

# TENNESSEE HUMAN RIGHTS COMMISSION



## THE STATUS OF HUMAN RIGHTS IN TENNESSEE

A REPORT DETAILING HUMAN RIGHTS ISSUES FACING TENNESSEANS.  
THIS REPORT UTILIZES THE UNIVERSAL DECLARATION OF HUMAN RIGHTS TO FRAME THE CONVERSATION REGARDING THESE ISSUES.  
THIS REPORT HIGHLIGHTS ISSUES RELATED TO:

- ◆ EMPLOYMENT
- ◆ HOUSING
- ◆ PUBLIC ACCESS
- ◆ JUSTICE
- ◆ IMMIGRATION
- ◆ LGBT
- ◆ VOTING RIGHTS
- ◆ CIVIL RIGHTS
- ◆ HOMELESSNESS
- ◆ DISABILITY RIGHTS
- ◆ EDUCATION
- ◆ VIOLENT AGAINST WOMEN

A REPORT RELEASED FROM THE  
TENNESSEE HUMAN RIGHTS COMMISSION

NOVEMBER 2014

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### Message From The Chair

The Tennessee Human Rights Commission (THRC) completed a series of Hearings in the spring of 2014 regarding human rights issues facing Tennessee communities. Hearings were held in Nashville, Memphis, Chattanooga, and Knoxville, Tennessee. Testimony, statistical information, and data from a variety of sources are in the Status of Human Rights Report to formally document the standing of existing and emerging human and civil rights issues in communities across the state.

The report includes testimony under our jurisdiction, primarily complaints of discrimination in employment, housing, and public accommodation. The report covers broad based human issues such as new Americans and Immigrants, LGBT, Voting Rights, Homelessness, Disability Rights, Education, and Violence against women. Furthermore, civil and human rights issues captured as well are civil rights violation & access to healthcare and poverty & health concerns.

Recently, TBI is addressing the human rights issue of human trafficking addressed in the Status of Human Rights in Tennessee report. To read more about the initiative, view <http://www.theleafchronicle.com/story/news/crime/2014/08/19/tbi-launches-human-trafficking-initiative/14281731/>.

The Status of Human Rights Report informs elected and appointed government officials, civic/ community organizations and the public of the issues in Tennessee on human rights issues that are both, under THRC jurisdiction and those issues which are non-jurisdictional. Additionally, testimony participants provided possible solutions, which consist of practices and programs that can serve as models.

Sincerely,

Stacey A. Garrett  
Chair, Board of Commissioners





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Message from the Executive Director

September 1, 2014

Following is the final Status of Human Rights Report. Let me thank the many leaders and officials from community organizations, government, advocacy groups and researchers who presented testimony related to human rights across Tennessee based on their own areas of expertise. These written and oral testimonies are in this report and available on You Tube. This report includes information from hearings in addition to statistics, trends and information about the Commission's work, safeguarding individuals from discrimination through enforcement and education.

Let me thank the Commissioners and staff of the Commission for their respective roles in developing this report. In addition to thoroughly reviewing the best practices, programs, possible solutions, recommendations from testimony the Commission will identify and develop specific recommendations for future actions as well as refer some testimony to other state and federal agencies for action. This report will be updated periodically as actions are taken and may include follow-up hearings on specific issues.

Sincerely,

Beverly L. Watts  
Executive Director



## **About the Tennessee Human Rights Commission**

The Commission is an independent state agency created on September 30, 1963 by Governor Frank G. Clement through Executive Order 18 which created the Tennessee Human Relations Commission. At that time, the Commission's purpose was to advise the public on their human rights, researching and making reports on human relations and reporting these findings to the Governor. The Commission accomplished this by working closely with other governmental agencies with similar duties. In 1967, legislation was passed creating the Tennessee Commission on Human Development which absorbed the duties of the previous Commission, adopted rules and regulations to govern its proceedings and added a prohibition against sex discrimination.

In 1978, the Tennessee Human Rights Act (THRA) became law transforming the Commission from an advisory agency to an enforcement agency. Current Commissioner Jocelyn Wurzburg of Memphis, Tennessee was the author of this legislation, and her leadership was critical to its passage. In 1979 and 1980, the law was amended to include disability and age as protected classes. In 1983, the Commission officially became the Tennessee Human Rights Commission (THRC). In 1984, the law was amended to prohibit discrimination in housing. In 1990, the expansion was extended to include familial status and disability as protected classes. Today, the THRA prohibits discrimination based on race, color, creed, religion, sex, age (employment only), disability, familial status (housing only) and national origin. THRC accepts and investigates employment claims regarding employers having eight or more employees. In 2009, the THRA was expanded to give authority to verify that state governmental entities comply with requirements of Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color or national origin.

The Commission has had collaborative partnerships with the federal government for more than 30 years. In 1979, the Commission partnered with the U.S. Equal Employment Opportunity Commission which continues today. In 1985, THRC began its partnership with the U.S. Department of Housing and Urban Development as a substantially equivalent agency. Through these relationships the Commission is able to expand its enforcement authority to include Title VII of the Civil Rights Acts, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and Title VIII of the Fair Housing Act.

The Commission is responsible for enforcing the Tennessee Human Rights Act and the Tennessee Disability Act. These two laws prohibit discrimination in housing, employment, and public accommodation on the basis of race, color, creed, national origin, religion, sex, disability, familial status (housing only) and age (40 and over in employment). In 2009, the Commission was granted the authority to coordinate the State of Tennessee's compliance with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color and national origin by State agencies receiving federal financial assistance. The Commission operates a successful Mediation Program utilizing Rule 31 Trained mediator and provides education to the public, employers, housing providers, government and providers of public accommodation regarding their rights and responsibilities under the Act.

The mission of the THRC is to safeguard individuals from discrimination through enforcement and education. The Commission executes its mission through a 15 member Board of Commissioners and staff of 29 in four offices (Nashville, Memphis, Chattanooga and Knoxville).

## Overview of the Hearing Process & Report

Throughout 2013, the TN Human Rights Commission(Commission) began celebrating its 50<sup>th</sup> anniversary across the state by recognizing human rights advocates( individuals and organizations) who have contribute to making the state a more inclusive place to live, work and play by identifying discrimination and destroying barriers. The individuals we identified were a stellar group which can be found on our web site at [www.tn.gov/humanrights](http://www.tn.gov/humanrights). During the events across the state we got a consistent question-----How is Tennessee doing in the area of human rights? Other questions relative to specific groups or issues in housing and employment followed the initial question. After a review of the 50<sup>th</sup> celebration and the questions raised by the public, the Commission decided to move forward with a series of hearing.

The Commission sought community leaders, researchers, government officials and others to bring testimony regarding human rights issues facing Tennessee communities at a series of Hearings that were held in during the late winter and spring of 2014. We invited them to bring testimony related to issues, best practices that address issues and emerging trends. The Commission encouraged both written and oral testimony submissions but was flexible to accommodate those interested in submitting testimony. The hearings were held in 4 cities across the state- Memphis on January 28, 2014; Chattanooga on February 24, 2014; Knoxville on March 25, 2014 and Nashville on May 12, 2014. Each of the hearings was taped and is available on You Tube. Actual proceedings can be viewed at <https://www.youtube.com/user/TennesseeHumanRights>. We collected 54 testimonies from 47 individuals representing government (elected and appointed) , non- profits, educational institutions, researchers , civil rights, and advocacy groups. Included in this report is the testimony as presented by presenters or transcribed from the video. Of the collection, 51 brought testimony in person and 3 sent in written testimony. All of the individuals have provided testimonies on more than thirteen broad topics which have been included in this report. These topics include employment, housing, access to programs and services, justice and law enforcement, immigration and new American, LGBT, voting rights, homelessness, disability rights, education, violence against women & other crimes and other human and civil rights concerns. Four individuals discussed several human rights issues within their testimonies. Mayor Madeline Rogero, City of Knoxville brought testimony on 7 Human and Civil Rights Issues: employment, housing, justice & law enforcement, new American, LGBT, homelessness, and disability Rights. Valerie Radu presented employment, housing, and other human and civil rights issues testimony for two individuals per issue. Perrin Lance brought testimony on 2 Human and Civil Rights Issues: housing and other human and civil rights issues. June Zeitlin brought testimony on 4 Human and Civil Rights Issues: justice & law enforcement, voting rights, disability rights, and education. In letters, press released and on the Commission web site we provided examples of the types of testimony we were seeking. We noted that we may include identification of existing discrimination based on race, color, national origin, age, gender, disability, religion or other basis. We encouraged the presentation of emerging issues

ranging from background checks in employment, homelessness, healthcare disparities or other barriers that any population faces on a regular basis. We did not solicit individual allegations of discrimination since those would be covered by the Commission’s ongoing operations.

We encouraged those interested in submitting testimony to consider the following questions while preparing their testimony, “What are the human rights issues facing my community?” “What are the barriers and possible solutions to these concerns?” and “Are there any practices or programs that can serve as model to others?”

The Commission regularly tracks information related to activities under our jurisdiction; primarily complaints of discrimination in employment, housing and public accommodation. Additionally, we would hear anecdotal concerns during outreach efforts. We have included a 3 year overview of this information related to jurisdiction for the Commission and our federal partners, the Equal Employment Opportunity Commission (EEOC) and the US Housing and Urban Development Office of Fair Housing and Equal Opportunity (HUD FHEO). With these Hearings and Report, we aim to formally document the status of existing as well as emerging human and civil rights issues in communities across the state. This report will be available to the public, elected and appointed government officials and civic/community organizations.

This report includes testimony from a variety of sources and may serve as the basis for developing more issue specific hearings, identifying best practices, programs and solutions. This report will serve as a source document in developing specific recommendations for action by the commission or other federal and state agencies.



## Status of Employment Discrimination in Tennessee

Both the Tennessee Human Rights Commission (THRC) and Equal Employment Opportunity Commission (EEOC) have authority to enforce laws that prohibit employment discrimination in Tennessee.

As a partner with the EEOC, the Commission has the authority to investigate Tennessee Human Rights Acts claims and Title VII, ADA, ADEA and other EEOC related laws.

The U.S. Equal Employment Opportunity Commission is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

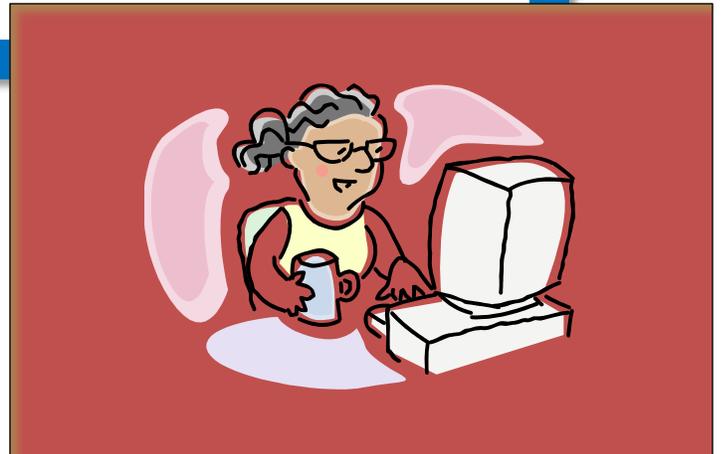
Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered.

