

2018 ACLU of MS Legislative Agenda

President Trump's divisive rhetoric and actions have hit Mississippi, from rescinding protections for our most vulnerable to penalizing citizens for exercising their constitutional rights. The ACLU of Mississippi stands more committed than ever to pursue an agenda that promotes justice and equality for all Mississippians. Our legislative package includes the following proposals.

STATE CIVIL RIGHTS PROTECTIONS

In our continued fight for equality for all, the ACLU of MS will again propose the Mississippi Civil Rights Act with two additional pieces of legislation that strengthen current law. This legislation is designed to protect all Mississippians from discrimination on the basis of race, color, sex, religion, national origin, immigrant status, disability, gender identity, and sexual orientation. We are also asking the legislature to add sexual orientation and gender identity protections for current and future state employees and to those seeking housing.

SPECIAL PROSECUTOR PROVISIONS AND RACIAL IMPACT ANALYSIS

The ACLU of MS advocates for the creation of a statutory process for the selection of a special prosecutor, especially in cases where a law enforcement officer involved shooting has occurred. Special prosecutors have traditionally served as a safeguard against unfair trials and adds a level of credibility and trust to our criminal justice system.

The criminal justice system in Mississippi has a disproportional impact on people of color. Historically, laws creating changes in the criminal justice system overlook this disparity. The ACLU of MS proposes legislation to ask for a racial disparity impact

analysis for each piece of legislation affecting changes in the criminal justice system. This analysis will serve as a valuable tool to inform decision makers and stakeholders of the potential disparate impact of any legislation impacting our criminal justice system.

WRITTEN CONSENT TO SEARCH VEHICLES AND POLICIES FOR LAW ENFORCEMENT BODY CAMERAS

Often times, drivers don't know that they can deny consent to police officers when stopped by the police. The ACLU of MS is again proposing legislation to ensure that drivers understand their constitutional right to say no to a request to search by requiring written consent with a simple disclosure. This will cover instances when an officer doesn't have a warrant, is not making an arrest, or does not have probable cause. Written consent improves policing as well as protects public safety and civil liberties.

Police body cameras have the potential to serve as a check against the abuse of power by police officers. However, without statewide guidelines in place for their use, body cameras present a potential invasion of privacy and lack of accountability and transparency. The ACLU of MS' legislation will not mandate that all Mississippi law enforcement officers be equipped with body cameras, but it will ensure that law enforcement agencies do so within a framework of standardized policies.

EDUCATION PROFESSIONAL ADVANCEMENT

Beginning immediately, school boards across the state have new directives for the hiring of superintendents. According to a 2017 amendment, school superintendents must only come from districts with an "A" or "B"

rating or a school that has made an improvement in rating during their tenure. This amendment inherently discriminates against majority black and rural low-resourced districts, disenfranchising teachers and administrators who vehemently hold up public education in the state. By placing a scarlet letter on struggling districts and stunting growth for career educators, this amendment disproportionately affects African Americans and women. The ACLU of MS will introduce legislation to rectify this effect by adding emphasis to professional experience as opposed to subjective, arbitrary criteria.

EXPANDING VOTER ACCESS

Common sense reforms, like no-excuse early voting and online voter registration, boost turnout, make the voting process easier for everyone, including election officials, and help to ensure that people can exercise their fundamental right to vote. The ACLU of MS supports legislative efforts to permit a two-week period prior to Election Day for eligible voters and to further develop a secure internet website established by the Secretary of State that would allow for online registration.

The ACLU of Mississippi will engage and work with the members of the Mississippi State Legislature to obtain the successful passage of these measures. At the same time, we will remain alert and will work diligently to defeat any legislation that goes against the core principles of our aforementioned prioritized areas of focus.

Save the Date!
Legislative Advocacy Day 2018
January 23, 2018
See the back for details.

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A LETTER FROM THE EXECUTIVE DIRECTOR

The Power of the ACLU – Still Here!

“What is needed is a realization that power without love is reckless and abusive, and love without power is sentimental and anemic. Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love.” – Dr. Martin Luther King, Jr.



