooga-Hamilton County NAACP Criminal Justice Seminar**
Keynote Speaker Hedy Weinberg,
ACLU-TN Executive Director

Sept. Date TBD **Students' Rights Conference Knoxville**
(Stay tuned for more information at www.aclu-tn.org)

Sept. 30 **Bill of Rights Celebration Nashville**
Keynote Speaker Dale Ho,
ACLU Voting Rights Project Director

Oct. 17 **Annual Meeting Nashville**
Keynote Speaker Ben Wizner,
ACLU Speech, Privacy & Technology Project Director and Legal Counsel for Edward Snowden

ACLU-TN Protects Washington County Student's Religious Freedom

When a Washington County high school student was told that attending a religious worship service would jeopardize his chance to apply for a Tennessee Promise scholarship, ACLU-TN stepped in to protect his religious freedom.

Tennessee Promise is state program providing students two years of tuition-free education at a state community college. The Tennessee Student Assistance Corporation (TSAC) administers the scholarship program.

TSAC requires that students attend two meetings to maintain scholarship eligibility, but a meeting at the student's school was rescheduled in conflict with worship services at his church, where he is a service leader. When his family requested that he attend an already-scheduled make-up session for excused absences or a meeting at another school, they were told that church was not considered an acceptable excuse and that missing a mandatory meeting would make him ineligible for a scholarship.



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ACLU Goes to Supreme Court to Challenge Bans on Marriage Rights

On April 28, the U.S. Supreme Court heard arguments in challenges to the Tennessee, Kentucky, Michigan and Ohio bans on marriage rights for same-sex couples, setting the stage for a final resolution in the debate about marriage equality nationwide.



ACLU is at the forefront of advancing marriage equality. The ACLU is proud to be counsel on the Ohio and Kentucky petitions, and to have filed an amicus brief in the Tennessee case, *Tanco v. Haslam*.

Petitioners in the cases now before the Supreme Court argue that state bans on marriage rights violate the due process and equal protection provisions of the U.S. Constitution.

“The families in these cases range from couples who have been together since the early 1990s and have raised children together, to surviving spouses who seek the dignity of being named on death certificates,” said James Esseks, director of the ACLU LGBT Project. “Their stories

and others across America are the reason public opinion has changed so rapidly on marriage. The Supreme Court, like more than 50 courts that have ruled in favor of marriage equality since DOMA was struck down in 2013, should recognize that the time has come to make full marriage equality the law of the land.”

A decision is expected in the summer of 2015.

Williamson County, disciplinary action, including discharge. Rather than go through the standard administrative process, the board ordered that the school superintendent and the Human Resources office not participate in any inquiry, instead hiring a private law firm to investigate, at public expense. After the law firm interrogated two of the educators for nearly four hours each, asking irrelevant, invasive personal questions and demanding that they name the names of everyone present at the meeting, the educators decided to contact ACLU-TN.

We immediately sent a letter to the school board demanding that it cease retaliation against the school staff and call off any further investigation into the protected speech of school employees. After subsequent negotiation the school board ultimately agreed to restrict its investigation to personnel matters only, ending its unconstitutional investigation into the educators' protected free speech activities.

Film Premiere: 90 Years of Defending Civil Liberties in Tennessee

This winter we premiered *Celebrating Freedom, Fighting for Justice*, a short film exploring the ACLU's rich history in Tennessee, beginning with the 1925 "Scopes Monkey Trial," in which attorney Clarence Darrow defended teacher John Scopes in a challenge to Tennessee's law banning the teaching of evolution. The film also covers ACLU's representation of Dr. Martin Luther King Jr. after the city of Memphis denied him the right to march in support of striking sanitation workers, our successful efforts to pass legislation limiting the warrantless use of drones by law enforcement and much more.



The film showcases the voices of ACLU-TN's clients, allies and community leaders—people like: teacher Allen Nichols, who stood up for his students' right to display a poster supporting LGBT peers; advocate Remziya Suleyman, who worked with ACLU-TN to defeat a bill effectively profiling Muslims as terrorists; community activist Rasheedat Fetuga, who partners with ACLU-TN to dismantle the school-to-prison pipeline; and cooperating attorney Stephen Zralek, who finds his work with ACLU-TN gratifying and vital.