The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

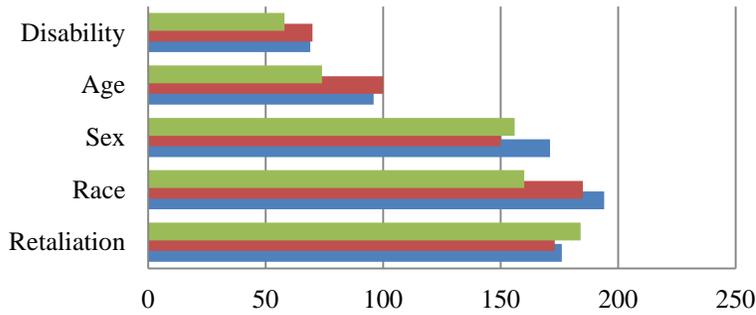


## Tennessee Human Rights Commission and the U.S. Equal Employment Opportunity Commission Compliant Statistics

Following is the comparison between the THRC and the EEOC showing data regarding the top 5 basis, issues and industry for allegations of employment discrimination in Tennessee. In addition data regarding the top resolutions and monetary benefits are shown for THRC. The data is based on state fiscal years for THRC which is July 1 to June 30 of the next year and for federal years which is October 1 to September 30 of the next year. **Note:** (a) The EEOC report for FY 2013-2014 is for a partial year. Full data is expected to be available by December 31, 2014. (b) More than 5000 charges have been processed by both the THRC and the EEOC.



THRC Basis

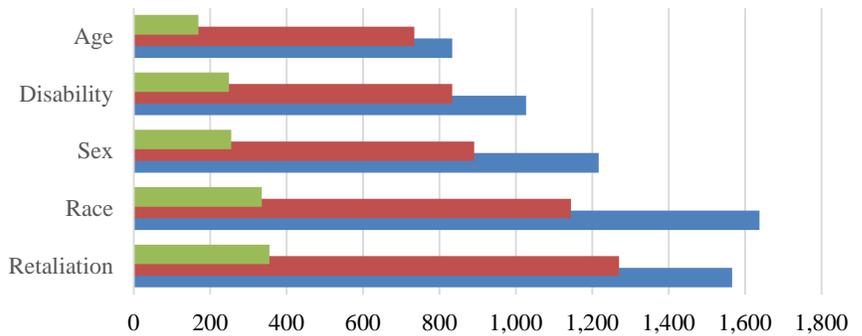


	Retaliation	Race	Sex	Age	Disability
■ FY2013/2014	184	160	156	74	58
■ FY2012/2013	173	185	150	100	70
■ FY2011/2012	176	194	171	96	69

The top 5 basis for allegations for THRC for the last 3 fiscal years were race, retaliation, sex, age and disability. Note that retaliation is the number one basis for fiscal year 2013-2014 for THRC. In some instances allegations may allege multiple bases.

The top 5 basis for allegations for EEOC for the last 2 full fiscal years and one partial fiscal year were race, retaliation, sex, disability and national origin. Note that race is the number one basis for fiscal year 2013-2014 for EEOC. In some instances allegations may allege multiple bases

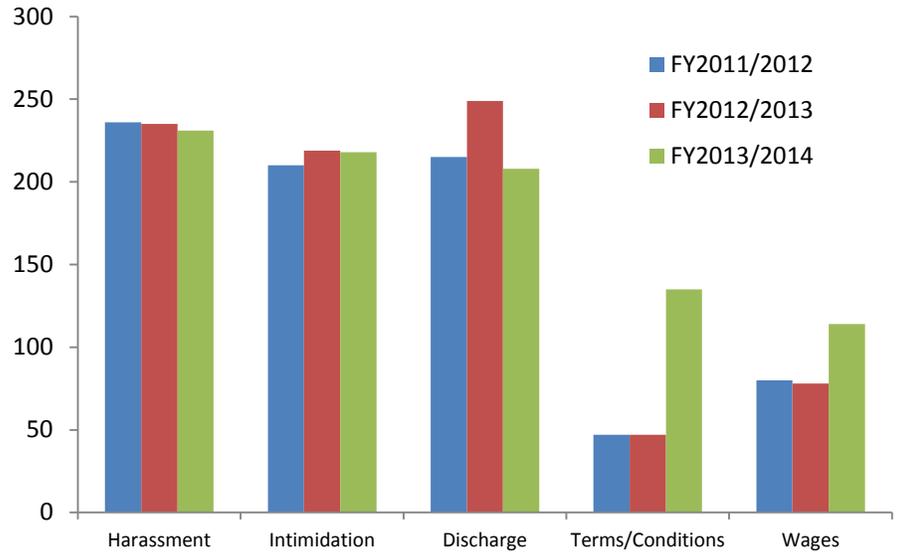
EEOC Basis



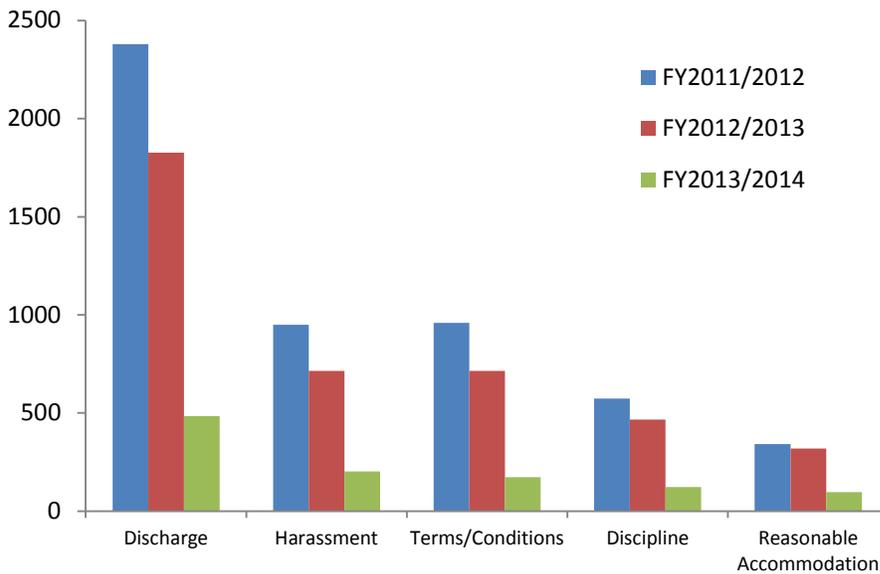
	Retaliation	Race	Sex	Disability	Age
■ FY2013/2014	355	335	255	249	169
■ FY2012/2013	1,270	1,144	891	833	734
■ FY2011/2012	1,566	1,638	1,217	1,027	833

The top 5 issues for allegations for EEOC for the last 2 full fiscal years and one partial fiscal year were discharge, harassment, terms/conditions, discipline and reasonable accommodation. Discharge was the number one issue alleged during fiscal year 2011-2012 and 2012-2013 followed closely by harassment and terms/conditions.

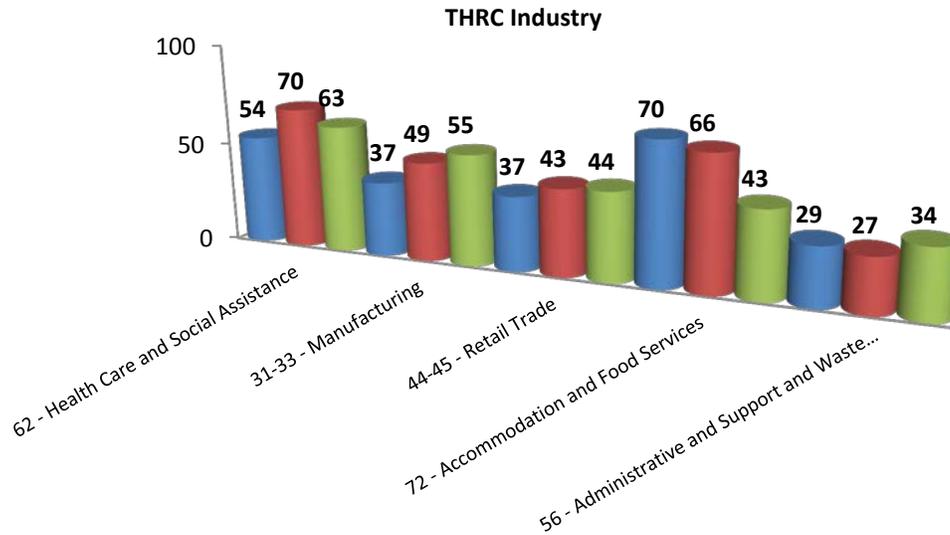
**THRC Issue**



**EEOC Issue**

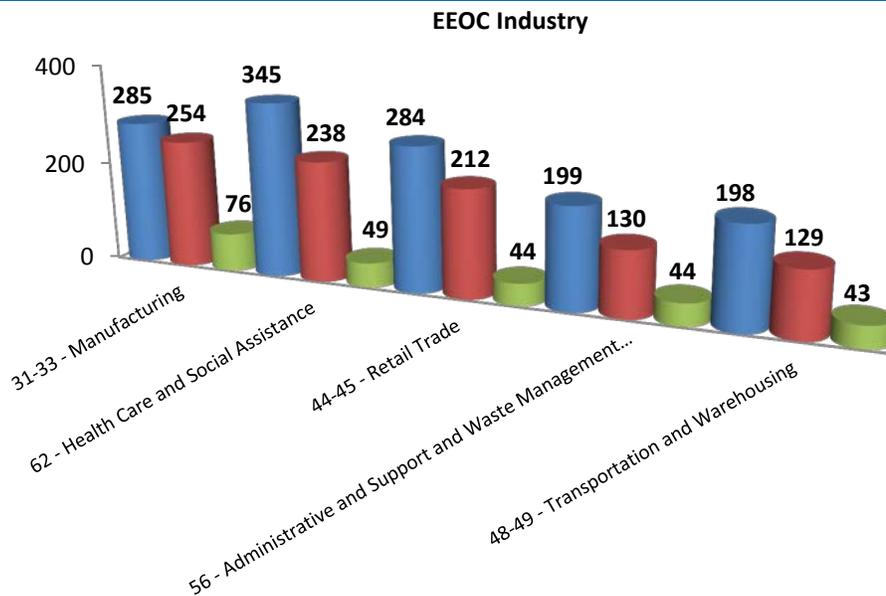


The top 5 issues for allegations for THRC for the last 3 fiscal years were discharge, harassment, intimidation, terms/conditions and wages. Discharge was the number one issue alleged during fiscal year 2013-2014 followed closely by harassment.