In 1967, Dr. King delivered his “Where Do We Go From Here?” address to the Southern Leadership Conference in Atlanta, GA. The words of his speech then remain relevant today. We see first-hand on the national and state level the reckless and abusive impact of power without any consideration for what is just. When we saw recent news clips of the faces of tiki torch-carrying supremacists, we were reminded of Dr. King’s words from 50 years ago: “I’ve seen hate on the faces of too many Klansmen and too many White Citizens Councilors in the South... I know that it does something to their faces and their personalities.” In the same speech, Dr. King also said “... *Power properly understood is nothing but the ability to achieve purpose. It is the strength required to bring about social, political, and economic change.*” The ACLU understands power. The ACLU understands people power. The ACLU understands the power of its purpose.

When faced with the disparaging possibilities of discriminating legislation, the ACLU of MS was the first to file litigation to defeat injustice. Our case is strategically pending before the Courts for consideration. When students across the state of Mississippi exercised their First Amendment right to “take a knee” and were met with ignorance and mean spirited governmental actors, the ACLU of MS was there. We advised every school district in the state non-disruptive silent forms of protest are protected expression. When we learned that some officials are trying to figure a way around the law of the land, we reminded them that we are still here and we will stand for our students’ right to take a knee.

We are not just defending against tyranny. We are using our collective power to advance justice and liberty. The ACLU of MS continues to advocate for increased access to the voting polls, equal protection for our LGBTQ community members, educational opportunity, and criminal justice reform.

As Dr. King stated, even though the “*road ahead will not always be smooth. There will still be rocky places of frustration and meandering points of bewilderment.*” While honored to lead this great organization, I recognize that the power of the ACLU of MS is not held in the skill craft of a talented staff of committed social justice professionals. The power of the ACLU of MS is you, me and our collective “we” standing together, demanding justice, and letting those who would do justice harm know that we are still here defending freedom.

I hope you will enjoy reading this quarter’s newsletter and will recognize that our power, the power of the ACLU, is working to correct everything that stands against love and justice.

Sincerely,
Jennifer Riley Collins

Let People Vote

BY KATHERINE KLEIN, EQUALITY FOR ALL ADVOCACY COORDINATOR

The ACLU of Mississippi is proud to announce our strategic voting initiatives for the 2018 legislative cycle. *Let People Vote* is a campaign to advocate for the passage of no-excuse early voting and online voter registration. These measures will expand access to the polling place and increase civic engagement in Mississippi.

Mississippi's voting laws have long been steeped in complexity and racial bias. Having as many people as possible participate in an election strengthens and legitimizes the electoral process. Therefore, we should ensure that as many Mississippians as possible are registered to vote and can access the ballot box. It's past time to bring Mississippi into the 21st century of voting.

Mississippi should give every qualified elector the opportunity to cast their ballot in advance, regardless of excuse. Thirty-seven other states and the District of Columbia already have early voting. In addition to providing the flexibility and convenience most voters need, two weeks of early voting in Mississippi would also cut down on Election Day lines, give election officials more time to correct ballot errors, and improve the voting experience overall.

Currently in Mississippi, voters are required to provide an excuse to absentee vote. As our lives become more complex, confining voting to an absentee process is not reflective of how most voters live. A voting age student who is away at school or in an extracurricular activity, working mothers who are juggling work and active children, and rural voters may not have the opportunity to participate in the electoral process.

Election Day voting and absentee voting do not have remediation procedures that ensure every vote is counted.

Paper-based voter registration is the biggest election administration problem in Mississippi. Allowing first-time voters to register online is a common-sense solution to alleviating this issue, and furthers efficiency in the registration process. The Secretary of State's *Y'all Vote* website already provides a mechanism to update your voter information, and could easily be modified to allow first-time voters to register online.

Online voter registration and no-excuse early voting are supported by People Power, which means that you play an integral role in getting these measures passed. Take action to make these voting reforms a reality, and LET PEOPLE VOTE!

