

# FREEDOM FOR IMMIGRANTS

BY **ZAKIYA SUMMERS-HARLEE**, DIRECTOR OF COMMUNICATIONS & ADVOCACY



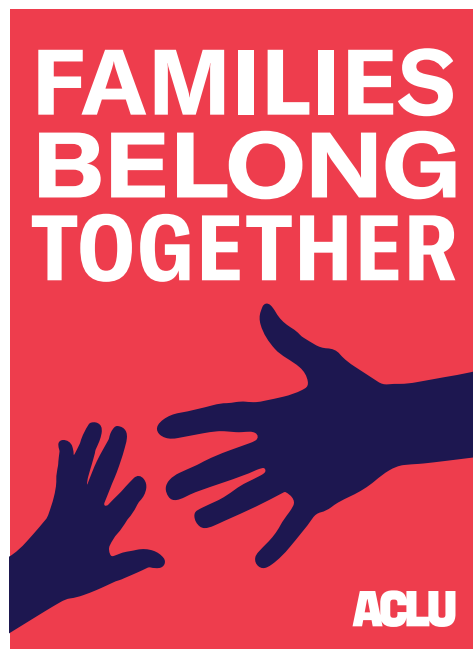
On June 30, 2018, the ACLU of Mississippi alongside several community partners, allies, families, and volunteers took to the streets as part of a national day of action to demand an end to the crisis along the U.S. border.

The #FreedomForImmigrants Rally sent a clarion call to Governor Bryant to demand that he:

- Recall Mississippi National Guard troops from the border;
- Refuse to send any additional troops; and
- Withdraw state support of jailing children and families and forbid the use of future state resources that support the actions of federal entities, including entry prosecutions and detaining families.

Governor Bryant deployed state

National Guardsmen from Tupelo, MS to the border in May. Reportedly, they are to remain until September. The governor has vowed to continue his support of the Trump administration's policy.



But we will not stop fighting until all families are reunited, family detention ends, and the prosecution policy stops.

The ACLU was victorious in its lawsuit to end family separation. However, the crisis is not over until the Trump administration complies with the court's order and all families are reunited.

The attack on Muslims and immigrants at the border is only a way to divide us, and Mississippi should not be a part of this horrible history. We must stand firm.

## What Can You Do to Fight Back?

**Sign our petition** and urge the governor to recall all troops home.

**Know your rights** and share information that protects immigrant communities.

**Contact your Congressperson.**

**Donate** to the ACLU of Mississippi.

There's a lot left to do, but make no mistake: We will win. We only need to keep it up.

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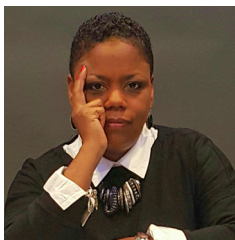
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## LETTER FROM THE EXECUTIVE DIRECTOR



# A Commitment to Do the Necessary Work

Recently, a few of the staff and I went to Atlanta to participate in a series of trainings with our colleagues from across the South. It was great to be in the same space, learning alongside, from, and with one another. It was wonderful to feel the energy we shared to fight for justice.

On our drive back to Mississippi, we took a detour for what I thought might be an opportunity for team building. Our alternate path led us to the new National Memorial for Peace and Justice in Montgomery, Alabama. As we walked inside the walls of the memorial dedicated to the legacy of enslaved Black people we were faced immediately with the gravity, the heaviness, the weight of the work we have each chosen. I observed each of the team members reflecting not only on the inscribed words that tell the story of people terrorized by lynching but also on the part we each play in dismantling structural and institutionalized “isms” that codified racial segregation, Black Codes and Jim Crow that still burden impacted communities today.