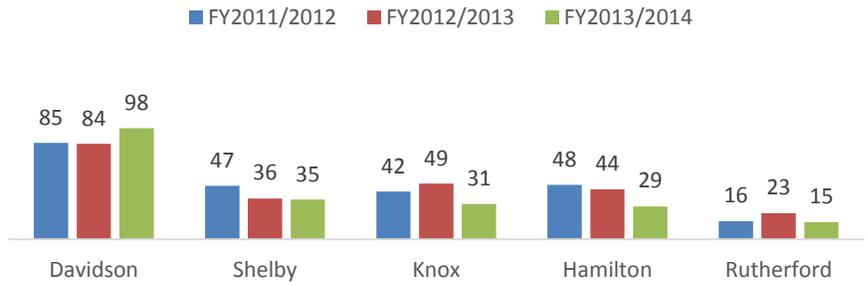
The data on the top 5 industries for THRC includes accommodations and food services (72); health care and social assistance (62); manufacturing (31-33); retails trade (44-45); and administrative, support, waste management and remediation services (56). **Note:** number in parenthesis is the industry code.

The data on the top 5 industries for EEOC includes health care and social assistance(62); retails trade(44-45); manufacturing(31-33); administrative, support, waste management and remediation services(56)and transportation and warehousing(48-49). **Note:** number in parenthesis is the industry code.



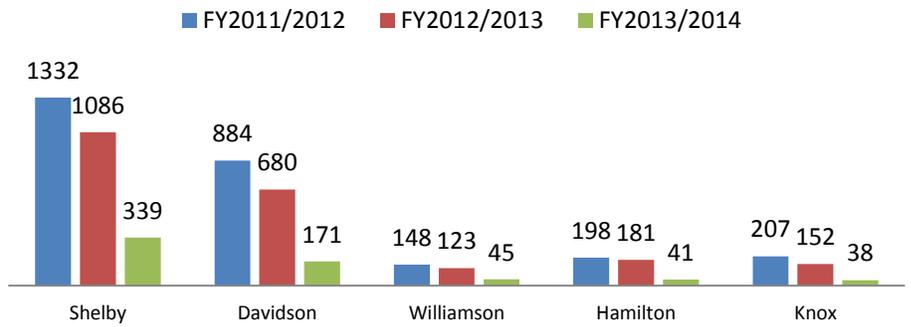
The top 5 locations of allegations for the last 3 fiscal years at THRC by county are Davidson, Shelby, Knox, Hamilton, and Rutherford.

### THRC County



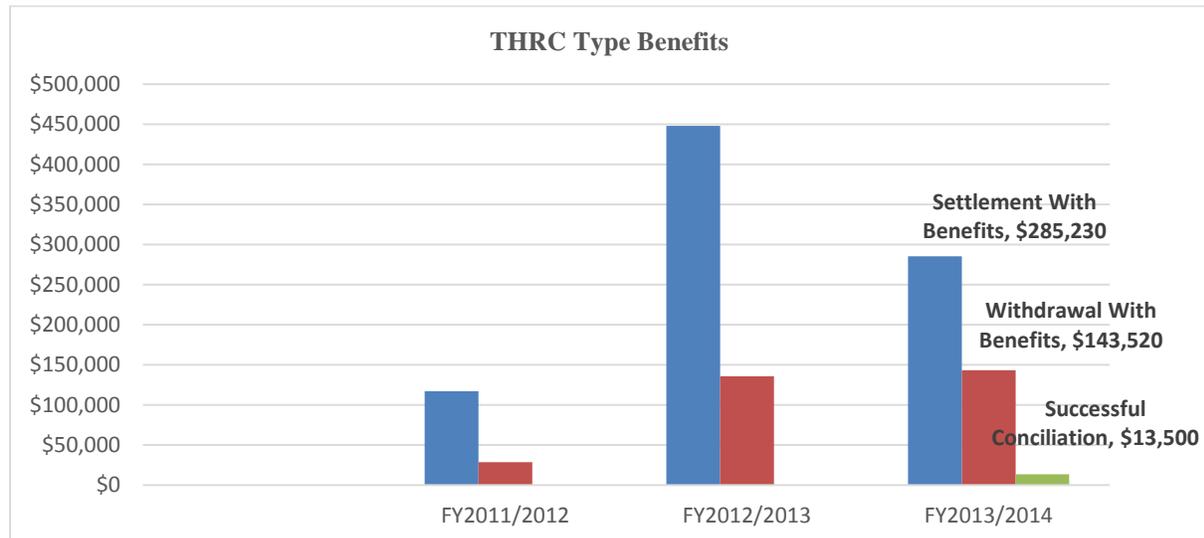
The top 5 locations of allegations for the last 3 fiscal years at EEOC by county are Shelby, Davidson, Williamson, Hamilton, and Knox

### EEOC County



In the last three fiscal years THRC has through mediation, conciliation and settlement obtained/facilitated benefits payments to complainants in the totaling \$1,171,856. These benefits have included non-monetary benefits that include job reinstatements, promotions, policy changes, neutral letters of reference and training.

### THRC Type Benefits



## **Status of Housing Discrimination**

Both the U S Department of Housing and Urban Development, Office for Fair Housing and Equal Opportunity (HUD FHEO) and the Tennessee Human Rights Commission have authority to enforce laws that prohibit housing discrimination in Tennessee.

As a partner with HUD FHEO, the Commission has the authority to enforce the both the federal fair housing act and the TN Human Rights Act.

The Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity administers and enforces and establishes policies that make sure all Americans have equal access to the housing of their choice. The Fair Housing Act prohibits discrimination and the intimidation of people in their homes, apartment buildings, and condominium developments – in nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans based race or color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18) or disability.



## Tennessee Human Rights Commission versus U.S. Department of Housing & Urban Development Charge Statistics

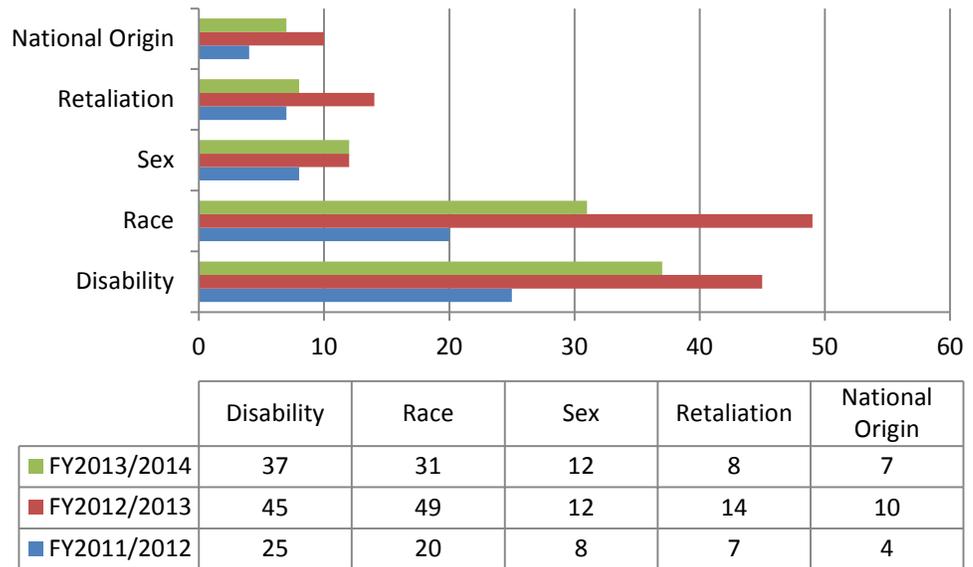
Following is the comparison between the THRC and the HUD FHEO showing data regarding the top 5 basis, issues and locations for allegations of housing discrimination in Tennessee. In addition data regarding the top resolutions and monetary benefits are shown for THRC. The data is based on state fiscal years for THRC which is July 1 to June 30 of the next year and for federal years which is October 1 to September 30 of the next year. **Note:** (a) No report is published on HUD web site for 2012-2013 but data was provided by HUD to THRC. The HUD report for FY 2013-2014 is for a partial fiscal year. Full data for FY 2013/2014 is expected to be available sometime during the next fiscal year. (b) HUD FHEO states that that housing discrimination is the most under reported discrimination in the nation states more than 80% of all allegations are processed at the state and local level. In FY 2011, HUD and FHAP agencies obtained more than \$11 million in monetary compensation for victims of housing discrimination, including housing and public interest relief. This relief included making housing opportunities available, making reasonable accommodations for persons with disabilities, and modifying applicant and tenant policies so that they comply with fair housing laws. Additionally, the U.S. Department of Justice recovered more than \$2 million in damages and civil penalties in Fair Housing Act cases that were investigated and charged by HUD.



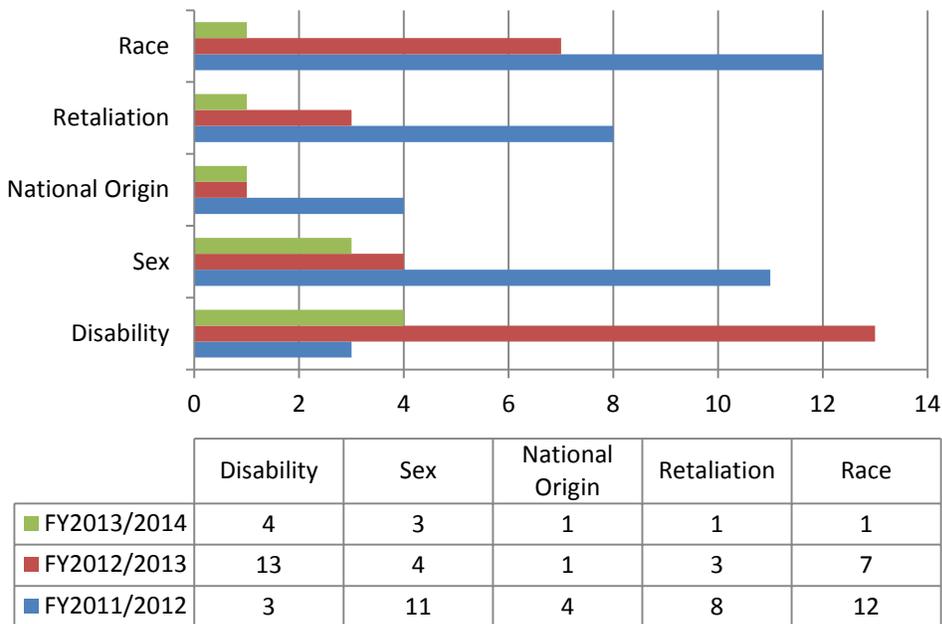
The top 5 basis for allegations for THRC for the last 3 fiscal years were disability, race, retaliation, sex and national origin.

**Note:** Disability is the number one basis for fiscal year 2013-2014 for THRC. In some instances allegations may allege multiple bases.

