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Criminal Legal Reform

America's criminal justice system should keep communities safe, treat people fairly, and use fiscal resources wisely. ACLU-TN advocates for a criminal justice system that fosters public safety with every tool in our integrative advocacy toolbox — from litigation and advocacy to public education, legislative lobbying and more.

July 2020 - ACLU-TN released a comprehensive, statewide report that illustrates illustrating the cumulative impact of varying efforts to decarcerate local jails in the wake of the COVID-19 pandemic. The report highlights changes in jail populations in every county in the state from December 2019 through April 2020. The report found that 30 percent of jails remained at or above 75 percent capacity and the history of other epidemiologic outbreaks in correctional facilities, supported expectations that COVID-19 would readily spread in prisons, jails and other places of detention. COVID-19 changed how we live and function in a society and there is no reason to exclude jails from these profound changes. Therefore, the report included recommendations such as the release of medically vulnerable people, police reducing arrests for minor offenses, prosecutors declining to prosecute arrests for low-level charges and eliminating prosecution for technical violations of probation, and courts ordering pretrial release without conditions in all cases where release poses no risk to safety.

December 2020 - A federal judge approved an agreement reached between the Nashville Community Bail Fund and the Davidson County Criminal Court Clerk's office in December 2020 that put an end to the garnishment of cash bonds to pay future fines, costs and restitution assessed by the courts. The ruling applies to all third parties posting bond in Davidson County and was reached in a lawsuit filed by the Nashville Community Bail Fund, represented by AC-

August 2021 - We and our partners sought to enforce our agreement in our lawsuit against Shelby County Sheriff Floyd Bonner because he continues to resist improving conditions inside the county jail to protect the people living and working there from COVID-19. At the end of August 2021, the judge concluded that people in the jail are in "deep peril," and denied the sheriff's efforts to terminate the agreement. The sheriff has since appealed this decision to the Sixth Circuit. **September 2021** - After a lengthy negotiation and a three-day hearing between ACLU-TN and the city of Memphis, a federal judge issued modifications to a 1978 court order that prohibited the Memphis government from monitoring the constitutionally protected political activities of residents. In 2018, the court had ruled in our lawsuit, *Blanchard v. City of Memphis*, that by engaging in surveillance of the protected political activities of activists, the Memphis police had violated the 1978 order. The original 1978 order had been issued in another ACLU-TN lawsuit, *Kendrick v. Chandler*. The recent modifications to the consent decree expand its language to include social media, electronic surveillance, body cameras and other modern technology, while maintaining that the city shall not engage in First Amendment related intelligence. We continue to push back against unlawful, expanded police surveillance of protesters and activists in other areas of the state through new technologies like drones and license plate readers.

April 2021 - We launched our "In Our Backyards: Money Bail in Rural Tennessee" storytelling campaign, which shines a light on the impact of predatory money bail practices and mass incarceration in rural counties across the state. The campaign features stories from individuals in McMinn, Warren and Obion counties. This project was shared in community forums in the counties where it was filmed, as well as in Putnam, Haywood and Green counties.

May 2021 - An analysis and infographic we released in May 2021 illustrates how, instead of trying to fix the unjust and ineffective systems leading to overincarceration in Tennessee, state legislators spent the 2021 session increasing criminal penalties, undermining Governor Bill Lee's criminal justice reform agenda. A couple of years ago, the governor's Criminal Justice Investment Task Force released a report describing the 34% increase in the state's incarcerated population since 2000 and recommending a rewrite of Tennessee's sentencing laws in 2021. However, as of May 2, 2021, the Tennessee General Assembly had passed three bills that would increase criminal penalties and had 38 others still pending. If all of these bills passed, the 41 total bills would result in an estimated net increase in state and local incarceration costs of \$57,488,109 annually. The legislation would also result in a projected increase in time to be served by people sentenced each year of 1944 years. We will continue to advocate for fair laws and practices to end Tennessee's mass incarceration problem.

September 2021 - ACLU-TN launched "DA's Report to You: A Campaign for District Attorney Transparency" to educate Tennesseans about the power that their elected prosecutors have to shape the criminal legal system and incarceration rates in their communities, and to advocate for district attorney transparency and accountability. The campaign website includes an introduction to the role and function of district attorneys; an exploration of the specific powers DAs wield; descriptions of how DAs impact different communities, from women to people of color to LGBTQ people to rural communities and more; a tool that allows people to explore the types of decisions DAs make every day that impact the lives of thousands of people; an overview of prosecution during the pandemic; information on each district attorney in Tennessee; and an introduction to how DA elections work.