We all are familiar with the statistics regarding disproportionate representation by African Americans in a system that grew out of the barbaric practices and injustice. We recognize that the over reliance and criminalization of people of color stems directly from the atrocities of the past and continue to deny equitable access to the American

dream to those made most vulnerable by intentional discriminatory policies and practices. It is for this reason, the ACLU of MS has prioritized its criminal justice reform efforts. When citizens encounter law enforcement officers, we want them to have a fair chance. Therefore, we are advocating at the state and local level for policies that require privacy protections, law enforcement agency training, and

guidance for use, retention and storage of recorded data. When a person is detained, we want to make sure they are not locked up simply because they cannot afford bail. And even after conviction, we are continuing to ensure an end to debtors’ prison

practices in Mississippi.

We know that discrimination toward one population leads to discrimination for others. There are approximately 15,000 people living in Mississippi who identify as transgender or gender non-conforming. Transgender and gender non-conforming citizens are however marginalized. No one should be denied a job, a place to live, or access to a public place or business simply because of who they are. Unfortunately, these kinds of rejection are all too common for transgender people. There is much work to be done across Mississippi to make sure that transgender people are visible, accepted, supported, and treated equally under the law. The ACLU of MS’ WAAM Campaign, which

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**COMMITMENT CONTINUES, P. 3**

includes our Transgender Education Advocacy Program, is working to shift the culture in Mississippi and hold our state accountable to values we hold: respect, equality, and acting with decency towards all Mississippians.

Nothing is more critical to ending disparate treatment that participation in the democratic process. It is for this reason that we have continued our efforts to expand voting access in Mississippi. We have continued to advocate for increased voter access in Mississippi, specifically via online registration and early no-excuse voting. We promote and protect voting rights of transgender Mississippians through our ID-Me Project, an advocacy-led program that will provide a step-by-step guide and legal guidance to those seeking name/gender marker changes.

As the staff and I walked through the memorial and the museum, we wept, and made silent commitments to ourselves and to one another that we would continue to do the necessary work. We know this work is not over as we watch on television the images of children torn from their mother's arms at the border and held in cages. We know there is work yet to be done. We know we can only do it by standing with you and you with us.

Together, we must resist the re-emergence of the atrocious vestiges of the past. Our America and our Mississippi must be a safe and welcoming place where we are all treated fairly, afforded justice, and have equitable access to opportunity.

Sincerely,  
Jennifer Riley Collins

# Masterpiece Cake Shop and HB 1523: Where are we now?

BY JOSHUA TOM, LEGAL DIRECTOR

One of the U.S. Supreme Court's most anticipated cases to be decided during the summer of 2018 was *Masterpiece Cakeshop v. Colorado Civil Rights Commission*. This case presented the issue of whether a baker could refuse

on religious grounds to bake a cake for a same-sex couple's wedding. The Colorado Civil Rights Commission said the baker's refusal was discrimination against the same-sex couple. The Supreme Court reviewed this decision and reversed it in a 7-2 decision.

Many hoped that the Supreme Court would re-emphasize their holding in *Obergefell v. Hodges* and continue to affirm the rights of the LGBT community. Others wanted the Supreme Court to protect a person's ability to refuse to engage in conduct that purportedly violates their sincerely held religious beliefs. Instead, the Supreme Court passed on the core issue and decided the case on other grounds. In short, the Supreme Court punted.

*So the question remains: what ability do people have to use religion to discriminate against LGBTQ individuals?*

In Mississippi, the answer is possibly a great ability. Mississippi's HB 1523, which went into effect last year, could allow wide ranging discrimination against LGBTQ individuals and others on the basis of religious belief. We will have to wait for a future case to know the Supreme Court's answer



to this question.

In the majority opinion in *Masterpiece*, Justice Kennedy wrote that wherever the balance between gay rights and religious freedom may lie, it is clear that the government cannot base its

decisions in hostility to religious views and instead must enforce non-discrimination laws fairly and neutrally. The Supreme Court said the Colorado Civil Rights Commission showed animosity towards religion, and thus its decision must be overturned.

While Justice Kennedy, in his opinion, framed the issue as a balance to be struck, it is clear that Mississippi has not attempted to balance any interests. Instead Mississippi has tipped the scales with the force of law sharply in favor of religious liberty at the expense of equal rights for LGBTQ individuals.