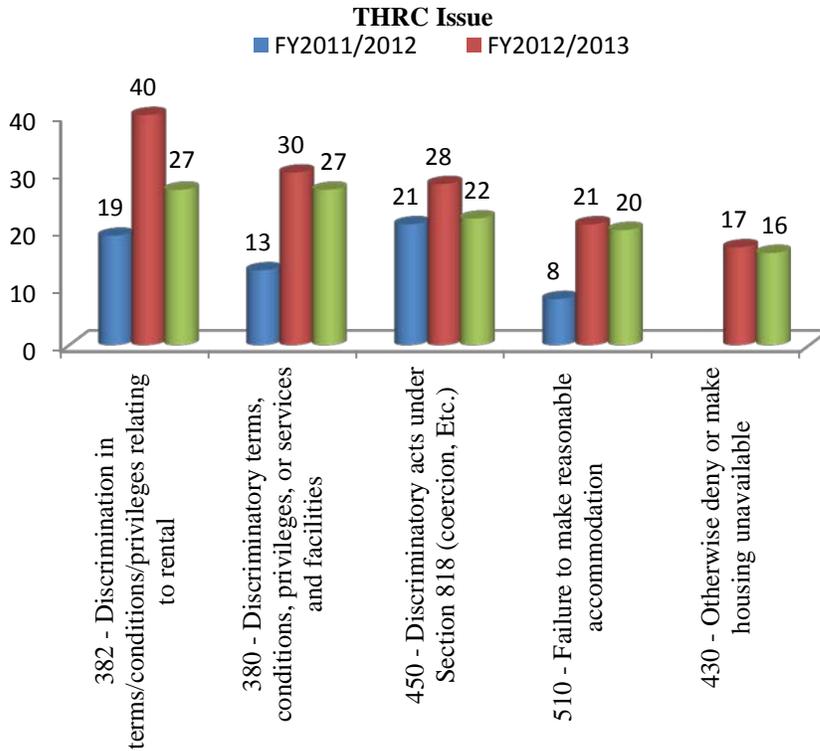
### THRC Basis



### HUD Basis

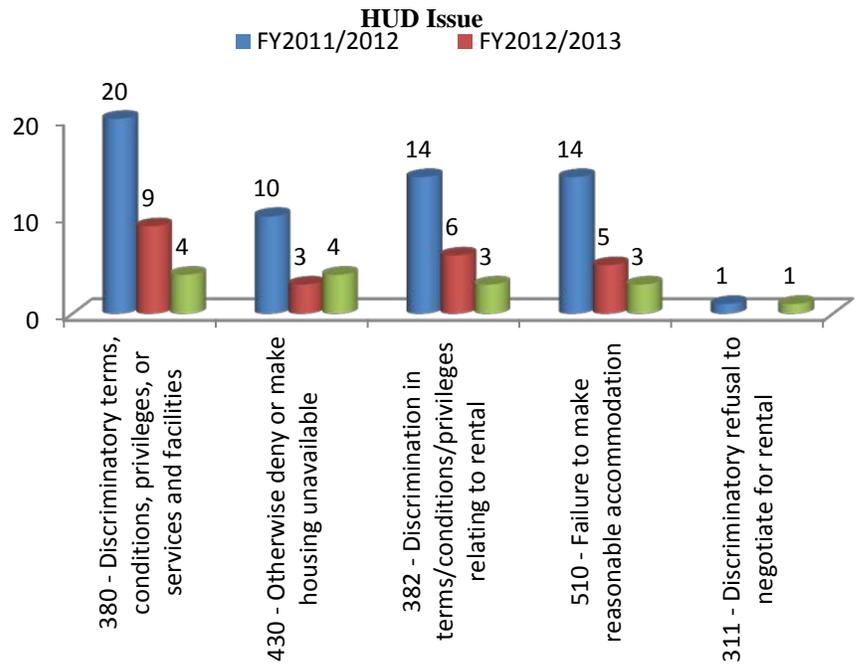


The top 5 basis for allegations for HUD FHEO for the last 2 full fiscal years and one partial fiscal year were race, retaliation, sex, disability and national origin. Note that race is the number one basis for fiscal year 2013-2014 for EEOC. In some instances allegations may allege multiple bases.

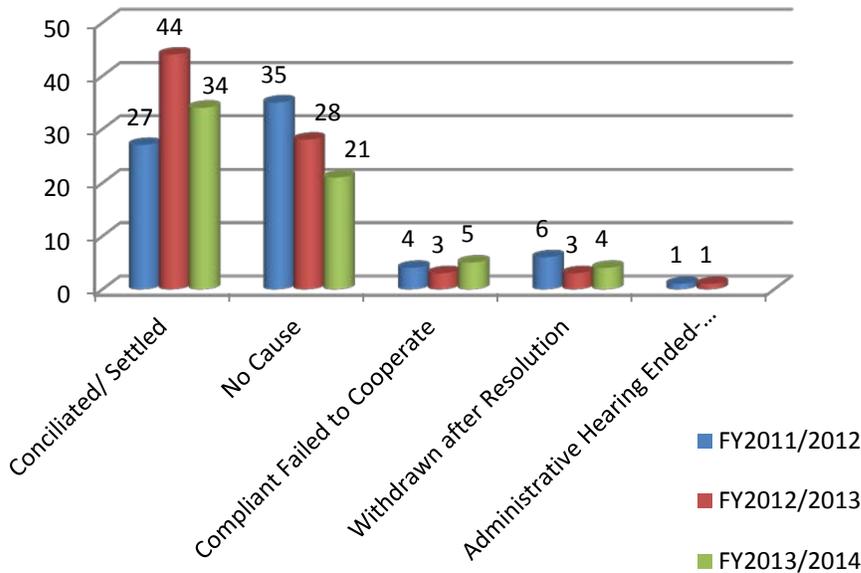


The top 5 issues for allegations for THRC for the last 3 fiscal years were discrimination in terms/conditions/privileges relating to rental; discriminatory terms, conditions, privileges or services and facilities; discriminatory acts related to Section 818 of the Fair Housing Act (coercion, etc.); failure to make reasonable accommodation; and otherwise deny or make housing unavailable. Discrimination in terms/conditions/privileges relating to rental was the number one issue alleged during fiscal year 2013-2014.

The top 5 issues for allegations for HUD FHEO for the last for the last 2 full fiscal years and one partial fiscal year were Discriminatory terms, conditions, privileges or services and facilities; otherwise deny or make housing unavailable; discrimination in terms/conditions/privileges relating to rental; failure to make reasonable accommodation; and discriminatory refusal to negotiate rental. Both discriminatory terms, conditions, privileges or services and facilities and otherwise deny or make housing unavailable were the number one and number two issues alleged during the current fiscal year.

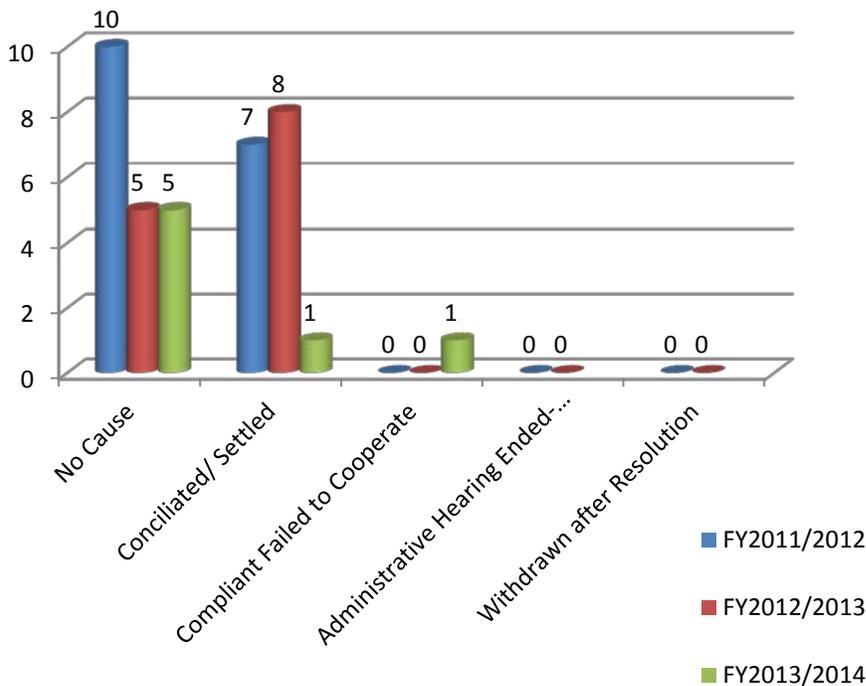


**THRC Type by Fiscal Year**



The top 5 types for THRC for the last 3 fiscal years were conciliated/settled, no cause, compliant failed to cooperate, withdrawn after resolution, and administrative hearing ended- discrimination found. Conciliated was the number one type during fiscal year 2013-2014 followed by no cause.

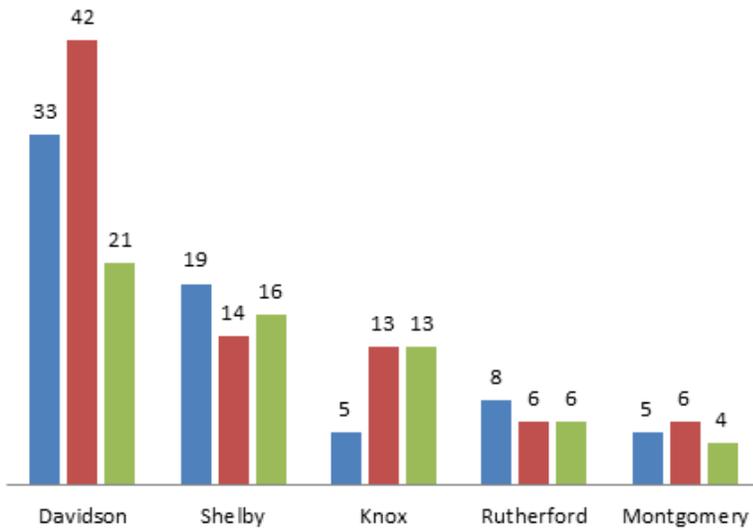
**HUD Type by Fiscal Year**



The top 5 types for HUD for the last 3 fiscal years were no cause, conciliated/settled, compliant failed to cooperate, administrative hearing ended- discrimination found, and withdrawn after resolution. No cause was the number one type during fiscal year 2013-2014 followed by no conciliated.