LETPEOPLEVOTE

WHAT YOU CAN DO

Actions You Can Take to Advance Early Voting & Online Voter Registration

- ☐ Educate yourself about the issues.
- ☐ Host a People Power get together in your community: Participate in or organize information sessions, rallies, and other public events.
- ☐ Schedule a phone bank with your friends or write your legislators to ask for their support to expand access to the ballot box.
- ☐ Get the word out on social media.
- ☐ Share information with faith organizations.
- ☐ Become a Liberty Lobbyist.
- ☐ Urge local elected officials to pass a resolution.
- ☐ Meet with your state legislators in-person.
- ☐ Save the Date: Participate in the ACLU of MS Legislative Advocacy Day on January 23.



**WE'LL STAND
FOR YOUR RIGHT
TO TAKE A KNEE.**

**If your public school is
requiring you to stand for the
national anthem, contact us.**

ACLU

Photo: AstroStar/Shutterstock

Breaking Down Barriers: A TEAP Update

BY MALAYSIA WALKER,
TEAP-MS ADVOCACY COORDINATOR

I approached the kiosk with excitement as I placed my luggage on the scale to be weighed before loading it on the airplane. The young lady at the check-in station asked for my identification so she could print my boarding pass. She looked at it, read it, raised her head to look at me in shock and amazement, then looked at my identification again. "Is something wrong," I asked. She replied, "Give me a moment, I'll be right back". The airline representative left the desk and returned with her colleague. I heard her ask him what she should do. Upon examination of my identification and my appearance, he stated, "That's the same person, let him through." The teller approached the counter again, proceeded to print my boarding pass and luggage claim ticket, handed me my ID and whispered, "I couldn't tell. You had me fooled." All of this unnecessary drama, torment, and mental anguish all because my identification did not match my identity. I have since updated my ID so that it matches my identity, a process I had to figure out on my own.

Instances like this happen all too often for people like me. Whether it is at a restaurant attempting to order drinks, enrolling in school, obtaining employment, or at the voting polls, transgender people face enormous levels of harassment, discrimination, ridicule, and danger when their true identity is not represented on their identification. This is the reason ID ME is so important.

ID Me, a project of our Transgender Education & Advocacy Program (TEAP), helps to alleviate this issue by providing step-by-step assistance for the legal process of changing a person's name and/or gender marker on documentations. The overall intent is to ensure that our transgender and gender non-conforming community utilize the power they possess by making their voices heard at the ballot box. With the proper ID, trans people have less chance of being 'outed,' which often times carries its own dangerous weight.

Transgender people also experience violence at an alarming rate. In 2016, 27 trans men

and women in the U.S. and 295 worldwide were killed due to anti-trans violence. So far this year, we have lost 26 and 331 across the globe. We celebrated and honored the lives of those trans Americans we've lost in 2017 during Transgender Week of Remembrance in November.

It is devastating to hear those names announced each year, especially when they are of relatives or close friends. Mesha Caldwell was like a sister to me. We had been close friends for more than 20 years. She was the first trans woman of color killed this year. She was a Mississippian and her life mattered. Another friend, Chyna Gibson, of New Orleans, LA, was murdered outside of a shopping center. She became the seventh trans murder in 2017.

No more names should be added to this list. We will continue our fight for transgender rights. Including sexual orientation and gender identity in housing and state employee protections diminishes obstacles toward a more affirming environment. Stamping out discrimination in the form of policy protections, like the Mississippi Civil Rights Act, gets us a step closer to a more just and equitable state. We are advocating for these measures in the 2018 legislative session so that no one has to live in fear of living their true identity.

SCHOOLHOUSE RIGHTS ROCK! 2017

Our final Schoolhouse Rights Rock program was attended by about 75 middle and high school students, parents, and advocates at the Mississippi Gulf Coast Community College in August. The day consisted of training workshops for students on civil rights, encounters with law enforcement, schoolhouse rights, and peer-to-peer mediation. For the adults, sessions provided information on how to advocate for students with disabilities and those facing expulsion, Title IX, and how to lobby your legislator. The Peace Poets closed out the program with a special performance.



Find the words below in this TEAP-MS Word Search. Good luck!