While a reliably conservative vote on the Supreme Court, Justice Kennedy nevertheless often acted as the "swing" vote, holding the ultimate decision on many important issues, including gay rights. Justice Kennedy authored each of the Court's landmark gay rights cases. We can only hope the Justice who replaces him follows in the footsteps of Justice Kennedy by having an open mind and a commitment to an evolving Constitution.



# HIGHLIGHTS FROM THE LEGAL DEPARTMENT

## RACIAL JUSTICE

### Brown v. Madison County Update

The ACLU of Mississippi along with its co-counsel at Simpson Thacher & Bartlett LLP continue to vigorously litigate on behalf of Black residents and visitors of Madison County against the Madison County Sheriff's Department. Both sides will file a last round of briefs regarding summary judgment and class certification in July 2018, and then it will be the Court's time to decide how the case will proceed. This litigation provides a rare opportunity to finally bring about change in policing in Madison County.

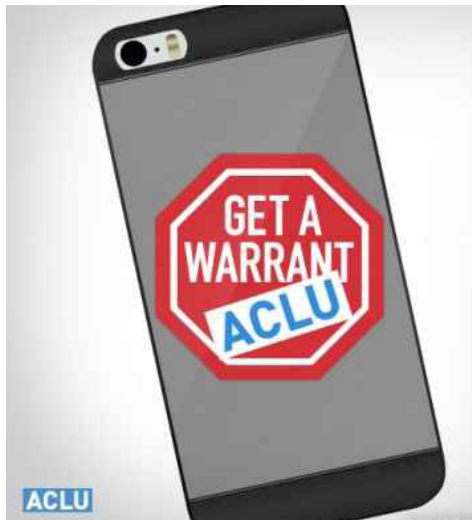
## EQUAL ACCESS

The ACLU of MS sent a demand letter to a local school district, challenging a discriminatory practice of not allowing a transgender student to access the bathroom at one of its contracted agencies. Upon receipt of our demand, the district change its policy and practice.

## PRIVACY

### Carpenter v. United States

The Supreme Court handed down a landmark opinion in *Carpenter v. United States*, ruling 5-4 that the Fourth Amendment protects cell phone location information, and thus the government needs a warrant based on probable cause to access this information. In an opinion by Chief Justice Roberts, the court recognized that location information—collected by cell providers like Sprint, AT&T, and Verizon—creates a “detailed chronicle of a person's physical presence compiled every day, every moment over years.”



In 2011, without getting a probable cause warrant, the government obtained several months' worth of cell phone location records for suspects in a criminal investigation in Detroit. For one suspect, Timothy Carpenter, the records revealed 12,898 separate points of location data—an average of 101 each day over the course of four months.

ACLU attorney Nathan Wessler, who argued the case before the Supreme Court said, “[t]he Supreme Court has given privacy law an update that it has badly needed for many years, finally bringing it in line with the realities of modern life. The government can no longer claim that the mere act of using technology eliminates the Fourth Amendment's protections. Today's decision rightly recognizes the need to protect the highly sensitive location data from our cell phones, but it also provides a path forward for safeguarding other sensitive digital information in future cases — from our emails, smart home appliances, and technology that is yet to be invented.”

## MUSLIM BAN

### Trump v. Hawaii

The Supreme Court in a 5-4 decision sided with President Trump over his travel ban, seen by many as a discriminatory immigration policy implemented as part of his promise to ban Muslims from the country.

In the majority opinion, Chief Justice Roberts wrote that the ban was “squarely within the scope of Presidential authority under the INA,” referring to the Immigration and Nationality Act.

In one of two dissenting opinions, Justice Sonia Sotomayor — who was joined by Justice Ruth Bader Ginsburg — said the court's decision “fails to safeguard” the “principle of religious neutrality in the First Amendment.”

Many drew comparisons between this decision and the Supreme Court's 1944 decision in *Korematsu v. United States* in which the Supreme Court upheld the government's decision to put Japanese Americans in internment camps during World War II. That decision is seen today as one of the most shameful chapters in U.S. history.