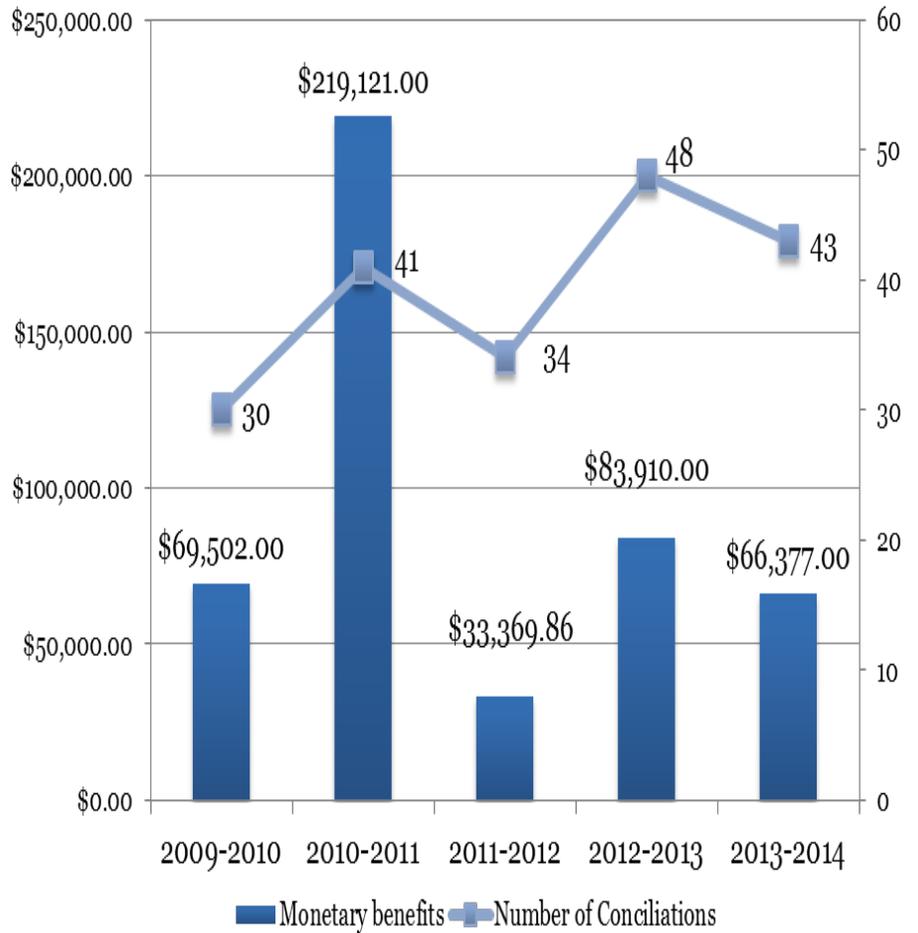
**THRC County**

■ FY 2011/2012 ■ FY 2012/2013 ■ FY 2013/2014



The top 5 locations of allegations for the last 3 fiscal years at THRC by county are Davidson, Shelby, Knox, Rutherford, and Montgomery.

From FY 2009-2010 through FY2013-2014 THRC has through mediation, conciliation and settlement obtained/facilitated benefits payments to complainants in the totaling \$472,279. These benefits have included non-monetary benefits that include providing reasonable accommodations and modifications, removing eviction records, attending fair housing training, third-party monitoring, making policy revisions and providing housing opportunities.



**HOUSING CONCILIATIONS & MONETARY BENEFITS SINCE 2009**

## Purpose and Scope

### Human Rights Initiatives across the United States

#### ***JoAnn Kamuf Ward & Caroline Stover, Human Rights Institute, Columbia Law School***

*JoAnn Kamuf Ward, and her colleague Caroline Stover provided testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Ms. Ward & Ms. Stover brought testimony regarding how human rights offer a framework for advancing equality locally. Ms. Ward and Ms. Stover represent the Human Rights Institute at Columbia Law School, which supports federal, state and local government efforts to promote core human rights of dignity, equality and opportunity.*

We are very excited to be here in Tennessee, which has a long legacy of struggle for equality and justice and as a key site of victories for the civil rights movement. There is a deep history of connecting the struggle for democracy, equality as a struggle for human rights. Just a year before he was assassinated, Dr. King proclaimed that “We have moved from the era of civil rights to the era of human rights, an era where we are called upon to raise certain basic questions about the whole society.”<sup>1</sup> His call was a recognition that even with voting rights and civil rights secured, a more holistic approach to change was necessary to ensure equality. And, we are honored to be with the Tennessee Human Rights Commission, which has been at the forefront of promoting equity and ending discrimination in Tennessee for the past 50 years, as they carry the torch in this effort—to advance human rights.

The Tennessee Human Rights Commission’s call for public comment on the state of human rights in Tennessee provides the opportunity to take stock and incubate creative solutions to the human rights issues facing Tennesseans. Today, we hope to enrich the dialogue by sharing human rights developments from around the country, which show that human rights can help protect our local communities. Many of the problems facing Tennesseans today are problems that a traditional civil rights based approach to equality is struggling to tackle. Despite the great strides of the past sixty years, many problems remain in Tennessee:

- According to the 2010 TBI Crime in Tennessee Report, Domestic Violence made up more than 51% of all crimes against persons. In addition, Tennessee ranks 5th in the nation for women murdered by men.<sup>2</sup>
- There were approximately 9,528 homeless persons in Tennessee in 2013.<sup>3</sup>

These problems are local, but they are not just affecting Tennessee. Nationally, we have a crisis in criminal justice, education and inequality

Indeed, speakers today will focus on these human rights issues, among others, including disability rights, and discrimination on the basis of criminal records.

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<sup>1</sup> See Martin Luther King Jr., Speech at Riverside Church, May 4, 1967  
Riverside Church, New York City.

<sup>2</sup> Tennessee Coalition to End Domestic and Sexual Violence, Facts & States, <http://tncoalition.org/#/resources/stats-a-facts/domestic-violence-statistics.html>.

<sup>3</sup> The 2013 Annual Homeless Assessment Report to Congress Part 1, 8 (2013) available at <https://www.onecpd.info/resources/documents/AHAR-2013-Part1.pdf>.

So, what can we do? I believe this is a time to be optimistic and the presence of so many groups here today confirms that.

## **The Human Rights Framework**

Protecting human rights has been one of our nation's core values since its inception. In recent years, state and local governments across the country, and around the world, have looked to international human rights principles as inspiration for tools to promote equality, opportunity, and dignity within their communities. State and local governments are on the cutting edge of these efforts – developing innovative solutions to address the needs of their residents.

International human rights standards affirm the dignity and worth of every person and enable all individuals to meet their basic needs. They are premised on notions of fairness, dignity and equality for all. These standards recognize that civil, political, economic, and social rights are all connected. As Martin Luther King declared here in Tennessee in 1968: The struggle for equality “means economic equality.”<sup>4</sup> For “What does it profit a man to be able to eat at an integrated lunch counter if he doesn't have enough money to buy a hamburger?”

Human rights place an affirmative obligation on government to respect, protect and fulfill these rights. Human rights often recognize a fuller, more robust spectrum of rights than provided for under federal, and sometimes state, law. Importantly, human rights place a focus on preventing discrimination and addressing its underlying causes.

Using the human rights framework, local communities have shifted their perspective and developed new lens to look at and approach problems. Caroline will describe specific examples in a moment, but I want to just touch on WHY we think a human rights lens is useful:

- It calls for a holistic approach to looking at the impact of policies on all members of a community.
- It addresses systemic causes of discrimination and inequality. Human rights are aimed at preventing discrimination. Discrimination is broadly defined to include policies with a discriminatory impact, regardless of intent. This is in contrast to Constitutional law and much federal law, which is much more backward looking and addressing discrimination after it occurs.
  - But not all forms of discrimination are intentional—and the human right framework recognizes we have to address structural, root causes of discrimination and inequality.
- Protecting human rights requires proactive policies. Rather than focusing on litigation, the human rights framework calls on governments to take affirmative steps to address local problems.
- Finally, a human rights approach emphasizes transparency and accountability and participation of community members.

## **That's why it's so valuable that the Tennessee Commission is a *Human Rights Commission*.**

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I. <sup>4</sup> Martin Luther King, Speech to strikers in Memphis, Tenn., March 18, 1968, available at <http://www.aft.org/yourwork/tools4teachers/bhm/mlkpeech031868.cfm>.

## **The Role of State and Local Government**

While human rights are often considered “international”, most human rights concerns fall within state and local jurisdiction. As Eleanor Roosevelt, a key drafter of the Universal Declaration of Human Rights, the most fundamental human rights document said, “human rights begin... [i]n small places, close to home” In areas of criminal justice, violence against women, homelessness, and education, among others—this is where struggles for equality play out. The federal government has recognized that making human rights real depends on state and local governments. In a recent report to the United Nations, the US government stated that: state and local commissions “play a critical role” in making human rights a reality and access to them is vital.<sup>5</sup>

Indeed, ensuring human rights to equality, opportunity and the freedom from discrimination requires strong cooperation and collaboration between local, state and federal government, and between government and civil society. Not surprisingly, in the U.S., where bipartisanship and gridlock have stalled much positive legislation at the national level, local governments are leading the way, innovating in the use of human rights. And this makes sense, as local government actors, like the Commissioners and Commission staff here today are closest to knowing the problems and crafting workable solutions. As demonstrated by these hearings and your participation, they are a bridge between residents and policymakers and that’s why dialogue is so important.

Of course, we must acknowledge that not all local governments are yet to embrace a human rights-based approach. But those that have are seeing some positive benefits. In March the Attorney General of Mississippi Jim Hood, the Mayor Ralph Becker of Salt Lake City, and a representative from the Salt Lake Human Rights Commission went to the UN as part of a US delegation to share their human rights efforts, which included addressing gender inequity and homelessness and highlighting some of the challenges they face. Just last year, the U.S. Conference of Mayors committed to promote and uphold human rights through a resolution passed at their annual meeting.<sup>6</sup>

So, state and local governments are being recognized on the world stage for their leadership on human rights.

## **The Role of Human Rights and Human Relations Commissions**

State and local human rights and human relations commissions, like Tennessee’s are well placed to make human rights real. They achieve this through outreach, research and public education on pressing issues and policy recommendations to address injustice and inequity.<sup>7</sup> Indeed, institutional change cannot occur

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<sup>5</sup> See U.S. Dep’t. of State, Annex A to the Common Core Document of the United States: State, Local, Tribal, and Territorial Human Rights Organizations and Programs, Submitted With the Fourth Periodic Report of the United States of America to the United Nations

Committee on Human Rights Concerning the International Covenant on Civil and Political Rights, ¶ 1, (Dec. 30, 2011), *available at* <http://www.state.gov/j/drl/rls/179782.htm>.

<sup>6</sup> The United States Conference on Mayors, Promoting and Encouraging International Human Rights, resolution adopted June 2013.

<sup>7</sup> See Kenneth L. Saunders & Hyo Eun (April) Bang, “A Historical Perspective on U.S. Human Rights Commissions,” Executive

without sustained focus on ways to eradicate discrimination and promote equal opportunity. This is the role of local agencies at their core: many are longstanding, created prior to the 1960s civil rights movement. Along with their state and local partner agencies and community-based groups, state and local commissions offer an established to effectively advance policies that foster dignity and opportunity for all close to home.

Many challenges remain for state and local government actors, including human rights commissions. As you are well aware, lack of funds and lack of political support makes advancing civil and human rights an uphill battle. Further, there continues to be a lack of awareness around human rights and the potential benefits of bringing this new perspective to challenging issues. Despite these challenges, a number of jurisdictions are embracing human rights as a lens to assess local problems and a roadmap for positive change.

### Examples of Local Initiatives<sup>8</sup>

We want to mention just a few examples of efforts being undertaken today, across the country, to promote and protect human rights in their communities. They inspire us and we hope they inspire you.

