

ACLU Tennessee
ANNUAL REPORT
2019



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ACLU-TN staff, September 2019



A LETTER *from our leadership*

Dear Friends,

As we pause to reflect on another year fighting tirelessly to preserve a strong democracy where justice, liberty, and equality prevail, we are so proud to be part of the ACLU family.

ACLU is leading the resistance, in partnership with our allies and hundreds of thousands of activists on the ground, against the Trump Administration's near-constant assault on civil liberties and civil rights.

We have brought over 241 legal actions against the Trump administration and unfortunately, we are confident that there will be more in the next year. But make no mistake: ACLU is ready for the fights ahead.

In Tennessee, our work is also robust and rousing. We are on the front lines of democracy, working with impacted individuals and communities and sharing their stories while planting their experiences at the root of our initiatives to protect justice and equality.

Our work encompasses so much: from transforming the criminal



In November, ACLU of Tennessee presented Sue Kay with the Lifetime Achievement Award in honor of her lifelong advocacy for criminal justice reform and in recognition of her ten-year tenure as ACLU-TN board president.

justice system at every level, to advocating for restoring the right to vote for individuals with felony convictions, to challenging growing voter suppression measures;

From protecting reproductive rights, to defending freedom of speech rights, to advancing LGBTQ equality to challenging the increasing attacks on immigrants and refugees – and so much more.

Our work has made a critical difference in many Tennesseans' lives, and our goals for 2020 are more ambitious than ever.

Ours is a time marked by unprecedented uncertainty and fear, but ACLU's resolve to keep fighting has never wavered. **We are**

strengthened and bolstered by your support as we aggressively and creatively confront the attacks on our rights and at the same time pursue exciting initiatives to advance freedom in our state.

Thank you for joining with us to protect and advance civil rights and civil liberties – both in Tennessee and throughout the country. We are so grateful to be on the journey together in our shared pursuit of justice. Thank you.

Onward,

Hedy *Sue*

Hedy Weinberg
Executive Director
ACLU-TN

Sue Kay
President
ACLU-TN

FIGHTING TO PROTECT VOTER REGISTRATION

League of Women Voters of Tennessee v. Hargett

Tennessee ranks 44th in voter registration, but during the 2018 midterm election the state saw a surge in registrations. Instead of providing greater resources to help election offices process the influx, the Tennessee General Assembly passed a measure forcing civic-minded groups to jump through hoops to hold voter registration drives, which have long been a way for historically disenfranchised communities — like students, immigrants, people of color and the elderly — to empower individuals and gain access to the ballot box.

The law creates criminal and civil penalties against those who fail to comply with onerous requirements and makes Tennessee the only state in the nation to penalize the submission of “incomplete” applications. It is overly broad and vaguely worded, leading to confusion on the part of groups wanting to register voters, many of whom would choose to stop voter registration activities rather than risk breaking the law. This amounts to voter suppression.

We joined with the national ACLU Voting Rights Project, the Campaign Legal Center and the Fair Elections Center to file a lawsuit challenging the law on behalf of the League of Women Voters of Tennessee, the American Muslim Advisory Council, Mid-South Peace and Justice Center, Memphis Central Labor Council, Rock the Vote, and HeadCount, all of whom regularly work to help Tennesseans gain access to the ballot box through voter registration drives. The ACLU filed this lawsuit because we are committed to ensuring political participation for all eligible voters.

Our lawsuit, *League of Women Voters*

of Tennessee v. Hargett, asserts that the new law violates freedom of speech, freedom of association, due process and the fundamental right to vote under the First and Fourteenth Amendments. In September, the court granted our motion for a preliminary injunction, blocking the law from going into effect while the lawsuit proceeds.

Our suit was filed in the U.S. District Court for the Middle District of Tennessee. Bill Harbison, Dewey Branstetter Jr. and Hunter Branstetter of Sherrard, Roe, Voigt & Harbison PLC are serving as ACLU-TN cooperating attorneys.



REINING IN *Police Surveillance* *Blanchard v. City of Memphis*

Last fall, a federal judge ruled that by engaging in surveillance of the protected political activities of activists, the Memphis police had violated a 1978 court order prohibiting the Memphis government from monitoring constitutionally-protected political activities.