# NO MUSLIM BAN. EVER.

**ACLU**

# CAMPAIGN FOR SMART JUSTICE

BY AISHA CARSON, ADVOCACY COORDINATOR

The 2018 Legislative session marked one huge victory for Smart Justice in the state of Mississippi through the adoption of HB 387. HB 387 will help those who have served their time for misdemeanor and non-violent crimes re-enter the workforce while also ensuring that people who cannot afford to pay fees and fines are not criminalized for being poor. This new law serves as a win for smart justice reform and it creates efficiency and equity in local and state government by reducing incarceration costs and providing judges with discretion to establish payment plans for those who cannot afford to pay their fines. By alleviating debtors' prison practices and enacting policies



that support indigent defense, the state is taking a strong stance against the inequitable practice of jailing poor people and protecting their constitutional rights while also decreasing the burden of incarceration costs on taxpayers.

Moving forward, the affiliate will continue to push Smart Justice Initiatives across the state including fighting back against pre-trial detention and seeking an end to cash bail for low-level offenses. The ACLU of MS will also continue to monitor courts across the state for unconstitutional practices and support any state or local effort to create re-entry support for those returning to our communities.

## SEEP

The Educational Opportunities work of the ACLU of MS encompasses legislative and advocacy goals centered on improving equity in Mississippi school districts, specifically for students with disabilities. Launching this fall, the Special Education Equity Project (SEEP) will provide resources and training to parents of students with disabilities through a specially designed toolkit. The toolkit will not only help parents navigate the school system and protect the rights of their child, but it will also inform them of the services, discipline plans, and evaluations needed to help support



their child in the least restrictive learning environment.

In addition to providing resources and public education to parents, SEEP also includes a legislative focus on repealing laws that unjustly push special education students out of school. Leading up to the 2019 legislative session, we will release a report, which chronicles the disparate impact of suspensions and expulsions for students with disabilities. Based on our findings, the report will recommend how local and state leaders can ensure that students with disabilities rights are protected and receive fair and adequate access to public education.

## Laurel Community Update



In local communities across the state, there are victims of police brutality and unconstitutional policing. As seen through many reported instances, in both Madison County and Jones County, communities of color often experience occupation of their neighborhoods, subjected to roadblocks and surveillance.

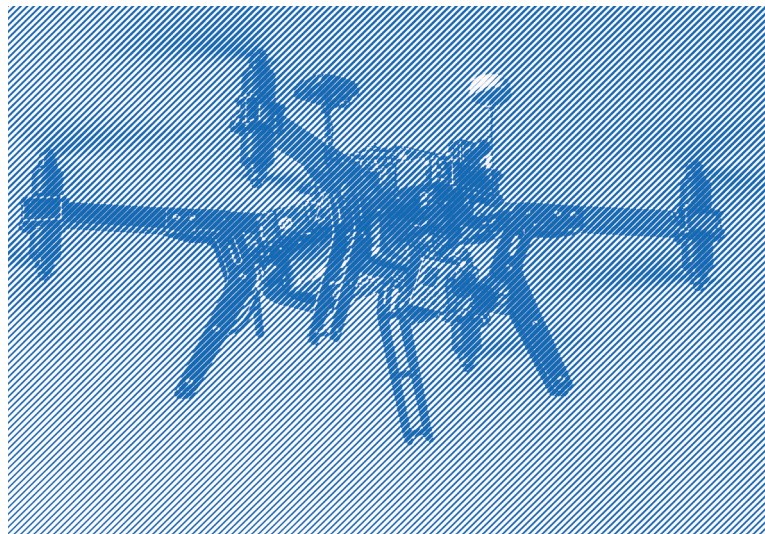
Following a brutal act of police brutality in the Laurel community, community members reached out to the ACLU of MS to host a Town Hall informing citizens of their rights involving law enforcement. In partnership with the Laurel-Jones County NAACP, we hosted a Know Your Rights Training which helped to inform local citizens of their rights and unconstitutional police practices, and how to lobby local leadership to enact change through policy.

