

It's Time for an Inclusive Mississippi

BY REBECCA CURRY, DIRECTOR OF POLICY AND ADVOCACY

Mississippians identifying as lesbian, gay, bisexual, and transgender (LGBT) face harassment and discrimination. Without legal protections at the federal or state level, LGBT individuals are often denied job opportunities, fired from employment, excluded from housing, and refused service at businesses open to the public.

At the federal level, the Employment Non-Discrimination Act [ENDA] was proposed to prohibit employment discrimination on the basis of sexual orientation and gender identity. It passed the Senate with bipartisan support, but the House of Representatives did not vote, and it seems unlikely that ENDA will become law in 2014. In the absence of federal law, many states have enacted local non-discrimination provisions to expressly include sexual orientation and gender identity. However, Mississippi has not put any protections in place for its LGBT community. The ACLU of Mississippi and our partners are working to advance protections in work and school.

The reality is devastating: many LGBT individuals in Mississippi are unable to share their true identity without fearing discrimination, violence or intimidation. This is despite the fact that, according to a survey by the Human Rights Campaign, 57% of LGBT individuals have called our state home for more than 20 years. Amongst LGBT Mississippians, 38% have experienced harassment at work, 48% have experienced harassment at businesses open to the public, 46% have experienced harassment at school and 41% have experienced harassment by members



Directors of Communications and Policy and Advocacy, Morgan Miller and Rebecca Curry, outside the November 12th same-sex marriage case hearing at the federal district court in Jackson.

of their own family. Mississippi even has the highest percentage of same-sex couples raising children according to the Williams Institute.

The need for legal protections for LGBT individuals is especially pressing in light of the reality that marriage equality in Mississippi is on the horizon. This winter, two cases will come before the United States Court of Appeals for the 5th Circuit: *DeLeon v. Perry* from Texas and *Robicheaux v. Caldwell* from Louisiana. Oral arguments for these cases are tentatively scheduled for the week of January 5, 2015. The decision in the *DeLeon* and *Robicheaux*

cases may become law in all states within the 5th Circuit, including Mississippi. Additionally, *Campaign for Southern Equality v. Bryant* was filed on October 20 in a Mississippi federal district court. At the writing of this article, we are awaiting a ruling from the District Court Judge.

We do not have a crystal ball. We cannot tell you the exact decision that the 5th Circuit Court will reach in *DeLeon* or *Robicheaux*. Nor are we certain of the outcome of *CSE v. Bryant*. However, we remain hopeful based on strong national trends that marriage equality will come to Mississippi. Marriage equality is now the law of the land in 32 states, meaning that more loving families have access to the protections that legal marriage provides.

When marriage equality comes to our state and LGBT Mississippians begin to exercise their right to marry the partners they love, we need to ensure that everyone has the freedom to be themselves, regardless of sexual orientation or gender identity. Voice your support, begin to have the conversation, help to condemn harassment, and encourage your elected officials to promote local and statewide protections against discrimination. It is time for an inclusive Mississippi.

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A LETTER FROM THE EXECUTIVE DIRECTOR



As I write this letter to you, I do so anticipating a wonderful holiday season with family and friends. I also realize that we are approaching the end of another year with the zeal for opportunities that a new year brings. This is reality for so many of us – for others it is a mere dream. For about 22,000 of Mississippi's citizens, they will spend the holidays inside the state's overcrowded corrections facilities, many of them serving enhanced sentences for nonviolent offenses. For others, they will spend their time in the shadows, afraid to live their life "out" in the open because they realize Mississippi lacks any protections from discrimination. Some will spend the time reflecting on the present deterioration of rights that were won by the heroes of our past. It is for all of these and others who have been marginalized that we stand guard.

Through our criminal justice reform efforts, we are aiming to reduce Mississippi's prison population by addressing every aspect of our criminal justice system. We are promoting accountability and transparency in police practices. We are working to stop the flow of children into the school-to-prison pipeline by advocating for school safety reforms. We are encouraging policies that allow ex-offenders to break the cycle of crime, as well as taking to task those who do not recognize the right to counsel.

We continue to be the champion of equality for all Mississippians. We promoted voter protection and education while working to advance legislation to improve access to the polls. We are addressing the disrespectful language in the Mississippi Code that offensively describes people with disabilities. We've begun outreach in the Mississippi Delta to ensure that LGBT youth of color are empowered and have safe places in their communities.

Protection of First Amendment rights is always our paramount concern and by filing *Fletcher v. Diamondhead Property Owners Association*, we ensured that free speech would not easily be infringed upon. We are prepared to respond when the state promotes one religion over another or impacts a student's right to choose not to believe.