- **First, Advancing Women's Equality.** San Francisco is an established leader in using human rights to address gender inequity. In 1998, the City adopted a local ordinance based explicitly on the international treaty on the rights of women (CEDAW). The goal of the ordinance was to eliminate gender inequity. To comply with the ordinance a number of city agencies underwent gender assessments to review practices and policies to ensure programs were meeting the needs of women and girls. This included analysis of services, employment practices, and the budget, to see ways in which these policies affected women differently. Through this analysis, the Commission on the Status of Women identified discriminatory practices and barriers to employment, and then helped departments institute policies to correct these employment inequalities. In addition, the Commission focused efforts to expand the recruitment pool to include women and minorities have resulted in increased numbers of women being employed. Tangible results included an increase in streetlights, because the assessments uncovered that even though the lighting of streets appeared gender-neutral, women felt unsafe on darker streets. As a result of a citywide studies and consultation, San Francisco adopted more flexible work policies. In addition, the study was used to support new laws on telecommuting and paid parental leave.
  - After holding hearings on women's equality issues, other cities, like Salt Lake City Utah are contemplating a similar ordinance
- **Efforts to Improve Government Decision-making are also taking hold.** Eugene, Oregon is one of the number of local governments using human rights to assess changes in policy and improve decision-making. Eugene has introduced a the Triple Bottom Line tool, which analyzes proposed policy and program changes for potential impacts on human rights. It places priority upon protecting, respecting, and fulfilling the full range of universal human rights, including civil, political, social,

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Session Papers: Human Rights Commissions and Criminal Justice (Marea L. Beeman ed., 2007), available at [http://www.hrcj.org/pdfs/history\\_of\\_hrc.pdf](http://www.hrcj.org/pdfs/history_of_hrc.pdf). Because the figure includes Canadian agencies, the number of U.S. Commissions was also based on the list from the International Association of Official Human Rights Agencies.

<sup>8</sup> Most of these examples are drawn from a 2012 Report by the Human Rights Institute, *Bringing Human Rights Home: How State and Local Governments Can Use Human Rights to Advance Local Policy*, available at <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/Bringing%20Human%20Rights%20Home.pdf>.

economic, and cultural rights & eliminating systemic barriers to equitable treatment and inclusion. For instance, the Recreation Department, facing fiscal challenges was able to develop a budget that minimized the impact on services and accessibility while increasing revenue. Another result of the Triple Bottom Line is a greater focus on health and fitness, particularly for low-income families.

- **Embracing the Right to be free from Domestic Violence.** Since 2011, 11 cities and counties in the United States have adopted resolutions declaring “freedom from domestic violence as a human right” – from Montgomery, Alabama to Travis County, Texas, to Baltimore. These demonstrate support for a new prevention-oriented approach, rooted in the recognition of governmental responsibility to ensure this right.<sup>9</sup> Several of these resolve for government to use human rights principles in their work, or call on the government to assess existing solutions and recommend change.
- **Addressing Criminalization of Homelessness through human rights**  
**Homeless Bill of Rights:** In January 2014, Duluth, MN became the first city to pass a homeless persons' bill of rights. The resolution acknowledges the importance of ensuring an adequate standard of living, including food, clothing and housing, a core element of the Universal Declaration of Human Rights, and sets up mechanisms to focus on eliminating hunger, homelessness and poverty. Rhode Island is one of the several states that recently enacted Homeless Bills of Rights as part of growing efforts to combat criminalization of homelessness, which divert funding from constructive solutions and exacerbate a cycle of poverty.
- **In regard to Housing, Madison, WI has adopted a resolution stating** “that housing be recognized as a human right and that all people who desire a place of shelter and stable long-term housing be prioritized to have *this basic need met both temporarily and permanently*. The resolution calls for *the creation of a new city staff position responsible for housing policy and a housing plan that will assess affordable and accessible housing needs and recommend strategies to meet them*.
- **State Efforts to Advance Health Equity:** The State of Vermont recently passed universal healthcare legislation based on human rights principles and committed to creating a state budget that “should be designed to address the needs of the people in Vermont in a way that advances human dignity and equity.” Vermont’s healthcare principles focus on transparency, equity, universality, transparency, accountability and participation. In addition, the budget is designed to meet the needs of Vermonters in a way that advances dignity and equity.

The Commission Tennessee is also advancing this work by holding hearings across the state and documenting human rights, and fulfilling its mandate every day.

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<sup>9</sup> The following jurisdictions passed freedom from domestic violence resolutions between 2011 and 2013: Albany, NY; Baltimore, MD; Cincinnati, OH; Erie County, NY; Miami Springs, FL; Miami-Dade, FL; Montgomery County and City, AL; Seattle, WA and Washington, DC. See [\*Recognizing Freedom From Domestic Violence as a Fundamental Human Right, Local Resolutions Across the United States\*](#). In April 2014, Travis County, Texas became the 11<sup>th</sup> jurisdiction to adopt such a resolution. The text is available here: [http://www.wcl.american.edu/humright/center/documents/DVHRResolution\\_TravisCounty.pdf](http://www.wcl.american.edu/humright/center/documents/DVHRResolution_TravisCounty.pdf).

These examples offer just a sampling of the strategies taking hold across the country.

### **Strategies for State and Local Governments to Promote and Protect Human Rights**<sup>10</sup>

1. Monitoring, documenting and reporting on human rights compliance
2. Making Aspirational Commitments to human rights
3. Reframing Local Concerns as Human Rights Issues
4. Conducting Human Rights Based Audits and Impact Assessments; and
5. Developing more participatory approaches to policy-making

### **The Role of the Federal Government**

While state and local governments are at the forefront of protecting and promoting human rights, the federal government plays a key role in ensuring that state and local governments have the support and capacity to do this work. Strengthening partnerships and increasing trainings and financial resources from the federal government to state and local government are key next steps in bringing human rights home. We advocate extensively with federal agencies to provide

- Increased financial resources and support, as federal funding is crucial to ensuring effective implementation.
- Training and education on human rights to increase local capacity to bring these principles into local policy.
- A federal mechanism to share best practices among state and local actors to encourage learning from other localities.

### **Conclusion**

We applaud the daily efforts of the Tennessee Human Rights Commission to identify and address discrimination and push forward the human rights of all of. To advance human rights and lift up all community members, we must all work together. We must make the call to action on human rights in order for the government to respond. We would love to speak further with any of you who are interested in learning more about our work or the growing domestic human rights movement. Together, we can bring human rights home.

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<sup>10</sup> Further guidance and resources for state and local implementation of human rights is available in two HRI reports: *Implementing Recommendations from the Universal Periodic Review: A Toolkit for State and Local Human Rights and Human Relations Commissions* (2011), available at [http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/UPR%20Toolkit\\_0.pdf](http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/UPR%20Toolkit_0.pdf) and *State and Local Human Rights Agencies: Recommendations for Advancing Equality Through an International Human Rights Framework* (2010), available at [http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/45408\\_HRI-Text%20%5Bonline%5D%20-%202nd%20printing%20%28updated%2010.1.09%29.pdf](http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/45408_HRI-Text%20%5Bonline%5D%20-%202nd%20printing%20%28updated%2010.1.09%29.pdf).

## Summary of Human Rights Issue: Employment

These testimonies cover the human rights issue Employment. Katherine Kores with Memphis District Office discussed Impact of Criminal Background Checks on Hiring; Kenneth Bonner with REACH spoke about Employment Discrimination Facing Ex-Offenders; Gloria Sweet Love with the Tennessee Conference of the NAACP discussed Employment Discrimination facing Tennessean; Valerie Radu with Grove Street Settlement House spoke about Violations in Employment; Mayor Madeline Rogero with the City of Knoxville discussed Equal Employment in the City of Knoxville; Elizabeth Gedmark and Dina Bakst with A Better Balance spoke about Work-Family Issues and Discrimination Facing Care Givers and Mothers in Tennessee.



**Katherine Kores with Memphis District Office** presented testimony on the Impact of Criminal Background Checks on Hiring. In April 2012, the EEOC updated its guidance document titled, Consideration of Arrest and Conviction Records in Employment Decisions under Title VII. It contains the same legal position with more thorough analysis. The problem is that national data supports a finding that criminal record exclusions have a disparate impact based on race and national origin. Ex-offenders are one of the fastest growing segments of the U.S. population. To make matters worse, the criminal record information employers sometimes rely on to exclude individuals often does not reflect criminal convictions. The new guidance seeks to ensure this information is not used in a discriminatory way. Title VII of the Civil Rights Act of 1964 prohibits employers from treating job applicants or employees with the same criminal record differently because of their race, national origin or another protected

characteristic, which is classic Disparate Treatment discrimination. The law also prohibits Disparate Impact Discrimination. If the criminal record exclusions operate to disproportionately exclude people of a particular race or national origin, the employer has to show that the exclusions are “job-related and consistent with business necessity” to avoid liability under Title VII. Suggested practices for employers are; eliminate across the board policies which exclude people from employment based on any criminal record (Clean Criminal Record requirements.), develop a narrowly tailored written policy and procedure for screening applicants and employees for criminal conduct, train managers, hiring officials and decision-makers on how to implement the policy and procedure consistent with Title VII, and limit the inquiry to criminal records which would be job related for the position in question and consistent with business necessity.

**Kenneth Bonner with REACH** presented testimony about Employment Discrimination Facing Ex-Offenders. A lot of people, especially African Americans, coming out of prison cannot find employment. Everybody in prison has a get out of prison plan but very few people have a stay out of prison plan. Many individuals in prison have some form of aggression to which they need to process. Expungement is not readily available for a lot of people with felony convictions. There are nine states have successfully passed the Banning the Box administration, but nobody has looked at relevant employment rates in those nine states that hire people with felony convictions. The recommendations are to increase advocacy for Banning the Box, addressing the prisoner’s aggression, providing support to individuals who have been released, and education on expungement for convicts.





**Gloria Sweet Love** with the **Tennessee Conference of the NAACP** presented testimony on Employment Discrimination facing Tennessean. The issues are Tennessee’s antiquated labor laws, the Employment at Will laws, Checking the box, Union Busing, and Racial Profiling. The NAACP has received reports of an increasing number of race, gender and age discrimination, a revolving door of supervisors using fear and retaliation to coerce workers, shutting out countless applicants before they can complete the application; deportation more than 10,000 black and brown individuals for simple misdemeanors such as driving without a license or loitering

**Valerie Radu** with **Grove Street Settlement House** presented two testimonies from the Chattanooga Truth Commission in 2012 about Violations in Employment and provided data. In 2010 a local study found the poverty rates were up and incomes and wages were flat. Adjusted for inflation, median earnings for Chattanooga residents were down 8.1% from the level in 2006. A December 2011 local story focused on how Chattanooga’s resident-- renaissance has continued to bypass the working poor resulting in a new category of people, “the near poor” and an increased use of social services by a wider group of the working poor. A recent lengthy Huffington Post article found that Chattanooga is a metropolitan area with an official labor force of about 262,000 people but only 22.5% of working age residents have access to public transportation. The region’s two newest employers- Volkswagen of North America and Amazon- are not on transportation routes meaning no access to good paying jobs for individuals who rely on the bus. One individual states she has been unemployed and underemployed due to a lack of access to a computer to apply for positions and minimum wage does not allow for the purchase of her basic necessities. Another individual testified that he has been denied jobs due to being homeless. He cannot obtain documents like a birth certificate, ID, or social security card because he does not have an address.



**Mayor Madeline Rogero** with the **City of Knoxville** presented testimony on Equal Employment in the City of Knoxville. The issues are although Knoxville typically enjoys a lower unemployment rate than other parts of the state we know that unemployment is disproportionately higher among African-Americans, particularly males and an unbalanced number of City contracts with minority- and women-owned businesses. The Knoxville Mayor believes the following policy and institutional changes will help us toward goals; increasing the number of minority employees with the City and City contracts with minority and women owned businesses.