ACLU-TN's lawsuit, *Blanchard v. City of Memphis*, was filed in response to the City of Memphis's publication of a list of people who required a police escort while visiting City Hall. The list included multiple members of the Black Lives Matter movement; the mother of Darrius Stewart, a teen killed by Memphis police; representatives from local non-profit organizations; and other local political activists and organizers. The lawsuit asserted that many of the people who were on the list participated in protected free speech activities such as protests and rallies, but had no criminal record or history of causing disturbances at City Hall, suggesting that the city was conducting political intelligence actions against its residents.

Evidence collected during the case revealed that the Memphis police had

engaged in extensive surveillance of individuals and organizations engaging in protected political speech, including creating a fake Facebook profile to "friend" protesters' accounts and gain access to private messages; distributing "joint intelligence briefs" on protesters to the U.S. military, the Department of Jus-



tice, the Tennessee Department of Homeland Security, AutoZone, FedEx, St. Jude's and more; and sending plainclothes officers to covertly monitor protests and community events like church services, a tree planting ceremony in memory of a teen killed by Memphis police and a Black-owned food truck festival.

The court ruled that the city failed to train its officers on "political intelligence" as defined and forbidden by the 1978 consent decree. This failure led to a "shared misunderstanding of the Decree's

requirements and a significant number of violations." The court imposed sanctions "designed to ensure future compliance" with the consent decree, including requirements that the Memphis police department revise their policy on political intelligence, train officers, establish a process for approving criminal investigations that may incidentally result in gathering political intelligence, establish written guidelines for the use of social media searches, maintain a list of all search terms used in social media collators and submit the list to the court quarterly.

The court also appointed an independent monitor to supervise the implementation of these sanctions. In the year since the ruling, ACLU-TN has been closely monitoring to ensure that the judge's requirements are carried out and that community members can share their experiences with the court-appointed monitor. In September, the city filed a motion for immediate modification of the consent decree, which we opposed. On November 13, the judge denied the city's motion. An evidentiary hearing to determine whether to modify the consent decree is set for June 2020.

FIGHTING FOR *LGBTQ Equality*



ACLU-TN has long fought to make this state a place where LGBTQ Tennesseans enjoy full equality in every aspect of their lives.

This past spring, the fight came to a head at the capitol, with lawmakers once again putting forward a “slate of hate.” **ACLU-TN and our allies fought bills** that would have protected businesses with internal policies that discriminate against LGBTQ people; allowed discrimination against prospective LGBTQ adoptive and foster families; and required the state attorney general to provide representation for school districts with anti-transgender policies.

While these bills passed on the House floor, they slowed down in the Senate and were deferred until 2020. We stand ready to once again join with

our partners, including the growing number of businesses that care about LGBTQ equality, and mobilize our supporters to defeat these bills next year.

Outside of the legislature, we **continue to call for investigations and speak out against public officials who use their positions against LGBTQ people.**

Last summer video surfaced showing Coffee County District Attorney Craig Northcott admitting that he does not prosecute domestic abuse between same-sex couples due to his religious beliefs. He also made Facebook comments expressing his hatred for Islam and those who follow it.

We sent a letter to the Tennessee District Attorneys General Conference (TDAGC) urging them to investigate. We asked the TDAGC to examine whether Northcott instituted discriminatory office policies or failed to adhere to Tennessee laws regarding charging decisions; to cooperate with a pending Board of Professional Responsibility investigation; and to denounce Northcott’s statements.

Soon after, news broke about Knox County Sheriff’s Detective Grayson Fritts calling for the government execution of LGBTQ people. The story, however, came with a twist: the Knox County sheriff let Fritts take a buyout rather than just firing him because, he said, he feared a lawsuit from the “freedom of speech people.”

ACLU-TN board member Bruce Barry quickly responded with an op-ed for the Knoxville News Sentinel explaining that **under the First Amendment, a government employer can discipline workers for out-of-work speech** if it has a real interest in regulating speech that strongly outweighs the worker’s interest in exercising their constitutional rights.

When a law enforcement officer identifies himself as such and advocates for execution of an innocent group of community members, his agency clearly has an interest in responding in order to ensure that it can maintain community-law enforcement relations and promote public safety for all people.

We will remain vigilant in the fight for LGBTQ equality in the days to come.