To view *Celebrating Freedom, Fighting for Justice*, visit <http://www.youtube.com/aclutn>.

Legislative Review, cont. from p.1 racial profiling and the necessary remedies.

Simple Possession of Marijuana Charges - SUPPORT - SB 1211/HB 873 would reclassify possession of up to one ounce of marijuana from a felony to a misdemeanor, reducing the costly incarceration rate for this low-level, nonviolent offense. After HB 873 passed the Judiciary Committee, action was deferred until 2016. Working closely with the sponsors, we will continue to mobilize support for this legislation.

Police Body Cameras - SUPPORT - SB 868/HB 712 would increase police accountability by requiring law enforcement officers to wear wide-angle body cameras while on duty. Before any committee discussion took place, the legislation was sent to summer study committee. We are now working to increase awareness about the importance of body cameras and to ensure the legislation includes privacy protections for police officers and the public.



Ending "Policing for Profit" - SUPPORT - Several bills were filed to revise Tennessee's current civil forfeiture laws, which allow law enforcement agencies to seize an individual's cash and property without probable cause or any wrongdoing. ACLU and the Beacon Center joined together and drafted legislation to limit such "policing for profit." We are now working closely with legislators on both sides of the aisle to pursue measures to protect Tennesseans' due process and property rights. We anticipate hearings and votes on this legislation in 2016.

Legal Representation in Truancy Proceedings - SUPPORT - SB 977/HB 571 would add truancy to the list of proceedings in which a juvenile is entitled to the appointment of an attorney. Since truancy is a status offense and technically not a crime, indigent minors in Tennessee don't benefit from the constitutional right to the appointment of a defense attorney. This lack of access to an adequate defense directly contributes to the school-to-prison pipeline by depriving children of due process. The measure was deferred to 2016.



The Bible as State Book - OPPOSE - SB 1108/HB 615 would make the Bible the official state book of Tennessee. The House passed the bill by a vote of 55-38. By the time the legislation reached the Senate floor, the state attorney general had opined that it violated both the state and federal constitutions. The AG's opinion, along with our work with a bipartisan group of senators, slowed the bill down in the Senate. It will return next year.

Religious Refusals in Counseling - OPPOSE - SB 397/HB 566 purports to protect religious freedom but instead allows students enrolled in counseling programs to discriminate against certain clients, based on the student-trainee's religious beliefs. After broad-based opposition, sponsors decided not to pursue this legislation.

Tuition Equity - SUPPORT - SB 612/HB 675 would grant in-state tuition to graduating Tennessee high school students who are lawfully present through the Deferred Action for Childhood Arrivals program. The Senate passed the bill by a supermajority. However, in one of the most disappointing votes this year, HB 675 failed by just one vote on the House floor. We'll be back next year to win tuition equity so that students can realize their dreams of attending college.

ACLU-TN Board Nominations

The ACLU-TN Nominating Committee is now soliciting suggestions for new ACLU-TN board members.

The committee is looking for candidates with a strong commitment to civil liberties and skills, experience and expertise (e.g., corporate, financial, fundraising) which will enhance ACLU-TN and its board. Board members have a fiduciary duty to the organizational health of ACLU-TN and the ACLU.

In addition to submitting names for consideration, nominations can be made by submitting a petition signed by any twenty current ACLU-TN members. Suggestions for nominations should include confirmation that the nominee is interested in serving on the board, and the nominee's background, qualifications and contact information.

Please send submissions by June 23rd to:

Nominating Committee
ACLU-TN
P.O. Box 120160
Nashville, TN 37212





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Nashville, TN 37212

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Tennessee Promise, continued from p. 3
ACLU-TN sent a letter to TSAC on the student's behalf, asserting that the state is constitutionally prohibited from burdening a student's free exercise of religion and requesting that the student's absence be excused, as well as that of any other student with a religious con-

flict. TSAC agreed, allowing the student to attend a make-up session.

ACLU-TN has requested that the rules be permanently amended to include constitutionally-protected activity, so that all future students applying for Tennessee Promise can exercise their religious freedom without issue.

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Together, we can make the fight for freedom go viral.

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