The goal of the ACLU of MS is to equip communities with knowledge so that they can identify when their rights are being violated and help them mobilize to create change, both at a local and state level.

We will continue to work with the Laurel Community to push for BWC policies and other model law enforcement policies that create accountability and transparency amongst the community.



# TECHNOLOGY & PRIVACY



During the 2018 Legislative Session, the Mississippi Legislature failed to adopt a standard statewide body-worn camera (BWC) policy. Based on our research showcased in [“Striking the Right Balance: An Analysis of Body-worn Cameras Policies in Mississippi,”](#) the lack of standard policy in Mississippi does not provide clear accountability and transparency for local communities. However, after the legislature’s failure to adopt a standard policy based on our recommendation,

the advocacy staff has taken on grassroots efforts in local communities. We are engaging local police chiefs, city council members, and community leaders about the importance of adopting policies that protect citizen’s privacy and include provisions for access and police accountability.

We will continue to push for statewide adoption of standard BWC policy based on our recommendations as well as engage

local leaders on the importance of adopting BWC policies at a local level. Communities can also talk to their local leaders to do the same using the information outlined in our report.

We have also written a letter to the city of Vicksburg, which has announced acquisition of drone technology, that advises regarding privacy concerns and recommends guidelines to protect and involve its citizens.

## LEGISLATIVE ADVOCACY DAY JANUARY 24, 2019



**SAVE THE DATE!**

## Securing Civil Rights Protections in Your Community



Only two cities in Mississippi, Jackson and Magnolia, have passed non-discrimination ordinances.

A non-discrimination ordinance (NDO) makes clear that your city values the entirety of its community. An NDO will protect all individuals from discrimination in employment, housing, and public accommodations, such as restaurants, hotels, and bars.

“What happens is that everyone who comes to Magnolia feels welcome. They feel protected, and they don’t feel discriminated against,” said Mayor Anthony Witherspoon after the city council in his town passed an NDO. See his full interview by scanning the QR code above with your smartphone camera.

You can help advance an NDO and secure civil rights protections in your community. Download our NDO toolkit and help fight for equal rights for all Mississippians. Visit [www.aclu-ms.org/we-are-all-mississippi](http://www.aclu-ms.org/we-are-all-mississippi).

# I Too Am Mississippi Storytelling Project

BY ZAKIYA SUMMERS-HARLEE, DIRECTOR OF COMMUNICATIONS & ADVOCACY



Shaun has dealt with so many obstacles as a transgender man. He says he presses through the cruelty and isolation because the “T” in LGBT means more than transgender. It means truth. He’s looking forward to matching his ID to his true identity via the TEAP-MS program so that he can vote for the first time without fear.

For Alicia and her daughter, Dee, transgender is not a lifestyle choice or a phase, but a person with equal human rights. The ID ME pathway has helped Dee look in the mirror with confidence, knowing now that she can face the world with matched identification.

Fiona is on the frontlines of advocating for a non-discrimination ordinance in Hattiesburg, MS, the place she calls home. She says creating an inclusive community provides a place that everyone can be proud of.

For the first 60 years, Stephenie suppressed who she was, contending with the fact that her physical characteristics did not match her true gender identity plus the societal stigma that comes along with that. The TEAP-MS program has given her a platform to advocate for trans rights. Jensen shares his story with all who

will listen because he says it is one of triumph and truth. He says the ACLU of Mississippi has treated him like family and provided the tools and education that are important for the trans community to live equitably in society.

These are the stories of “I Too Am Mississippi,” an oral history project that elevates the voices, faces, and lives of Mississippi’s transgender citizens by building a bridge between the sociological perceptions and the individually-lived realities.

This project challenges the restrictive narratives about who belongs and who gets to participate fully. It seeks to stimulate conversation across the state, and increases understanding of the toll discrimination and institutionalized barriers plays on human lives.