**Elizabeth Gedmark and Dina Bakst with A Better Balance**

provided written testimony about Work-Family Issues and Discrimination Facing Care Givers and Mothers in Tennessee. The Tennessee Human Rights Commission should prioritize enforcement of sex discrimination cases, particularly pregnancy discrimination and caregiver discrimination complaints. A Better Balance heard from individuals and valued partners that Tennessee families, especially low-wage working mothers, often face unfair treatment at work and the impossible choice between their job and taking care of their families. The THRC should work with other government agencies to ensure proper enforcement of protections for nursing mothers and individuals taking family and medical leave under Tennessee state law and should support broader laws and policies to advance the rights of working families in the state.

*Tennessee families face unfair treatment at work and the impossible choice between their job and taking care of their families.*

## **A. Human Rights Issue: Employment**

### **Impact of Criminal Background Checks on Hiring**

#### ***Katherine Kores, U.S. Equal Employment Opportunity Commission, Memphis District***

*Katherine Kores provided testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Kores brought testimony regarding the Impact of Criminal Background Checks on Hiring.*

Thank you for the opportunity to testify today about a topic which is related to one of EEOC's top priorities, Eliminating Barriers in Recruitment and Hiring. In April 2012, the EEOC updated its guidance document titled, Consideration of Arrest and Conviction Records in Employment Decisions under Title VII. This document is found on EEOC's website at [www.eeoc.gov](http://www.eeoc.gov). It consolidated/superseded EEOC guidance documents from 1987 and 1990. It contains the same legal positions with more thorough analysis.

Why was it updated?

Criminal background information is much more widely available now on the internet and from private companies. Most employers now do criminal background checks for some or all jobs. They have good reasons. They want to avoid exposure to liability for negligent hiring. They want to reduce the risk of violence, theft or fraud. There are some federal and some state laws which require background checks and exclusions.

The problem is that national data supports a finding that criminal record exclusions have a disparate impact based on race and national origin. While the 2010 census shows that 72.4% of the United States population is White, 16.3% is Hispanic and 12.6% is African-American, a 2010 Pew Study finds that with respect to incarceration of 18 to 64 year old men, one in 87 is White, one in 36 is Hispanic and one in 12 is African-American. In addition, ex-offenders are one of the fastest growing segments of the U.S. population. In 1980, 170,000 individuals were released from prison. In 2009, over 720,000 were released. In 2004, more than 14 million individuals in the U.S. had felony convictions. Assuming incarceration rates remain unchanged, about one in 17 White males are expected to serve prison time in their lives; one in six Hispanic men and one in three African-American men will serve prison time.

President Obama says, "America is facing an incarceration and post-incarceration crisis."

To make matters worse, the criminal record information employers sometimes rely on to exclude individuals often does not reflect criminal convictions. It may show a stop and frisk, a criminal citation, an arrest, a criminal charge filed, a criminal charge dropped, a deferred prosecution, a court warrant. None of these indicate a conviction but often result in exclusion of the applicant.

EEOC's longstanding policy approach is:

1. The fact of an arrest does not establish that criminal conduct occurred. Arrest records are not probative of criminal conduct.
2. Convictions are considered reliable evidence that the underlying criminal conduct occurred.
3. National data supports a finding that criminal record exclusions have a disparate impact based on race and national origin.
4. A policy or practice that excludes everyone with a criminal record must be job-related and consistent with business necessity in order not to violate Title VII.

It is important to note that the updated EEOC Guidance which is referenced earlier does not prohibit employers from obtaining and using criminal background reports about job applicants or employees. EEOC does not have this authority. The new guidance seeks to ensure this information is not used in a discriminatory way. There are two ways for employers to use the information discriminatorily. Title VII of the Civil Rights Act of 1964 prohibits employers from treating job applicants or employees with the same criminal record differently because of their race, national origin or another protected characteristic. This is classic Disparate Treatment discrimination.

The law also prohibits Disparate Impact Discrimination. If the criminal record exclusions operate to disproportionately exclude people of a particular race or national origin, the employer has to show that the exclusions are “job-related and consistent with business necessity” to avoid liability under Title VII. Job-related and justified by business necessity requires the employer who is using a screen to show that it considers the nature of the crime; the time elapsed since the criminal conduct occurred; the nature of the specific job in question and that it gives the applicant an opportunity to show why he/she shouldn’t be excluded. This is called a targeted screen.

These requirements have come from Federal litigation on the issue – specifically, **Green v. Missouri Pacific**, a 1977 case from the 8<sup>th</sup> Circuit Court of Appeals and **EI v. SEPA Transportation Authority**, a 2007 case from the 3d Circuit Court of Appeals.

I will conclude with some suggested best practices for employers:

- Eliminate across the board policies which exclude people from employment based on any criminal record (Clean Criminal Record requirements.)
- Develop a narrowly tailored written policy and procedure for screening applicants and employees for criminal conduct.
- Train managers, hiring officials and decision-makers on how to implement the policy and procedure consistent with Title VII
- Limit the inquiry to criminal records which would be job related for the position in question and consistent with business necessity.

I have been encouraged recently to see that some employers are using these best practices by using targeted screens. The result is the best balance between the employer’s legitimate concerns and the requirements of non-discrimination contained in Title VII.

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## **Employment Discrimination Facing Ex-Offenders**

### ***Kenneth Bonner, REACH Empowerment Institute***

*Kenneth Bonner provided testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mr. Bonner brought testimony regarding the "Ban the Box" movement. Mr. Bonner travels the state to encourage communities to consider the implications of asking for information related to felony convictions during the applications process.*

I want to give you a little background on myself and why I jumped on this particular cause. As you've been told, my name is Kenneth Bonner, I'm originally from Knoxville. I currently live in Johnson City. Like most young people that lost hope and direction in life, I did just that here in Knoxville. In March 1983, I was sentenced to life plus 20 years in a state penitentiary. I was released in November 2011. Now in the earlier parts of the first 8 years of my incarceration, I was about as crazy as you know crazy to be. But at some point in 1988, I started educating myself. I got sick and tired of being sick and tired, so I educated myself. In 1991, I created an organization that became known as CAUSE, which is Creative Attitudes Undertaking Self Education. The organization went on evolving to reach those in the prison system and it received national recognition. Commissioner Campbell was in office then and Commissioner Gary Raid thereafter, both came to the prison. What they wanted to know was, what was I doing that was attracting all these guys that were involved in gangs. And being able to get them to sit down in a room and really listen to self-improvement programs. Well, that's a whole different story.

But for the last 21 years of my imprisonment, that's what I was doing. I was teaching self-improvement programs that received national recognition. I decided when I got out of prison, I wanted to continue those efforts and they evolved into those I want to reach, and its restoring community harmony. Now, since I've been out. I've created a successful business. It's K & D Pressure Washing Company of Johnson City, Tennessee. I also serve as chairman of the local NAACP criminal justice committee in Johnson City. And I go around and do lot of public speaking about criminal justice issues. This particular issue here is very important to me, and should be important to a lot of people in society.

What's happening is that we have a lot of people, especially African Americans, coming out of prison that cannot find employment. Now, bear in mind, people with Master's degrees today are competing for the McDonald's jobs. We have all of these people sitting out on the edge of society and you put a man in an unfamiliar circumstance, he will go back to doing what's familiar, especially, if he doesn't have an educational foundation to stand upon. And that's what's happening. Everybody in prison got a get out of prison plan but very few people have a stay out of prison plan. This happened to me.

There are jobs available; I don't want to lead you to think there are not. The average guy coming out of prison doesn't have transportation or have the support that I had. The younger they are, the less persistent they are in pursuing these things. So eventually, especially in drug sells, what do they do? They eventually will go back to selling drugs. They get addicted to the fast money, and then the criminal thinking sets in. Well I got away with it today; if I do it tomorrow maybe I will get away with it, again. Finally the well falls in. Especially in African American individuals, you know what happens? We got a lot of people just stranded out on the edge that cannot get it if they wanted it. Now the United States have successfully passed what they called Banning the Box. That's what I'm trying to travel the state to advocate.

And basically what it does, is removes the question about felony conviction off job application. Employers do have a right; you have a right to know who you let in your house and so to speak. The employer does have a right to know about it. They only ask it during the interview process. If the employer does not ask it during that particular process, he cannot come back later and fire the individual because the background check comes back to reveal that. But it does if not create an equal opportunity, at least creates a fairer chance of getting in the door getting the job as the next person. It puts you in a position to be able to sell yourself on your qualifications, rather than somebody just seeing the box about the felony conviction checked and throwing it away.

If we are going to prove effective in resolving crime and recidivism, then we have to start addressing the issue of 42% of people going to prison reoffend and go back. As young guys stand out here today they're not joking. Now there are some people, I don't care if you give them a million dollars, they still are not going to do the right thing. So I'm not trying to pass this being the only solution, as an overall solution.

But believe me there are a lot of people in prison really struggling and striving to turn their life around. There are some good people. If you work from the idea that there are no bad people but there are people who do bad things, you can understand what I'm saying. And a lot of guys get frustrated. I'm talking about I have guys talk to me, come and talk to me all day, they call me KB and a lot of times talk to me about "in prison I was somebody." "In prison I had a job I could go to, I'm just struggling, I'm just frustrated." And believe it or not, some of them do the simplest little things, just to go back. They can't make it out here.

You know Amy has something up here on the board. In prison a lot of guys cannot process. They don't have the emotional tool to process their aggression or the pain they feel. Then they come out in society and can't make it in a job long. It's no exaggeration; they say 76% of the people in prison are functionally illiterate. I'm not saying to discredit anyone, it's a fact. Beyond writing their name on a piece of paper and being able to talk, it's not going to happen. I worked as a law clerk for 19 years, you would be surprised at the number of people that come in that signed their life away and didn't know what they done it. Now I strongly believe in accountability and responsibility for our actions, but I also strongly believe that if a man or woman in prison or jail is really working to get their life together we as a society ought to make sure they at least have an equal chance of making it. Then, if they screw up again then let's get tough. But let's question ourselves and say, have we made every available resource to give this person a fair chance. It's tough ladies and gentlemen, it is, and it's rough. In the winter time I work at Wendy's. I was working only part time and they probably gave me 20 hours a week. By the time, I paid my car insurance, paid my rent; everything else the only thing left in my pocket is lint. But I'm grateful to be able to work at Wendy's and on top of that, I was paying \$45 a month parole fees. Now, I have no gripes or grievances against the system. My choices as a youth led me to that particular system.

But again, now I've got strong family support and friends and all, but what about the young guy that doesn't have it and every time he goes to knock on the door? Or the ones in the situation where when they come in, it takes only an average of about 90 days before a background check comes back. They will come and get you and pull you out of that job, saying "Sorry, I have to let you go." If you put it on the application before you get the job, you're not even in there. If you tell a lie and don't put it on there, then 90 days later, you're out the door. What these guys want is what we all want. They want the security, they want a home, they want a car, and they want clothes. Either way it goes, it does affect you as a citizen, because if they are not

in the department line, then they will be in the welfare line. It's an issue that we all have to be interested in at some point. We don't have to agree on the particular action. It is a very difficult situation, because people coming out of prison will be frustrated. I had people I could turn to and go talk to when I got frustrated about a particular job. It's nothing more frustrating to get in the job, be happy with that job, feel like you're really a productive person only for them to come tell you, "We've just found out you have a felony conviction." Out the door you go. And the younger they are, you've got to remember most of these guys in prison, are not content just sitting in a classroom, they didn't even finish high school.