Access to the Ballot

Voting is the cornerstone of our democracy. ACLU-TN works to ensure that all eligible voters

have an opportunity to cast a ballot that will be counted; to make voting as easy and accessible as possible; and to make sure that all votes are counted equally. That focus is guided by our knowledge that to sustain a strong, robust democracy in our country, we must ensure that the broadest possible base of voters can exercise their right to vote. COVID-19 played a significant role in our voting rights advocacy this year, as we worked to ensure that no one should have to choose between their health and their right to vote.

August 2020 - We secured a Tennessee Supreme Court decision requiring the state to permit every eligible voter with an underlying health condition that makes them especially vulnerable to COVID-19 — and any voter who is a caretaker of such individuals — to vote by mail in all elections in 2020 due to COVID-19. The Supreme Court's decision narrowed a lower court decision that had allowed all voters to vote by mail. However, prior to our lawsuit, the state had refused to let anyone physically capable of traveling to the polls to vote by mail, so we still succeeded in expanding the right to vote by mail during the pandemic.

September 2020 - ACLU-TN's "Vote Like Your Rights Depend on It" campaign launched in September 2020 to mobilize Tennesseans to vote safely by mail or to early vote during the COVID-19 pandemic. The campaign primarily focused on reaching communities of color in rural counties, which have been disproportionately impacted by voter suppression and the COVID-19 pandemic in Tennessee. The campaign engaged 143 volunteers who participated in 30 voter outreach shifts and had direct voter contact with over 150,000 eligible Tennessee voters. We also implemented a robust advertising and awareness campaign, using direct mail, radio and social media. We saw a 278% increase in the use of absentee ballots cast in our targeted counties over the 2016 elections.

2021 - Our battle against voter suppression continues in 2021 with the expansion of critical voting rights campaigns, including the restoration of voting rights for people with felony convictions and dismantling barriers to the ballot box ahead of the 2022 elections.

Letter from Leadership

In this time of hyperpoliticized partisanship, ACLU-TN is on the ground fighting relentless attacks on our civil rights and civil liberties. The state's effort to restrict use of absentee ballots during the 2020 elections and the last two brutal legislative sessions, which resulted in the passage of viciously discriminatory laws, required swift responses. We met and are meeting those attacks head-on in the courts, in the capital and in local communities across the state.

During the last eighteen months ACLU-TN succeeded in:

- Winning the right for Tennesseans with underlying health conditions making them especially vulnerable to COVID-19, and their caretakers, to cast an absentee ballot in all 2020 elections.
- Engaging rural Tennesseans and sharing their stories through our "In Our Backyards: Money Bail in Rural Tennessee" project.
- Pursuing bold strategic initiatives to reform the criminal legal system and protect against police surveillance of social justice and civil rights activists.

In addition, we successfully filed lawsuits to protect individuals incarcerated during the pandemic, women seeking abortions, and transgender people targeted by egregious discriminatory laws.

Unfortunately, in a hyperpoliticized act of censorship, the state banned public school teachers from conducting classroom discussions about systemic racism and white supremacy. The law bans critical analyses of such issues as slavery, the civil war, Jim Crow and the civil rights movement. ACLU-TN is reaching out to teachers regarding the implementation of this new law.

Voting rights undergird all of our work and are "preservative of all other rights" and liberties. It is imperative that we remain steadfast in our efforts to expand access to the ballot box.

We are also always seeking new ways to build power and pursue transformative justice. Recently the national ACLU launched the Southern Collective, composed of twelve Southern affiliates including ACLU-TN. The Collective's mission is to address challenges

in the South that are rooted in its unique history of racial oppression and its history of civil rights struggles and victories. The Collective's strength lies in its power to share and collaborate for change in a region that is paving the way for racial justice nationwide.

Our report highlights our ambitious agenda and our promise is to continue to confront the attacks on our rights and seize every opportunity to advance justice, fairness and equity in Tennessee.

In the words of poet, writer and blues musician Adia Victoria, "Come what may, we're gonna find a way, the South gotta change, the South gotta change."