DEFENDING PRISONERS' RIGHT TO *Medical Treatment*

This summer, ACLU-TN went to federal court to defend the rights of thousands of Tennessee prisoners who had been systematically denied life-saving medical treatment after being diagnosed with Hepatitis C (HCV) while under the supervision of the Tennessee Department of Corrections (TDOC).

In 2016, we joined Disability Rights Tennessee and Branstetter, Stranch & Jennings to file a federal class action lawsuit arguing that by not providing the necessary treatment for HCV, TDOC had denied thousands of prisoners their constitutional right to be free from cruel and unusual punishment, forcing them to needlessly suffer due to their illness. We also asked the court to require a new plan for diagnosis and medical treatment.

While the national standard of care for HCV results in a 90 percent cure rate, a lack of proper treatment results in chronic physical and mental pain and irreparable liver damage that eventually leads to death. And although they initially estimated that nearly 3,500

prisoners in their care were infected with HCV as of March 2016, TDOC ultimately confirmed that almost 5,000 inmates had the disease and many inmates had never been tested, making the likely number of infected inmates even higher.

At the time we filed our lawsuit, only eight individuals were receiving the rec-

Atkins, et al. v. Parker, et al.

ommended course of treatment and the General Assembly approved the appropriation of nearly \$25 million in state funds to combat the epidemic in our prisons.

While the judge ultimately ruled against our clients because of these last-minute policies, the court wrote that the prisoners had presented compelling proof that



ommended course of treatment. At least 109 inmates in TDOC custody have died from HCV complications since 2009.

Two months before our case went to trial, TDOC put new HCV policies and

“TDOC’s treatment [had] been erratic, uneven, and poor” and had “bordered on deliberate indifference to serious medical needs of individual inmates.”

We have filed an appeal.

ENDING *Juvenile Solitary Confinement*

Doe v. Hommrich

For several long days in April 2016, a fifteen-year-old boy was held in isolation — for 23 hours a day — in a concrete cell at the Rutherford County Juvenile Detention Facility. For the first two days he was denied access to books, magazines, music and other materials. The youth, who was never alleged to be a danger to himself or others, was in solitary confinement because he allegedly disrupted a classroom, “hollered,” “rapped” and “flashed gang symbols.”

It is difficult to imagine a more cruel and unusual punishment for a child than solitary confinement, which can be shattering for young people and

can create lasting damage to a young person’s psychological, social and physical development.

Discipline for children should be focused on helping them grow into productive members of society, not subjecting them to state-sanctioned abuse and possibly irreparable damage.

That’s why ACLU-TN brought a federal class action lawsuit challenging the use of extended solitary confinement for juveniles for punitive or disciplinary reasons, both for the boy in this case as well as for other juveniles across the state who are being held in pretrial detention or who suffer from mental illness.

Within days, a federal judge issued a temporary restraining order against the Rutherford County Juvenile Detention Center to end the boy’s solitary confinement. By the time we successfully settled our lawsuit in 2019, the Rutherford County Juvenile Detention Center had been barred by court order from using solitary confinement as punishment.

During the course of our litigation, the state created strict regulations that require county facilities to adopt similar policies banning the use of punitive solitary confinement.

These rules, a direct result of our legal intervention, affect all county facilities in Tennessee, effectively ending our state’s practice of punishing children with solitary confinement. We will build on this victory and continue to push for a more fair and less punitive juvenile justice system in the courts and at the legislature.

ACLU-TN’s case was filed in the U.S. District Court for the Middle District of Tennessee, with Mark Downton and Wesley B. Clark of Downton Clark, PLLC as cooperating attorneys.



RESTORING THE *Right to Vote*



Tennessee's law that allows people with felony convictions to restore the right to vote is among the most onerous and burdensome in the country. Tennessee prevents people from voting if they have been convicted of a felony and are incarcerated, on parole, on probation, not up to date on child support payments, or owe court-ordered restitution, fines or court costs.

The financial hurdles imposed by Tennessee's restoration process are a roadblock to enfranchisement that many people cannot overcome. Imposing a financial requirement on the right to vote creates a modern-day poll tax, punishing people who are trying to get their lives back on track for being poor.

Today, more than 420,000 Tennesseans are barred from voting by the disenfranchisement law, 75% of whom have fully completed their prison sentences. A shocking 21% of Black people in Tennessee — more than one in five — are disenfranchised. Because the process to restore rights is so complicated and expensive, from 1990 to 2015 fewer than twelve thousand Tennesseans managed to get their right to vote back.