In order to continue these efforts and make dreams come true for others, I am asking you today to make a tax-deductible gift that will directly support our efforts to win important legal victories. I am also asking that you make a special taxable contribution that will help us advance civil liberties in the legislature. Additionally, I ask that you plan for a continued ACLU presence in Mississippi by providing a legacy gift as a DeSilver Donor. Together, we will make Mississippi better. I know I can count on your support.

Sincerely,
Jennifer Riley-Collins

BOARD OF DIRECTORS MEETING DATES

December 13, 2014

March 7, 2015

June 6, 2015

September 12, 2015

Annual Meeting of the Membership

Annual Meeting of the Board

ACLU Annual Dinner

Leave a legacy of liberty for generations to come.

Thousands of passionate civil libertarians have stepped forward and expressed their most cherished values by making a deeply meaningful gift to the ACLU in their estate plans.

We invite you to join this special group of ACLU supporters who have made freedom, justice, and equality their legacy.

To learn more, or to take advantage of our estate planning resources, visit www.aclu.org/legacy or call toll-free 877-867-1025.

Legislative Preview

BY KEIA JOHNSON, LEGISLATIVE STRATEGIST

As we approach the 2015 Legislative Session, we continue to advance civil liberties and are prepared to counter growing threats to fundamental freedoms.

The proposals listed below comprise our current legislative agenda:

“Person First”

What do you call a person with a disability? A person.

Person First Language is an objective and respectful way to speak about people with disabilities by recognizing the person first, then the disability. Currently, sections of the Mississippi Code make reference to people with disabilities using arcane and offensive terminology. We believe that the language used to describe a person or group is powerful as it reflects our society’s true feelings towards that person or group. Therefore, we are proposing a “Person First” bill that seeks to retroactively amend all sections of the Code to ensure that all current offensive terminology is removed and replaced with “Person First” respectful language.

“Tuition Equity”

Charging young undocumented students out-of-state tuition thereby pushing a college education out of the reach of many, is cruel and a gross waste of valuable human capital.

Mississippi currently requires thousands of Mississippi students to pay out-of-state tuition – rates three to four times higher than in-state tuition rates – simply because of their immigration status. It should be noted that most of these students have lived in Mississippi for most of their lives and therefore the state of Mississippi has already invested millions of tax dollars into their secondary school educations. Failing to provide in-state tuition to these students is a gross and inequitable waste of state resources.



It is with this in mind that, during this 2015 legislative session, we will partner with Mississippi’s Immigrant’s Rights Alliance (MIRA) to propose introduction of a Tuition Equity bill that will seek to allow undocumented students in Mississippi to pay in-state tuition rates at our colleges and universities so long as they meet prescribed criteria.

“School Resource Officer Training”

Dismantling the School to Prison Pipeline in Mississippi, begins with decriminalizing our students and keeping them in our classrooms.

Mississippi schools arrest and refer students to juvenile detention centers at unusually high rates, and do so even for typical adolescent, non-violent behavior. In fact, the most prevalent offense, accounting for about one-third of arrests on school grounds, is the vague and subjective offense of “disorderly conduct.” As a result, our students spend less time learning and more time cycling back and forth between the corrections system and the school system. This vicious cycle must end.

In an effort to combat this issue, we are proposing legislation that requires mandatory prior to placement training for school resource officers in areas such as child adolescent development, cultural competence and building relationships with students; deescalating violent situations; identifying the social, emotional, and mental needs of the students; directing youth to appropriate services rather than using force; and due process protections for students.

In addition to the items we will propose, the ACLU of Mississippi will remain vigilant and monitor other legislation in our ongoing fight for justice. We anticipate that some bills will seek to create progress and increase our freedoms, while others may present serious threats to our civil liberties. No matter the case, we will be present and accounted for. It is our honor and our charge to vehemently oppose any threat to fundamental freedoms. We will actively support the efforts of other groups, allies, and legislators who aim to work in the best interest of all citizens of this great state.

Get the inside scoop on the upcoming legislative session!

Sign up for email alerts at www.aclu-ms.org



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ACTION DOCKET

BY CHARLES IRVIN, LEGAL DIRECTOR

JAILED INDEFINITELY WITHOUT LAWYER OR INDICTMENT IN SCOTT COUNTY

On September 23rd, the ACLU, the ACLU of Mississippi, and the Roderick and Solange MacArthur Justice Center filed a class action suit against Scott County, Mississippi, the Sheriff, the District Attorney and Judges after learning that the Scott County Detention Center has held people for as long as a year without appointing counsel and without indicting them. The county's practices violate the Sixth and Fourteenth Amendments' rights to counsel, to a speedy trial, and to a fair bail hearing. We are demanding that Scott County align its policies and practices with the Constitution.