As always, thank you for joining with us.

Hedy

Hedy Weinberg
Executive Director

Paula

Paulette J. Williams
Board President

2021 Annual Report

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Racial Justice

A focus on racial justice is deeply embedded in all of ACLU-TN's work. As a nation, we are currently collectively experiencing a powerful reckoning with the violent, systemic oppression of communities of color, especially Black and Brown people. This year, we joined with activists across the state in the call for racial justice.

Summer 2020 - In reaction to the 2020 summer protests in the wake of George Floyd's murder, Tennessee lawmakers passed a punitive anti-protester law. We advocated against passage of this law which chills free speech, undermines criminal legal reform, and fails to address racial justice and police violence, the issues raised by protestors being targeted. We are also working to educate the public about the implications of this new law.

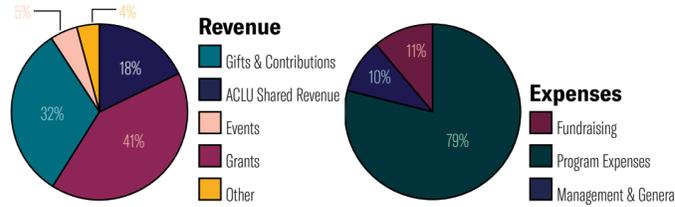
February 2021 - ACLU-TN commended the East Tennessee State University (ETSU) men's basketball team for practicing freedom of expression by kneeling during the national anthem. Meanwhile, state lawmakers criticized the players' actions in the media and at a Tennessee General Assembly committee hearing.

March 2021 - we sent a letter to the Tennessee Historical Commission urging them to remove the Nathan Bedford Forrest bust from the state Capitol. Continuing to honor a brutal architect of structural racism in the halls where our state legislature meets undermines the basic framework of racial equity. The bust was removed from the Capitol in July 2021.

May 2021 - Lawmakers continued to attack the First Amendment the following session, proposing legislation that would have turned protest in our state into a felony if a protester blocked anyone's way, and also given drivers immunity from prosecution for hitting demonstrators. ACLU-TN advocated heavily against the bill — mobilizing members, working in coalition, and testifying in opposition — and successfully slowed down this undemocratic legislation. It will be heard again next year, when we will continue to fight against its passage.

May 2021 - ACLU-TN sent a letter to Governor Lee urging him to veto a bill that would censor academic discussions about American history, race and gender in public school classrooms. This bill required "impartial" instruction on our nation's history of racial oppression. If teachers violate this vague requirement, intentionally or not, they risk the state withholding funding to their school. We also coordinated a tweetstorm in collaboration with activists across the state to call on the governor to veto this bill. Despite widespread opposition, the bill passed. In the wake of its passage, we submitted public comments to the Tennessee Department of Education expressing our concerns about the law and urging the department to revise its rules surrounding implementation of this new law to ensure more substantive and procedural clarity to protect educators.

FY 2020-2021 Financials



Consolidated unaudited statement of activities for the ACLU of Tennessee and the ACLU Foundation of Tennessee and statistics from Fiscal Year 2020-2021 (April 1, 2020 to March 31, 2021).

Gifts can also be made online with this QR code or at <https://bit.ly/aculutn-give> (case sensitive)



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 aculn.org or by mailing a contribution to: ACLU FOUNDATION OF TENNESSEE, P.O. BOX 120160, NASHVILLE, TN 37212 ACLU-TN. 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@aculn.org. Thank you for your partnership!

55k (117%) email subscribers	43 events	10 bills supported by ACLU-TN
11k (132%) ACLU-TN members	3764 ACLU-TN media features	56 bills opposed
5 lawsuits filed	136k social media engagements	5 legislative victories
1607 requests for legal assistance (intake)	27.9k social media followers	

ACLU-TN AT A GLANCE

Reproductive Justice

Whether and when to have a child is a deeply personal and private decision, and it should be left to an individual, their family and their doctor, without undue political interference. ACLU-TN's reproductive justice work encompasses a wide range of issues, from securing age-appropriate sex education in our schools, to fighting pregnancy discrimination in the workplace, to protecting a person's ability to make personal, private decisions about pregnancy and abortion.