Beyond the onerous financial requirements, people have reported to us that their local election commissions are not familiar with the law, humiliate people who are trying to restore their voting rights, or fail to honor restorations from other states or even from one county to another within Tennessee.

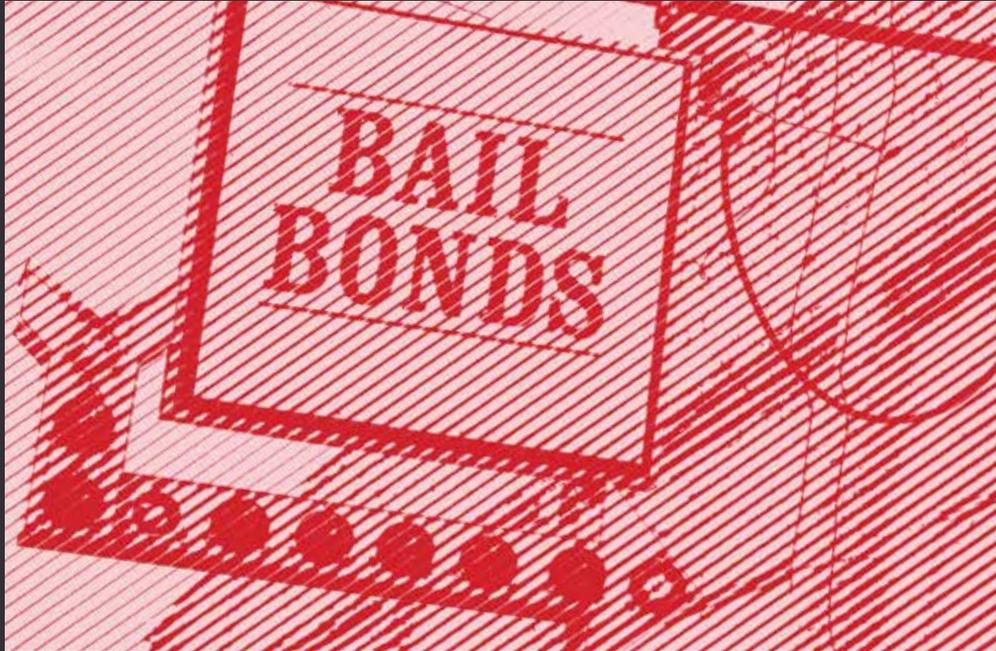
In response, we launched a multi-strategy voter restoration campaign, tackling this issue through a public awareness initiative, a virtual voter restoration legal clinic and legislative lobbying.

Our “No Barriers to the Ballot Box” website details problems with Tennessee's voter restoration process, provides a hub for “Know Your Rights”

information and includes a toolkit for activists who want to work on voting rights in Tennessee.

Our “Get Your Right to Vote Back” program helps people statewide who have lost their right to vote to restore their voting rights. We are training and coordinating a team of volunteer attorneys to assist people in determining whether they are eligible to restore their right to vote and, if so, to help them with the process. For example, we successfully intervened on behalf of a Knox County man who had gone through the arduous process of getting his voting rights restored by a judge when the local election commission told him that he needed to start the entire, lengthy restoration process over. We intervened with the county and state election commissions and were able to get his rights restored in time for him to vote in the 2018 election.

Finally, we are working with a coalition of politically diverse groups to increase public awareness about disenfranchisement and to **pursue legislative initiatives that remove the financial requirements and streamline the restoration process.**



The money bail system is a leading cause of mass incarceration in Tennessee. Half of the almost 30,000 individuals in county jails in the state are pre-trial detainees — most are eligible for bail but cannot pay the required amount.

In an effort to shed light on bail practices statewide, we are currently undertaking two research projects to demonstrate the need for money bail reform.

We are excited to share that the ACLU of Tennessee is one of 11 recipients of the inaugural round of “In Our Backyards” grants from the Vera Institute of

Justice. These community grants represent the latest facet of Vera’s “In Our Backyards” initiative, which focuses on the high and rising use of incarceration in small cities and rural American communities. While many major cities have begun to reduce their use of prison and jail, small cities and rural counties across the country are deepening their reliance on mass incarceration.