PROTECTING CITIZENS' RIGHTS TO FREE POLITICAL SPEECH

We stood in defense of citizens' right to freely voice political speech. On October 27th, Chief U.S. District Judge Louis Guirola Jr. ruled that the Diamondhead Property Owners Association (POA) was not a "state actor" therefore not subject to the federal civil rights provisions of federal law in our case about political free speech. Prior to this ruling, a Temporary

Restraining Order was in place which allowed the citizens to place yard signs. As a result, several of the original plaintiffs won positions on the POA board. The process worked! The ACLU of Mississippi ensured free speech would not easily be infringed upon.

ACLU FILES AMICUS BRIEF IN CHATHAM DIVORCE

On September 25th, the ACLU and ACLU of Mississippi petitioned the Mississippi Supreme Court to file a "friend of the court" brief in *Chatham v. State of Mississippi*, a case that would allow a same-sex couple to be legally divorced. Together, we stated that denying a couple the right to a divorce infringes upon their constitutional right to due process and equal protection.

Lauren Czekala-Chatham was legally and lawfully married to Dana Ann Melancon in 2008 in California and the women separated in 2010. In 2013, a DeSoto County Chancery judge ruled that Mississippi's Constitution and other provisions prohibit granting a divorce. After the ruling, Ms. Chatham filed for an appeal challenging the constitutionality of

the state's failure to recognize legally valid marriages performed in other states.

The Mississippi Supreme Court has taken up her case and on October 23rd they issued an 8-1 ruling granting our "friend of the court" brief. By doing so they allow us to offer insight and expertise in the legal context surrounding the issue of same-sex marriage nationwide.

HARRISON COUNTY IMPROPERLY BLOCKS SAME SEX COUPLES FROM RECORDING DOCUMENTS

In August, we questioned the Harrison County Chancery Clerk's refusal to record of out-of-state marriage licenses of six same-sex couples. Eight other Chancery Clerks across the state have previously allowed the recordings of other out-of-state marriage licenses of same-sex couples. According to state law, the chancery clerk was required to file documents which met the definition of a properly recordable document. Our office assisted Representative Alyce Clarke with legal research and analysis, as she sought clarifications from the Attorney General on the validity of the clerks conduct.

Stand With Us Against Ballot Initiative 46

A group in Mississippi has started collecting signatures for Ballot Initiative 46, also called the Heritage Initiative, which would discriminate against Mississippians with different religious beliefs as well as racial and ethnic minorities.

Initiative 46 calls for Christianity as the official religion of Mississippi, English as the official language, requires the Confederate Flag to fly over the State Capitol, and establishes a Confederate Heritage Month, Confederate Memorial Day, along with other divisive proposals.

In order for this initiative to make it on the ballot for the General Election in November 2016, the Magnolia Heritage State Heritage Campaign must collect

over 100,000 signatures by October 2015. We cannot let that happen!

We must draw a line in the sand and stand in defense of freedom for ALL Mississippians!

- No one religion should be promoted by the government over another. The initiative's promotion of Christianity undermines our rich traditions of peaceful pluralism and religious diversity.
- Discrimination against language minorities and restrictions on communication in languages other than English implicate our most basic rights of equal protection, free speech, and due process. A declaration of

English as the official language is inconsistent with the spirit of tolerance and diversity embodied in the federal Constitution, and in particular the Equal Protection Clause.

- Ballot Initiative 46 wants to assert "heritage, culture and traditions" that are steeped in historical discrimination based on race.

If we allow discrimination in one situation, it will be allowed in other situations where it may cause serious harm. We stand ready to defend freedom in Mississippi and will adamantly oppose Initiative 46!

The ACLU of Mississippi is ready to ensure that all individuals are protected from discrimination. Stand with us!

Deserving a Second Chance: Why Criminal Justice Reform Matters

BY ANDRES WALLACE, STAFF ATTORNEY

Last year, the Mississippi lawmakers passed House Bill 585 (HB 585), legislation that promised much needed reform to Mississippi's criminal justice system. A notable change brought forth by HB 585 is the change to the parole eligibility statute of the Mississippi Code which would now allow non-violent habitual offenders that have served at least twenty five percent of their sentence to petition their sentencing judge for a recommendation to the Parole Board. As a result of the legislation passage, we filed several petitions on behalf of several non-violent habitual offenders currently incarcerated in Mississippi state prisons.

Larry Dozier is one of the individuals for whom we have petitioned the judge for a recommendation to the Parole Board. In 1990, at the age of thirty, Mr. Dozier was sentenced to 40 years for a nonviolent offense. Mr. Dozier has been incarcerated since 1990.