April 2020 - In a lawsuit filed by ACLU-TN and our partners, the 6th Circuit Court of Appeals affirmed a preliminary injunction granted by a lower court allowing abortion clinics in Tennessee to continue providing time-sensitive abortion procedures during the pandemic. The April 2020 decision came after Gov. Bill Lee issued a state order banning all abortion services other than medication abortions (which involve taking pills and are only available until 11 weeks of pregnancy).

July 2020 - ACLU-TN and our partners secured a preliminary injunction blocking parts of a new Tennessee law restricting access to abortion, including a series of gestational age bans that would ban abortion at nearly every stage of pregnancy, starting as early as six weeks. The preliminary injunction followed an emergency injunction we and our partners had secured a couple of weeks prior, just moments after Gov. Bill Lee signed the law. Fortunately, when the state appealed the preliminary injunction decision, the 6th Circuit upheld the lower court's decision and also blocked the provision in the law that bans abortion based on a patient's reason for seeking it, including reasons related to race, sex or a fetal diagnosis of Down syndrome.

September 2020 - In September 2020, Mt. Juliet, Tennessee abandoned its efforts to ban the provision of procedural abortion care within the city limits following a lawsuit from ACLU-TN. ACLU, and the law firm of Willkie Farr & Gallagher LLP.

February 2021 - In February 2021, a federal court issued a preliminary injunction blocking a Tennessee law that would have forced doctors to provide false and misleading information to their patients about the potential to "reverse" a medication abortion in a lawsuit filed by ACLU-TN and our partners. "Reversal" procedures are an unproven claim that have no basis in credible medical research. This injunction came after the court issued a temporary restraining order against the law last year.

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. Our goal is an America where LGBTQ

people can live openly, with their identities, relationships and families respected. We fight discrimination based on sexual orientation and gender identity, working for fair treatment on the job and in schools, housing, public places, and health care.

Despite staunch opposition from ACLU-TN and our partners, this past year a wave of discriminatory bills targeting LGBTQ Tennesseans passed the Tennessee General Assembly and were signed into law by Gov. Bill Lee, including:

- A ban on transgender students participating in public school sports that match their gender identity.
- A law authorizing any student or employee who believes they have been in a restroom or locker room at the same time as a transgender student or employee to file a lawsuit against that school, which encourages schools to prohibit student use of bathrooms and locker rooms that match the student's gender identity.
- A requirement that schools notify parents of curriculum concerning sexual orientation or gender identity and allowing parents to opt their children out of the lessons.
- A law requiring businesses to post offensive signs outside of restrooms to "notify" the public that people may use a restroom in accordance with their gender identity.

July 2021 - ACLU-TN and our partners succeeded in securing a preliminary injunction to block the new Tennessee law requiring businesses that allow transgender people to use public restrooms that match their gender identity to post government-prescribed warning signs, a law that would violate the First Amendment. The lawsuit was filed on behalf of business owners who object to the stigmatizing message they would be required to display. The court's ruling stops enforcement of the law while our litigation proceeds.

2021 - ACLU-TN is currently preparing a challenge to the transgender student athlete ban.

Education Equity

May 2020 - After Governor Lee signed the voucher bill into law, ACLU-TN and our partners filed a lawsuit on behalf of Davidson and Shelby County parents challenging the Tennessee Education Savings Account voucher law as an unconstitutional diversion of public education funding to private schools. Davidson and Shelby counties also filed a separate lawsuit challenging the voucher law. Both cases were assigned to Chancellor Anne Martin in Davidson County Chancery Court. In a May 2020 ruling in the counties' lawsuit, Chancellor Martin permanently enjoined the state from implementing the unconstitutional voucher program. Striking down the Education Savings Account program prevented vital resources from being drained from already underfunded

ACLU-TN works to ensure that every student has the equal opportunity to attend nurturing and safe schools that provide high quality education free from discrimination. Past highlights of our youth rights work include defending students' free speech and privacy rights, preserving students' religious freedom, protecting LGBTQ youth from harassment and bullying, and working to dismantle the school-to-prison pipeline.

public schools in Davidson and Shelby counties. The state appealed the decision. The Tennessee Supreme Court heard arguments in the case and we are awaiting their decision.

2021 - We remain committed to advocating for equitable funding for public schools; to combatting harmful disciplinary measures — often disproportionately taken against Black and Brown students; and to empowering parents and educators to engage their school boards and advocate for more resources.