Our grant focuses on pretrial practices in three rural Tennessee counties. We are building on our ongoing work on money bail reform by conducting qualitative research on the human toll

of current pretrial practices in three rural Tennessee counties and elevating our findings by distributing them to key community stakeholders, legislators, the media and the public. We are currently in the process of conducting research in McMinn and Obion counties.

In addition, we have undertaken two quantitative research projects. The first explores people’s differing experiences with money bail in Tennessee based on race, gender and geography. We have sent open records requests to ten counties with high pre-trial detention rates across the state, rural and urban alike, to collect information on who is in their jails. We are currently in the process of preparing and analyzing the data we collected in preparation for an upcoming report.

The second report we are working on examines aggregate quantitative data on the jail population in every county in the state, identifying patterns in each county’s pretrial detention rates over time. We are also in the process of analyzing this data for a forthcoming report.

TRANSFORMING *Pretrial Practices*

DEFENDING *Education Equity*

During the 2019 legislative session, ACLU-TN and other organizations and individuals joined together to lobby against a measure that undermines educational equity by taking desperately needed resources away from public school systems,

which serve everyone, and channeling taxpayer dollars to private, most often religious, schools.

Teachers, school board members, immigrant rights activists and clergy statewide spoke out against this bill. Despite widespread opposition from across the state and even from state representatives — 44 of 99 House members voted against the legislation — the bill passed both chambers.

Celebrated and signed into law by Governor Lee, in spite of reports having surfaced that the FBI was investigating whether any improper incentives were offered to pass the bill, the final voucher law applies only to Davidson and Shelby counties. The delegations from those counties opposed the bill but were unable to exempt their counties. The other urban and rural delegations who also opposed the legislation

were allowed to amend their counties out during the legislative process.

The new law discriminates against students from undocumented families, excluding them from participating in the program — despite the fact that federal laws prohibit discrimination on the basis of national origin in public education. The United States Supreme Court has long recognized that undocumented students have a constitutional right to access public education and that requiring students or parents to

raised numerous other constitutional concerns. Private school vouchers violate the fundamental principle of religious freedom by funding religious education with taxpayer funds. And unlike public schools, private voucher schools are not required to adequately serve students with disabilities or low-income students and are not obligated to afford their students the same First Amendment protections and due process rights that tax-funded public schools must.



provide information about their immigration status is unconstitutional.

In addition to targeting students with undocumented family members for unequal treatment, the legislation

We will continue to fight to ensure that all students in Tennessee schools are being given equal access to opportunity, regardless of their families' immigration status.



Since January, a wave of states have passed laws attempting to effectively or directly ban abortion. ACLU and our partners successfully sued to block the bans in Alabama, Arkansas, Georgia, Kentucky, Missouri, Ohio and Utah and we'll keep fighting to make sure that laws like these are never enacted.

Here at home, Tennessee saw even more in a long series of attacks on our right to make decisions about our bodies.

This past legislative session, we fought to defeat a “trigger bill,” which would immediately outlaw abortion in Tennessee in the event that *Roe v. Wade* is overturned. Despite public outcry, this legislation was

signed into law on May 10.

Tennessee did, however, narrowly avoid the passage of its own effective abortion ban, one of the only states in the country to defeat its version of this insidious and dangerous legislation. In March, the Tennessee House of Representatives passed a bill prohibiting abortion after the detection of fetal cardiac activity, which can be as early as six weeks into a pregnancy. Like others introduced in statehouses across the country, the bill drastically limited a person's constitutional right to make their own medical decisions and placed an undue burden on people seeking legal and safe reproductive care.

ACLU-TN and our partners quickly mobilized and elevated public opposition

to the bill, including organizing a “Stop the Bans” rally in Nashville as part of a nationwide day of action. Unlike other state legislatures, lawmakers in Tennessee restrained themselves: The Senate Judiciary Committee sent the legislation to summer study, scheduling a public hearing on the bill in August.

At the hearing, ACLU-TN Executive Director Hedy Weinberg gave testimony on why SB 1236 is dangerous, unconstitutional and unlikely to overcome an expensive legal challenge, making it clear to the assembled lawmakers that if an abortion ban bill becomes law in Tennessee, ACLU is prepared to immediately file a lawsuit to stop it.

The courts long ago established constitutional precedent that **the decision to terminate a pregnancy belongs to the individuals involved, not the government.**

As we approach the second year of the legislative session in January of 2020, ACLU-TN and our allies are ready to continue to fight against government attempts to interfere with our constitutional right to an abortion – up to and including at the Supreme Court.