Mr. Dozier, now age 54, is a tall man, with a mild demeanor. Mr. Dozier, as he is affectionately known inside the Mississippi State Penitentiary ("Parchman"), commands the type of respect normally reserved for clergymen. In fact, Mr. Dozier is a man with a story of hope and redemption. Though he only had a tenth grade education when he entered prison, Mr. Dozier has since earned his G.E.D., an Associate's degree and a Bachelor's degree in Christian Ministry. Mr. Dozier's manner and character allowed him to earn a trusted position working for Warden Marshall Turner, Area I Warden at Parchman.

One would think that having to serve forty (40) years for a non-violent crime would harden a man's heart and cause him to become bitter—such feelings could not be farther from Mr. Dozier's mind. He recognizes that being angry would not change his situation. He devoted his life

to his faith and has since strived to be a better person and model inmate with whom others confide.

For Mr. Dozier, HB 585 represents a glimmer of hope in a dark situation. The legislation is an answer to his prayers, and the prayers of the many who have been blessed by Mr. Dozier's presence and his story—a story of a man who, in his own words, "deserves a second chance to be the man that God intended for him to be."

HB 585 was passed in an effort to reduce Mississippi's overcrowded prisons while ensuring public safety. Inmates like Mr. Dozier are why reforms are needed. Allowing reforms under 585 to work will represent great strides by the state of Mississippi, to reduce the growth of an already alarming prison population in the state of Mississippi.



ACLU staff members participate in the #WeAreTheSouth Campaign.



Jennifer Riley-Collins and Alison Steiner at the 2014 Annual Dinner with Keynote Speaker Vanita Gupta.

Dr. Aisha Nyandoro, Myrlie Evers-Williams, and Jennifer Riley-Collins overlooking the building of the Mississippi Civil Rights Museum.



MEET OUR ADVOCACY INTERN



Meet Wayne Burden, who has served as an advocacy intern with the ACLU of Mississippi since August. Originally from Vicksburg, Wayne is currently a student at Jackson State University, where he is working on completing a degree in Business Administration. In addition to volunteering his time with at our office, Wayne also works at Sanderson Farms, and is raising his deceased sister's three children. You can catch him some evenings around town performing Lil Wayne impersonations.

Wayne has worked to maintain our database of volunteers, organize statistical data, and send public information request letters to law enforcement agencies across the state. He is passionate about the freedom of speech and expression, as well as LGBT rights. Hardworking and stylish, we are excited to have Wayne at the ACLU of Mississippi!

If you would like to intern or volunteer with us, contact our office at 601-354-3408 or email office@aclu-ms.org.

Ensuring the Right to Record

BY MORGAN MILLER, DIRECTOR OF COMMUNICATIONS

This year, the events surrounding the tragic police shooting death of 18-year-old unarmed teenager Michael Brown in Ferguson, Missouri along with the lawsuit we filed against the Mississippi Department of Public Safety for prohibiting Kathryn Stout from filming their stop and search have caused us to focus on a citizens' rights when interacting with law enforcement.

Following the guidance provided by the U.S. Department of Justice regarding citizens' right to record police actions, we contacted local law enforcement agencies throughout Mississippi, urging them to establish clear policies and training to ensure that officers conform to the Constitution they are sworn to protect. We are also working with police departments to develop policies regarding police use of body cameras. We hope that by sharing information with Mississippi law enforcement officials about best practices, we can assist police in heading off problems and protecting the rights of citizens as well as public safety. We are currently working with various law enforcement agencies across the state to develop those policies and providing trainings that promote transparency and accountability.

Additionally, we released a smart phone app called Mobile Justice Mississippi along with other ACLU affiliates in Missouri, Oregon, Nebraska, California, Michigan and North Carolina. The Android app is an empowerment tool



for those who feel their civil rights are being violated by law enforcement officers. It encourages police transparency and accountability with its record, witness, and report functions that enable the user to document police encounters. It also provides an overview of a citizen's rights when they are stopped by police. An iPhone version of Mobile Justice Mississippi will be released at the beginning of 2015.

Funded in part by a grant from the National ACLU, the Mobile Justice app was developed by Quadrant 2 – the same developer that created the Stop and Frisk Watch app for the New York Civil Liberties Union (NYCLU) to address racial profiling. Since its 2012 release, the New York Police Department's use of street stops has declined by more than half.

We hope the app will empower young people in Mississippi to protect their own rights and advocate for others when they are stopped by police.