I Too Am Mississippi will include short films detailing the lives of the abovementioned trans Mississippians, pop-up displays, and a catalog booklet. The ACLU of Mississippi is planning to host the full exhibit and town talks in various museums and on college campus throughout the state this summer. Stay tuned to our website and social media channels for the full schedule and further details.



# FIGHT FOR FREEDOM: CALL FOR SUBMISSIONS

BY ZAKIYA SUMMERS-HARLEE, DIRECTOR OF COMMUNICATIONS & ADVOCACY

There is power  
in expression.

There is power in art.

We are speaking truth to power by inviting art activists to express what freedom means to you through various mediums in our Fight For Freedom Art Competition. This competition will lead to our premiere event – “Fight For Freedom: an art show and garden party in support of the ACLU of Mississippi” - on Monday, September 24, 2018 at the Mississippi Museum of Art in downtown Jackson, MS.

**The deadline for submissions is August 20, 2018. No late entries will be accepted.**

This art-centered event will focus on different interpretations of freedom and the importance of fighting for the rights of all Mississippians, with the goal of bringing together freedom fighters and artists in order to create a better Mississippi.

**For more information, please visit [www.aclu-ms.org/fight-for-freedom](http://www.aclu-ms.org/fight-for-freedom) or scan the QR code on the poster.**



**FIGHT FOR FREEDOM  
ART COMPETITION**

**CALL FOR  
SUBMISSIONS**

**VISUAL ART AND CREATIVE WRITING**

**THEME: WHAT DOES FREEDOM  
MEAN TO YOU?**

ACCEPTING VARIOUS FORMS  
OF VISUAL ART & ESSAY,  
SPOKEN WORD, AND POETRY.  
SELECTED PIECES WILL  
SHOWCASE AT THE  
MISSISSIPPI MUSEUM OF ART  
ON SEPTEMBER 24, 2018  
DURING THE ACLU OF MS  
FUNDRAISER.  
FOR FULL DETAILS, VISIT  
[WWW.ACLU-MS.ORG/  
FIGHT-FOR-FREEDOM](http://WWW.ACLU-MS.ORG/FIGHT-FOR-FREEDOM)  
OR CALL 601.354.3408.  
**DEADLINE: AUGUST 20, 2018**



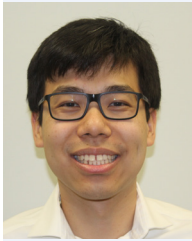
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**ACLU**  
Mississippi



## INTERN SPOTLIGHT

### Nicholas Oo



grew up in Taipei, Taiwan and recently finished his first year at Yale Law School. Nicholas joined the ACLU of Mississippi as a

2018 Summer Intern in the Legal Department because he wanted to learn more about litigating for civil rights, as he is interested in creating structural change so that we can all live in a more just society. Nicholas has a variety of interests in civil rights work, including criminal justice reform, free speech, and government transparency & accountability, all of which he explored in the work he did at the ACLU of Mississippi.

### Bailey McHale



is a second year undergraduate student at the University of California-Berkeley, studying political

science and public policy on a pre-law track. She is a Jackson native and graduated from St. Andrew's Episcopal School.

### Jonathan Springer



has served as an intern at the ACLU of Mississippi since May 2018. He is a graduate of St. Andrew's Episcopal School

and is currently a junior at Millsaps College, studying accounting and pre-law. His career goals include working in law and politics to protect civil liberties.

# MEMBERSHIP CONFERENCE SPOTLIGHT



Executive Director Jennifer Riley Collins and Director of Communications and Advocacy Zakiya Summers participated in the **ACLU Membership Conference: You Belong Here** in Washington D.C. It was an opportunity to reignite and elevate the masses of membership and affiliate staff to solidify the people power needed to fight back injustices and promote equity.



The **2018 Legislative Score Card** is out. See the 131 bills we tracked last session and find out how your legislator voted on the bills that had floor action. Use this legislative resource as a tool to hold your legislator accountable to equity and inclusion in Mississippi.