PROTECTING THE RIGHT TO *Abortion Access*

REFORMING *the Criminal Justice System*

Did you know that Tennessee's imprisonment rate increased by 100% between 1990 and 2016?

Drug offenses accounted for more than a quarter of all 2017 prison admissions in Tennessee, and more than 26% of people in Tennessee prisons had mental health needs in 2016.

While mass incarceration is a national problem, it must be dismantled at the state level. To that end, **the ACLU recently released 50 "Smart Justice State Blueprints" – state-by-state analyses that show how to transform the criminal justice system and cut incarceration in half.** ACLU partnered with the Urban Institute, local ACLU affiliates, and partners to provide a unique snapshot of each state's incarcerated population and its drivers of mass incarceration. The blueprints also offer solutions tailored for each state.

Tennessee's blueprint is a useful tool in ACLU-TN's Campaign for Smart Justice, which advocates for a criminal justice system that fosters public safety by ensuring police accountability and reducing mass incarceration. Tennessee's blueprint can be found at: bit.ly/TNBlueprint.

ACLU-TN is leveraging data like the blueprint to advocate for smart policy reforms. With the Tennessee Coalition for Sensible Justice, of which ACLU-TN is a founding member, **we pursued legislation this year that would allow people arrested for expungeable offenses to be released on their own recognizance** – meaning they can go home without paying cash bail unless evidence is presented that money bail is necessary to ensure they appear in court.

The bail bond industry aggressively opposed the legislation and it was deferred until 2020; we plan to resume the fight then.

This year's criminal justice legislative victories include passage of laws that 1) remove unnecessary burdens on law enforcement officers, **making it easi-**

er for them to issue citations for minor offenses rather than arrest those individuals; and 2) **eliminate the court fees required to expunge certain criminal records.** Lifting the financial barrier to clear one's record increases opportunities for employment and housing. We are now preparing our criminal justice legislative agenda for next year.

This year we also conducted our **first-ever voter education campaign, surveying Memphis mayoral and city council candidates on criminal justice reform** and releasing their responses on the eve of early voting. The responses detailed candidates' positions on issues such as law enforcement's use of deadly force, the city's Community Law Enforcement Review Board, the school-to-prison pipeline, transparency and more.



PROTECTING *Immigrants & Refugees*

At the legislature this year, lawmakers made no attempt to hide their anti-immigrant agenda, trumpeting the onslaught of discriminatory and dangerous bills meant to make Tennessee, as one legislator said, the “last place [immigrants] want to come.”

But this mean-spirited plan largely failed to take-off, **with the state’s immigrant and refugee communities and their allies rallying to stop bills that would have institutionalized discrimination against undocumented people** in housing, in the courts and in the health care system. Advocates also overcame measures that would have undermined birthright citizenship and taxed Tennesseans to pay for a border wall.

On the legal front, state lawmakers filed a lawsuit attempting to block refugee

resettlement in Tennessee. **We joined with our national office to file a motion to intervene on behalf of multiple organizations serving Tennessee’s refugees.** A federal judge ultimately dismissed the lawsuit on multiple grounds, including the legislature’s lack of standing to bring the lawsuit and the state’s failure to show that refugee resettlement in Tennessee violates the U.S. Constitution. The court ruled that the ACLU’s motion to intervene was rendered moot by its dismissal of the state’s lawsuit, so when legislators appealed the lawsuit to the Sixth Circuit we filed an amicus instead. State legislators’ appeals failed and they are currently planning to file a petition for their case to be heard by the U.S. Supreme Court.

Outside the courtroom, **we sent a**

letter to the Metro Nashville Probation Department urging them to adopt policies that limit voluntary entanglement with federal immigration enforcement beyond that mandated by state and federal law. The letter also urged the department to train probation officers on such policy changes.

In addition, we **re-launched our online Immigrants’ Rights Resource Center with updated “Know Your Rights” materials in multiple languages** on topics such as preparing for encounters with law enforcement, safety planning, rights at the border, detention and raids.

Finally, we **hosted a powerful conversation with Lee Gelernt, deputy director of the ACLU’s Immigrants’ Rights Project and lead attorney in the ACLU’s successful national class action lawsuit against the Trump administration to halt its unprecedented practice of separating immigrant families at the border.**

ACLU-TN will continue to stand with immigrants and refugees in our state.