Affirmation	R	K	R	H	C	K	H	T	R	A	N	S	W	O	M	A	N
Awareness	A	U	E	E	T	G	E	T	D	E	T	Y	W	K	R	I	N
Policy	V	Z	D	K	R	U	R	A	I	Z	Y	C	M	P	B	R	O
Discrimination	A	D	N	M	E	A	R	F	O	T	D	I	Y	E	K	B	I
Equality	D	E	E	H	N	C	O	T	I	F	U	L	I	P	N	A	T
Gender	T	P	G	S	T	O	N	L	U	D	O	O	C	C	F	Q	C
Identity	X	M	M	L	T	P	I	A	A	T	E	P	Q	F	I	S	E
Non Conforming	M	A	Y	R	J	B	H	W	R	Q	Y	N	I	U	G	M	T
Protection	N	L	W	G	I	E	A	F	U	B	Q	R	T	H	J	K	O
Remembrance	E	T	H	S	W	R	B	A	P	P	M	Q	O	I	X	V	R
Trans Man	Y	J	I	F	E	K	L	H	X	A	A	E	O	R	T	A	P
Trans Woman	I	V	R	N	A	I	R	A	T	U	I	B	M	Y	A	Y	J
Transgender	P	R	E	R	T	R	F	I	L	F	F	V	M	E	T	M	Z
Truth	J	S	E	Y	J	U	O	W	R	N	T	F	C	K	R	S	E
Visibility	S	I	D	Y	Q	N	R	E	D	N	E	G	S	N	A	R	T
	G	M	D	I	S	C	R	I	M	I	N	A	T	I	O	N	E
	O	D	K	A	N	O	N	C	O	N	F	O	R	M	I	N	G

Equitable Educational Opportunities for All

BY AISHA CARSON,
EDUCATIONAL OPPORTUNITIES
ADVOCACY COORDINATOR



The education work of the ACLU of Mississippi has largely centered on the rights of students and parents and in supporting fair and equitable policies within school systems. Creating systemic change in the institution of education in Mississippi has been at the forefront of our fight for equitable education in the state. For the last two years, the Sunflower County Systems Change Project (SCSCP) has served as the ACLU of MS' lead effort to create change in education. Our success with SCSCP led to the expansion of the educational opportunities work of the affiliate and revealed the importance of our newest legislative initiative that seeks to address the big picture impact

of education equity through advocating for marginalized educators.

Equity in student learning, achievement, and funding are important aspects of ensuring that the public school system is providing children across the state with equal

access to quality education. A huge part of creating equity in educational opportunities is also the quality and qualifications of teachers and the administrators that lead school districts. The *Equitable Opportunities for All Mississippi Educators Initiative* is leading our efforts to engage lawmakers in equitable policies to support strong public schools.

Section 37-9-13 of the Mississippi Code of 1972, enacted on July 1, 2017, changes the qualifications for superintendents based on school accountability ratings, barring educators in low performing districts from seeking leadership positions in other districts in the state.

Penalizing courageous and passionate educators with stunted career growth for aspiring to help struggling districts is counterproductive to the law's intent. The statute negatively and disproportionately affects the career trajectory of African American educators and educators in low-resourced school districts.

With 98% of all African American superintendents leading school districts rated "C" or below and only 10.2% of the state's school district boasting an "A" rating, the statute inherently marginalizes educators who are in low-resourced, predominantly African American, districts with lower accountability scores. Using accountability ratings to determine superintendent and administrative qualifications is ineffective as there are several factors that affect a district's rating other than its leadership.

Equitable educational opportunities must exist at every level of the system, and should help to create equal access and opportunity for quality certified educators to progress. The *Equitable Opportunities for All Mississippi Educators Initiative* is the first goal in ensuring that strong public schools are supported through state policy.

LAVENDER PEN TOUR

In October, the ACLU of MS and TEAP-MS welcomed the San Francisco Gay Men's Chorus (SFGMC) and the Oakland Interfaith Gospel Choir (OIG) as they made their first stop on the Lavender Pen Tour. The tour visited Jackson, MS, along with four other cities across the south, to combat HB 1523 and the other major discriminatory laws targeting the LGBTQ community. Through music and encouragement, the concert provided an opportunity to provoke community conversations and action around civil liberties for all. TEAP-MS was a beneficiary of the concert proceeds. We are very thankful for the partnership with SFGMC and OIG!