DOWNLOAD MOBILE JUSTICE MS FOR ANDROID
www.aclu-ms.org/mobile-justice



Impatiently Waiting for Justice

BY DR. RAVI K. PERRY, MEMBER, BOARD OF DIRECTORS

The ACLU of Mississippi's new Board of Directors member, Dr. Ravi K. Perry, talks about the challenges of being openly gay in Mississippi and why he supports the ACLU.

I chose to move to rural Mississippi. My husband and I decided to move from Massachusetts. Having met in New England, and being raised in the Midwest, neither of us had lived in Mississippi.

Upon my arrival, amidst the expansive and limitless sunlit sky, I realized that my opportunities did have a limit to them. Because I moved into the state as an openly-gay man, I was soon introduced to the anomaly that I had become. It was not that Mississippians I met had never known of a gay person. Rather, I was the first Black, openly-gay and legally married person they'd ever met.

The many questions followed. Did you always know you were gay? What church do you go to? Are you REALLY married? And you're a professor?

The limited discussion of my sexual identity in Massachusetts became a topic of conversation in Mississippi. The frequent discussion of my Black identity in Massachusetts became a limited conversation in Mississippi.

That I always appreciate an opportunity to inform based on my experience does little to settle my conscience regarding the myriad of questions I get simply because I am gay. Some call the personal experience, a microaggression. Others may label the opportunity to inform, social justice education. I simply will continue to fight to change that in this state my sexual identity is not protected in hate crime statutes. I will continue to stand up and fight to have my marriage recognized in Mississippi.



Dr. Ravi K. Perry (left) and husband Paris F. Prince (right).

But symbolic discrimination is not all that I face as an openly gay married man living in Mississippi. Because my spouse is a man, he is not afforded the opportunity to be recognized by the state as a family member that I can insure under a family health insurance policy.

The emotional costs I have experienced seeking to obtain basic health care as a family in Mississippi persist. The financial costs I have incurred to draw up legal documents in the event of an emergency, just so my husband and I can have the right to see each other if ever hospitalized – I should've never had to pay.

I realized that the symbolic discrimination was matched by substantive discrimination.

So, I joined the ACLU of Mississippi. I relish the opportunity to invest in the ACLU and Mississippi. As a Board Member, I desire to learn more about the pulse of Mississippians and to help set the pace of change regarding pressing social justice issues.

I can celebrate many joys about being openly gay in Mississippi. I've met life-long friends in Mississippi and have educated hundreds on social justice in the classroom. My marriage continues to blossom and with the great weather, my tennis game is nearly unstoppable.

But, for now, I am impatiently waiting to celebrate insurance for my family; marriage opportunity and recognition, improved health outcomes, expanded job opportunity... – justice for all. In the meantime, I'll be at work on the issues. I hope you'll join me.

You can follow Ravi on Twitter (@raviperry).

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New Faces of ACLU



**ANDRES
WALLACE**
STAFF ATTORNEY

Andres “Dre” previously served as Law Clerk for the Honorable Judge

E. Vincent Davis, Chancellor in the 17th Chancery District, Natchez, MS. Andres is a graduate of Mississippi College School of Law and Millsaps College where he received a Bachelor of Science Degree in Political Science. Andres is originally from Boynton Beach, FL.

**REBECCA
CURRY**
*DIRECTOR OF
POLICY AND
ADVOCACY*

Originally from Houston, TX, Rebecca began at the ACLU of Mississippi in August 2014



after graduating from Loyola University New Orleans College of Law. A recipient of the Gillis Long Public Service Award, she volunteered with the ACLU of Louisiana, the Jefferson Parish Public Defender’s Office, and Loyola’s Stuart H. Smith Law Clinic. Becca received an undergraduate degree in Ecology and Evolutionary Biology from the University of Colorado.

KEIA JOHNSON
LEGISLATIVE STRATEGIST

Prior to joining the ACLU staff, Keia graduated from The William H. Bowen School of Law at the University of Arkansas in Little Rock. During law school, she held clerkships with Commissioner Mignon Clyburn of the Federal Communications Commission, Congressman Bennie



Thompson serving his efforts on the Committee on Homeland Security, and the Association of Arkansas Counties. Keia received her undergraduate degree from Jackson State University and is originally from Eudora, Arkansas.



**SYRETTA
SALAHADYN**
*INTAKE
COORDINATOR*

Syretta joined us in September 2014 as Intake Coordinator. She is a 2013 Magna Cum Laude graduate of Hinds Community College where she earned her Associate of Applied Science degree in Criminal Justice while serving as Vice President of Phi Theta Kappa’s Alpha Zeta Omega Chapter. She is currently working on her Associate of Applied Science degree in Paralegal Technologies.