Challenging the Police Seizure of a Disabled Veteran's Car

Tennessee law allows law enforcement to seize the property of law-abiding individuals without probable cause or a warrant. Typically, law enforcement doesn't even pursue criminal charges in these instances and the burden is on the individual to get their property returned. Our state's current civil asset forfeiture laws are so broad that they encourage policing for profit, turning Tennessee's roads and highways into unchecked profit centers.

ACLU-TN is currently preparing for trial in a federal lawsuit we filed on behalf of a disabled veteran whose car was seized by Mount Juliet police without a warrant.

One September morning, Mt. Juliet police arrived at Lewis Cain's home with an arrest warrant for his son. The officers entered Cain's home, woke him up by shining a flashlight in his eyes and asked for his keys, despite having no warrant for the car – which they

knew belonged to Cain and not his son. Confused but wishing to cooperate, Cain handed over the keys. The officers then entered Cain's garage and drove the car away. When he objected to the seizure, officers told him that they could take the car.

ACLU-TN swiftly filed a complaint with the Department of Safety, arguing that the seizure violated Cain's Fourth Amendment rights. The Tennessee Department of Safety and Homeland Security dismissed the case and returned the vehicle to Cain.

ACLU-TN is now taking the case to federal court to ensure that asset forfeiture is used to target actual criminals, not innocent people. The trial is set for July 2020.

Challenging Qualified Immunity at the U.S. Supreme Court

Alexander Baxter says he was already sitting on the ground, hands in the air, when a Nashville police officer unleashed a dog

on the surrendering burglary suspect, who was viciously bitten. Baxter sued for use of excessive force, but a federal appeals court found that his claim should be thrown out under the doctrine of "qualified immunity."

Qualified immunity is a contentious legal concept that shields government officials accused of committing constitutional violations that aren't considered "clearly established."

Generally this means that plaintiffs have to show a prior case with very similar facts. The practical effect of this doctrine is that public officials – particularly members of law enforcement – regularly get away with unconstitutional misconduct simply because no court has ruled on that exact kind of misconduct before. Qualified immunity undermines official accountability and has no sound legal basis, weakening respect for the rule of law and denying justice to the victims of many constitutional violations.

ACLU-TN, ACLU-DC and the national ACLU have asked the U.S. Supreme Court to reverse the granting of immunity to the officers responsible for the dog attack on Baxter, but also to reconsider the doctrine of qualified immunity itself. Our petition to the Supreme Court is pending.