HIGHLIGHTS FROM THE LEGAL DEPARTMENT

BY JOSHUA TOM, LEGAL DIRECTOR

FREE SPEECH

Across the country and here in Mississippi, athletes have been speaking up about racial injustice by taking a knee. These silent protests during the National Anthem have stirred controversy with local people and even the president. What is clear, and what the ACLU of Mississippi has made clear, is that the First Amendment to the U.S. Constitution protects silent, peaceful protest.

The Lowndes County School District contemplated instituting a policy that would require everyone attending a sporting event, including fans, to stand for the National Anthem. The ACLU of Mississippi made clear to Lowndes County that this policy is unconstitutional and should be rejected.

The ACLU of MS supports these students in both their activism and their messages of freedom and equality. We believe that any action by the government to punish these students for exercising their constitutional rights is antithetical to our American values and would violate students' clearly established First Amendment free speech rights.

The ACLU of Mississippi remains vigilant should this or any similar policy be implemented by public schools in the state.

LGBTQ

The country's most extreme and discriminatory law of its kind, HB 1523, which allows state-sanctioned discrimination against our LGBTQ friends, family, co-workers and neighbors, and also

against single mothers amongst others, has become the law in Mississippi. After being declared unconstitutional late last year by a federal District Court in *Barber v. Bryant*, the Fifth Circuit Court of Appeals in June 2017 overturned the lower court's decision. This paved the way for the law to take effect on October 10, 2017.

The Fifth Circuit did not rule on the substance of the law and expressed no opinion on whether the law was constitutional. Instead, the Court based its decision on a technical issue called "standing." The ACLU of MS remains confident that this law is unconstitutional and will be struck down. It is not a matter of if, but when.

The plaintiffs in *Barber v. Bryant* are appealing their case to the U.S. Supreme Court. In addition, the ACLU of Mississippi's case against HB 1523, *Alford v. Moulder*, remains viable, and we look forward to continuing to fight this discriminatory law.

RACIAL JUSTICE

The ACLU of Mississippi, along with its co-counsel Simpson Thacher & Bartlett and the National ACLU, continue to litigate our case against Madison County and the Madison County Sheriff's Department (MCSD). *Brown v. Madison County* alleges stark racial discrimination in the policing of Madison County. Our plaintiffs allege that the color of your skin dictates how you are treated by the sheriff deputies in Madison County. Everyone should be treated fairly and equally regardless of color. MCSD's Policing Program

violates both the Fourth Amendment's prohibition on unreasonable searches and seizures and the Equal Protection Clause of the Fourteenth Amendment.

The parties are currently in the heart of discovery, and the plaintiffs will file for class certification early next year. This lawsuit has been long overdue, and we look forward to achieving justice and fairness for all residents of Madison County.

PRIVACY

Should the government have unbridled discretion to search the contents of your phone or other electronic devices at the border? The ACLU of MS, along with the National ACLU, the ACLU of Texas and the ACLU of Louisiana, say no.

In 2014, the U.S. Supreme Court held that a warrant is normally required before the government can search the phone of someone who's been arrested. In the case of *United States v. Maria Isabel Molina-Isidoro*, however, the government has argued that they needed no warrant to search a phone at the U.S. border. Indeed, the government's position is that it may search electronic devices at the border without any individualized suspicion of criminality or wrongdoing.

We along with our partner ACLU organizations argue in a joint *amicus* brief that the government can do no such thing. Instead, the government needs a warrant or at a minimum probable cause before it may search a person's electronic devices, which contain highly sensitive and personal information.

The case is currently pending before the Fifth Circuit Court of Appeals.

INTERN SPOTLIGHT

Laetitia Clarac

Laetitia has served as legal intern at the ACLU of Mississippi since October 2017.

Before working at the ACLU, she did pro bono legal work for immigrants without papers.



She wants to pursue a career in the protection of civil liberties.

Laetitia is an LL.M. (Masters of Law) student at Mississippi College School of Law, and will graduate in December 2017. Originally from France, she has spent the last five years getting a legal education with an emphasis on International Human Rights Law. She wrote her master's thesis on the right to seek asylum based on sexual orientation and/or gender identity.