REFORMING *Police Practices*
Cain v. City of Mt. Juliet | Baxter v. Bracey

ACLU-TN

at a glance

**FOR
MAKING A
DIFFERENCE**

**47,928 ACTION ALERT
SUBSCRIBERS**

68 COOPERATING ATTORNEYS

**40 LEGAL OBSERVERS,
12 VOLUNTEERS,
6 LAW CLERKS AND
7 INTERNS**

**FOR
ADVOCACY**

48 EVENTS

625 NEWS STORIES

89 INTERVIEWS

FOR EQUALITY FOR ALL

66 BILLS LOBBIED

**46 BILLS SUPPORTED
BY ACLU-TN**

**20 BILLS OPPOSED
BY ACLU-TN**

**22 LEGISLATIVE
VICTORIES**

FOR JUSTICE

1,301 COMPLAINTS

48 INVESTIGATIONS

**2 LAWSUITS, 1 AMICUS
AND 15 INTERVENTIONS**

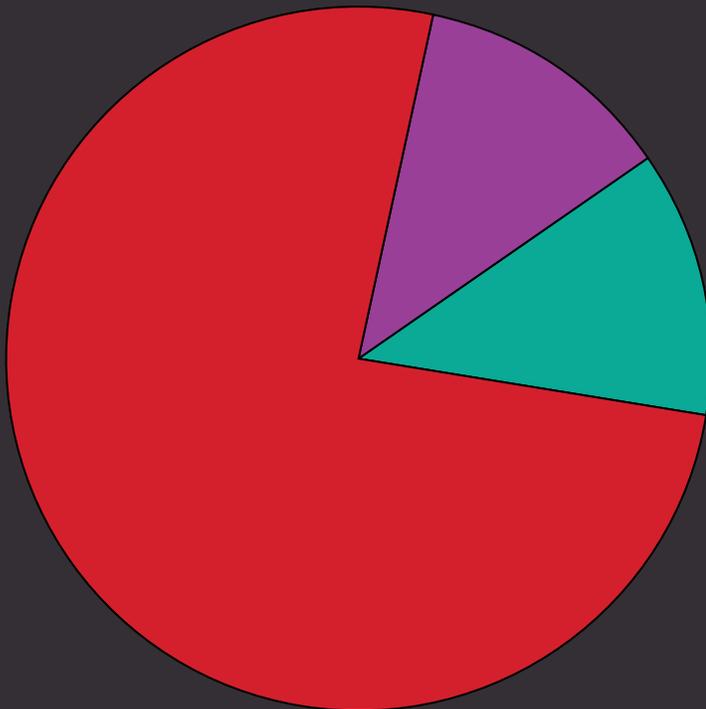
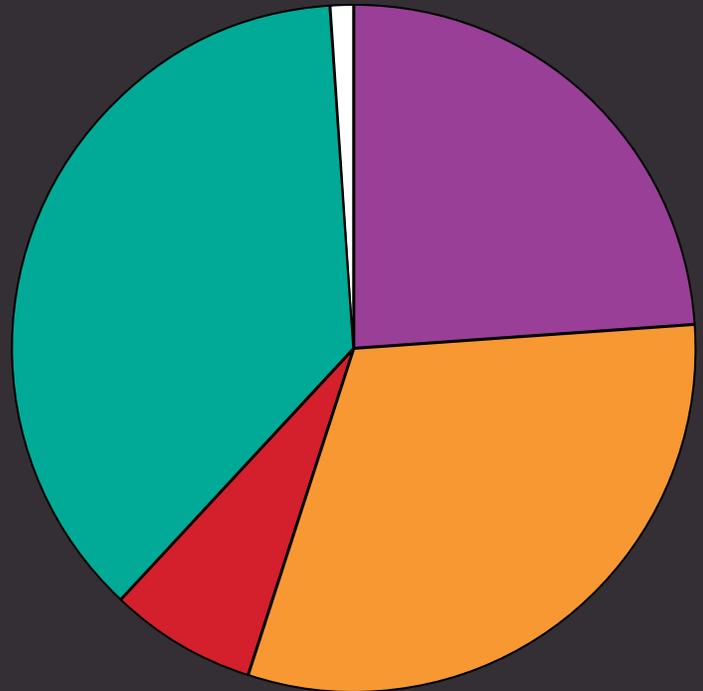
FINANCIALS

ACLU-TN's creative and multifaceted strategies to protect freedom are made possible by the generous support of its donors and members. ACLU receives no government funding and never charges for its services.

We rely entirely on individual tax-deductible gifts, membership dues, grants, bequests and periodic court-awarded attorneys' fees.

REVENUE

| ■ Contributions 37% | ■ Shared Revenue 31% |
| ■ Grants 24% |
| ■ Events 7% | ■ Other Revenue 1% |



EXPENSES

■ Program Services 76%
■ Management & General 12%
■ Development 12%

INVEST IN THE PROTECTION OF TENNESSEANS' *Civil Rights and Civil Liberties*

Please join us at the front lines to advance equality and justice for all.

Defending civil rights and civil liberties day after day takes a lot of hard work – and financial support. Please remember to give generously when you can – either online at aclu-tn.org or by mailing a contribution to:

ACLU FOUNDATION OF TENNESSEE
P.O. BOX 120160
NASHVILLE, TN 37212

ACLU-TN also accepts gifts of stock, IRA and other retirement assets, and mutual fund shares and offers methods to give via your will, trust or life insurance policy.

For more information, please contact Director of Development Sarah Howard at **(615) 320-7142 x 308** or by e-mailing showard@aclu-tn.org.

Thank you for your partnership!

TAKE ACTION

There's no shortage of ways to support the ACLU of Tennessee. Volunteer, attend an event, become a cooperating attorney, sign petitions – you name it! Make your voice heard through our online action network by signing up at bit.ly/ACLUTNEmail (case sensitive), and learn more about how to get involved at www.aclu-tn.org/get-involved/.

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AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Tennessee

ACLU-TN

P.O. Box 120160

Nashville, TN 37212

(615) 320-7142

www.aclu-tn.org