Anna Williams

Born and raised in Jackson, MS, Anna is a graduate of Holmes Community College with a degree in criminal justice. She is currently a junior at Jackson State University, majoring in Criminal Justice. Her career goals include serving as an Information Analyst for the FBI. Anna is also a member of Phi Theta Kappa.



KNOW YOUR RIGHTS COLLEGE TOUR & WEDNESDAY WEBINAR SERIES

This fall, the ACLU of Mississippi embarked on a cross-state tour of Mississippi universities to teach students about their rights. At the same time, we used technology to teach people about their rights remotely in our Wednesday Webinar series. Our Know Your Rights (KYR) college tour consisted of training in four key areas: LGBT rights, voting rights, freedom of speech and expression rights, and knowing your rights in encounters with law enforcement. The webinar series focused on policy initiatives in those key areas and added a “How to Lobby Your Legislator” training as part of our Liberty Lobbyist program. About 50 people participated in the online seminars.

We engaged around 200 students during the college tour at Ole Miss, Jackson State, Mississippi State, Alcorn State, University of Southern Mississippi, and Delta State. Students also received our Legal Observer training. We thank the student-led organizations on those campuses for partnering with us, including the ACLU chapter at Ole Miss Law, Mississippi State LGBTQ+ Union, USM Social Workers, Alcorn Manners as well as Alcorn’s SGA, Phi Beta Sigma Fraternity and Zeta Phi Beta Sorority chapters.

If you would like to request a KYR or Legal Observer training, or to join our Liberty Lobbyist program, email us at office@aclu-ms.org.



Blues on the Rez

The ACLU of MS put a soulful touch on our annual event. Blues on the Rez was held on September 23 at The Lake House on the Mississippi Reservoir. Grammy Award winning songwriter, entertainment, and musician Grady Champion captivated the audience with his signature sounds. We also recognized seven individuals for their involvement and commitment to justice and equality.

Criminal justice reform recipients, Khadafy and Quinnetta Manning, showed us courage to stand against discrimination and racially biased policing in Madison County. Jensen Matar has served as a true defender of freedom of speech and expression by educating Mississippians about the transgender community and the need for policy protections. William Murphy and Betty Petty are working to disrupt the school to prison pipeline. They have helped to change the entire Sunflower



County community’s perception of young men and boys of color, and received the Extending Equality to All Mississippians award. Ms. Schallheim has been a consistent volunteer of the ACLU of Mississippi ever since she landed in the Magnolia State. Dylan Singleton was our Defender of Freedom honoree. As the former Director of Operations and Administration, he helped to transform the ACLU of Mississippi into a leading organization in the fight for justice and freedom for all.

Become a Liberty Lobbyist

Your voice is one of the most powerful tools in your possession when it comes to making changes to our government. However, many feel that their voices are not heard or get lost in the crowd. We are here to help!

The ACLU of Mississippi’s Liberty Lobbyist Program is designed to educate and prepare community stakeholders to become lobbyists. As a Liberty Lobbyist, you will help us in supporting our 2018 Legislative Agenda and other legislative advocacy efforts by influencing legislators and other elected officials.

Sign up today to become agents of change and help us protect the civil rights and liberties of all Mississippians. Learn more at www.aclu-ms.org.

We will host a training in our office ahead of our 2018 Legislative Advocacy Day on January 23, 2018 at the State Capitol. We can’t wait to see you there!

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LEGISLATIVE ADVOCACY DAY

JANUARY 23, 2018 / 8 A.M. - 3 P.M. / STATE CAPITOL
PRESS CONFERENCE @ 10:30 A.M.



SAVE THE DATE!

ADVOCATING FOR:

- STATEWIDE UNIFORMED BODY CAMERA POLICY
- EQUITABLE OPPORTUNITIES FOR ALL MISSISSIPPI EDUCATORS
- HOUSING AND STATE EMPLOYEE PROTECTIONS FOR THE LGBT COMMUNITY
- EARLY VOTING & ONLINE VOTER REGISTRATION

STAND WITH US!

AGENDA INCLUDES BREAKFAST, LEGISLATIVE BRIEFING & LOBBY TRAINING, NEWS CONFERENCE, AND VISITS WITH LEGISLATORS.

RSVP TO OFFICE@ACLU-MS.ORG OR 601.354.3408

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