And there was the key to how I getting to those guys. I found things that were interesting to those guys. If they like music, I found a way to use it to get their attention. If they sold drugs, I would ask questions. For example, "How many guys in the room sold drugs?" Half the hands in the room would go up. I would ask, "How many of ya'll thought ya'll were pretty good at selling drugs?" The other half would go up. Then I would start writing on the board, okay, let's look at what went in to selling drugs, conflict resolution, money management, time management, and you know what I end up doing?, teaching them how to invest and how to read the job market in the newspaper. And we had an investment club. And these guys are like "Wow KB, think we can do this?" There are brilliant people in prison. When they come out here the cycle starts all over again, because they cannot get into the labor market.

Now there are no hard data, nobody has found it even worth keeping statistics. Now there are nine states, like I said has successfully passed the Banning the Box administration. But nobody has really gone back and looked at relevant employment rates in those nine states that hire people with felony convictions. The closest I've come is a place that done a real extensive study in 2010, that's called the Center for Economic and Policy Research in Washington D.C. And it's pretty lengthy here, but they have found in those particular states, especially in Pennsylvania and one more, the employment rate, within 6 months of them passing this legislation the employment rate of people with felony convictions went up. When we come out of prison we feel like we are being productive and doing something. It's less that you should be worried about that person going back to criminal behavior. And I'm telling you I met with the Mayor in Johnson City and one question he asked me, and Johnson City is kind of known as a retirement city, laid back, and quiet. He asked me was, "Ken, do you think crime will increase here?" And I just looked at him and said "Mayor you have to kind of think of it like people like me." We're looking for a new start, I come from Knoxville to Johnson City but my wife was from Johnson City. And now every day when I first went to Johnson City, when I first got out, you could pick up the newspaper, the big news in Johnson City Press was about ETSU. Now every day, it's crime and violence. And you drive around the city and you see it here in Knoxville, guys just hanging out. And the first perception is, you just think, "well ain't he got something more to do than hang out on a street corner?" Some of those guys, if you got 10 hanging there, maybe 6 of those guys or 4 may have really, really been out there trying to find a job but could not find a job.

He could find a job but the job didn't want to find him because of his past history. And that's become the big thing, and while we sleeping, it's just getting bigger, it's getting bigger, it's getting bigger. When I went to prison in Tennessee, Tennessee only had 7,000 prisoners, when I came out it had 27,000. And you got to ask yourself, 90% of people in the state prison system right here in Tennessee got to release eligibility, they will be coming back out. So the question becomes one of, what type of person do you want coming back to your community? One that's still thinking in the criminal mind or one that has reformed his life and got himself together? That's the question we have got to ask ourselves. That's why this got to be even, everybody, either

you been a victim of a crime, or you're paying out of your pocket for the criminal justice system. And either way it goes you are touched by this system, period. It's a system you need to become educated about.

We need to just quit pulling them down and get tough and start doing a better job when people come out and we think we can in most cases. Like I said there are some people that are not going to do right if you gave them a \$1,000,000. In fact for most people who come out, you can give them all the clothes you want to, all the money and everything they need. If they still haven't changed their mind or their heart, you're just facilitating a faster way for them back to the criminal justice center. But the main thing, over and over, when guys come back to prison before I got out, I was hard on them. "KB man it's hard out there." No, it isn't hard all you got to do is stay focused. Half of them we talked about this all the time, now that I'm out here I understand. I don't justify it, but I understand why some of those guys that's all they know. Is that the longer you stay in this system; it's like a process that desensitizes you. And the values are so abnormal; I couldn't stand to begin to help you understand what that environment is like. And guys buy into it.

And so when they come out here, well we in prison for 20 or 30 years we don't have to pay bills. We have no responsibilities. And then we come out here we have to pay rent; we got responsibilities and all that, but no job to do these things with. What do you think happens in most cases? Now bear in mind, like I said, there are some people that come out with the intent to do wrong anyway. But on the other hand, there are a lot of people that come out here that really want to make it. And even what this affects is not just jobs, but housing, getting in school, a lot of things. The guys on the edge of society are why we see violence increasing all around you. It's the solution or part of the solution I should say.

Like I said to some I'm traveling the state, I'm trying to be a support for Banning the Box. It's not the big solution to crime or recidivism, but I made a promise, when I left prison I was going to try to help even the start line of some other people coming out here. I know there are a lot of good people trying to get out here and live a productive life. And if you can't get in the door for a job, the first thing a man wants to do is to be able to take care of himself and his family. If he can't do that, then he doesn't feel like he even got any dignity about himself. So that's why I'm here today, trying to be a support, trying to help people become more aware, not to excuse criminal behavior, not to talk about the prison system or have any personal grievances against the government, period. I come to say that as a society we really need to start looking at this particular issue. And if you just so happen to come in contact with people who may own a business or something like that, actually take a chance. Some may make it, some may not make it. I'm still paying for it today. But I had enough determination and focus about myself to educate myself while I was in prison. To get out here, I started my own business out of frustration and not being able to get a job. So it turned out to be a blessing for me in a way. What about the next hundred behind me? That's the thing we've got to think about.

I thank you all for allowing me to come here to share this with you.

There's one question. Are Tennessee's expungement laws used and are they adequate? I think they are, but I don't think a lot of people utilize them. That's just like voting, felony you can vote in Tennessee if your sentence has expired. In my case I can never vote. I was serving a life sentence, life sentence never...in 1, 9, 6, 11 states, a life sentence never expires in Tennessee. I'm on parole for the rest of my life. Expungement is not readily available for a lot of people with felony convictions. It depends on circumstances,

requirements, stuff like that and a lot more. My general answer would be yes it is available but it's not used that often.

Another question is, "What are your thoughts on prevention methods before people are sent to prison?" You know I go to Science Hill Alternative School, and these are people that are on track, so already the education system has already looked at these particular students and said "Well the future for them is either prison or trouble".

My first day I'll never forget, the first Thursday I was over there, and as I was leaving the building and two teachers come running to me, "Kenneth we don't know what you said to, Tyrone, we don't know what you said, but this guy hasn't done anything since he's been here and all of a sudden we can't shut him up."

Tyrone is the first one, every time I go back there every Thursday, he's the first one.

So as far as prevention is concerned, most of these guys really want to know that you care. And once you let them know you care, they come receptive to what you want to share with them. You know in our society, personal opinion, but in our society we get recognized for everything, I mean everything,

For example, just growing up, first time you do something wrong somebody recognizes you for that, "stop that's bad." In prison, somebody gets a GED, ONE person may come up and say "that's a good thing you done." 190 people come over and congratulate when we beat somebody up though, our society is like that in a way. So get involved.

Never tell a child or an angry person they wrong for feeling angry. Get them talking to get it out. Most of us in prison, we are in there for some form of aggression. We didn't know how to process our emotions when we got angry. So, it's not in a spanking of hand, so to speak, but in the embracing and loving a person even when they're wrong and explain to them why they're wrong.

## **Employment Discrimination facing Tennesseans**

### ***Gloria Sweet Love, Tennessee Conference of the NAACP***

*Gloria Sweet Love, President of the Tennessee Conference of the NAACP brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Sweet Love brought testimony regarding civil rights abuses facing individuals across the state, as seen through the NAACP.*

**Tennessee's antiquated labor laws** continue to foster Job Discrimination. We are seeing increasing number of race, gender and age discrimination. We are also seeing co-employment claims from workers who are under contract by a temporary agency. Workers are experiencing *Out Right* racist remarks and treatment by employees and supervisors of employing company.

**The Employment at Will laws** allows employers to dismiss employees without notice or reason. We are seeing a revolving door of supervisors using fear and retaliation to coerce workers to work off the clock, outside their define job, etc., just to keep a minimum wage job. Female employees are accepting sexual harassment and offensive behavior because they state "I need to work." We are seeing a revolving door with employers and their supervisors often dismissing a full shift of contract workers without any notice or reason. We are talking about Black and Brown people who need "any kind" of job just to stay afloat. This is happening frequently but employees are living in "Economic Slavery" because of the economy. They can't afford to quit or have no marketable skills.

**The Checking of the Box** to determine if you are an ex-felon or have served jail time continues to shut out countless applicants before they can complete the application or discuss any prior job experience.

**Union Busting** is continuing to be seen companies practices. Additionally, we have heard accounts of retaliation against employees who the employer believes may be interested in a union. We are seeing companies "locking out" union employees, failing to give them a new contract or allowing them to work and replacing them with contract laborers.

**Racial Profiling** is still alive and well! Although, Nashville did not renew its contract with DHS, the use of the 287g rule resulted not in the deportation of undesirable, undocumented individuals as designed but in a reign of terror that deported more than 10,000 black and brown individuals for simple misdemeanors such as driving without a license or loitering.

## **Violations in Employment**

### ***Valerie Radu, Grove Street Settlement House***

I am here today to give a brief testimony on behalf of a lot of folks who live in Chattanooga. In 2012 Grove Street Settlement House of Chattanooga organized fraction undertook a Chattanooga Truth Commission on Human Rights which happened on December 10th at the public library. We had testimonies from a lot of people representing a lot of backgrounds at that event. I am actually going to be sharing some of those testimonies here today.

I am going to read two testimonies related to employment.

#### Testimony 1:

I am a 31-year-old white female who has been unemployed and underemployed. I am currently unemployed and I am having difficulty looking for work because most jobs are online as are all the job applications, and I do not have access to a computer. I owe over \$700 in back rent and could be evicted at any time meaning my children and I would become homeless. I have worked at many jobs where the wages were not enough to pay for food, housing and basic clothes. Minimum wage is not enough for a family to eat and live. Food and housing is so expensive and affordable housing is hard to find and especially in a safe neighborhood. At the most recent job I had, I quit. The boss openly sexually harassed me and when I complained nothing was done to him. I left that job because I could not take that kind of harassment on a daily basis knowing nothing would be done to make him stop. I worry every day how my kids and I will eat and if there will be a knock on the door and the landlord standing there telling us to move out because we can't pay our rent.

#### Testimony 2:

I am a 51-year-old white male, who is currently homeless. I have been denied work because I do not have an ID or a social security card. I can't obtain either one of these documents because I don't have my birth certificate. Because I am homeless, I cannot dress nice which means people look down on me. I became sick while working for a landscape company and because I was not able to work for a week I was laid off. I meet the criteria for disability but I cannot apply for benefits because I do not have an address. I live in a tent off East 11th Street in downtown Chattanooga.

## **Equal Employment in the City of Knoxville**

### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

I want to thank the Tennessee Human Rights Commission, Executive Director Beverly Watts, and Commissioners Pierce and Houston, for holding these hearings on the Status of Human Rights in Tennessee.

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations.

It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. But we still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

Although Knoxville typically enjoys a lower unemployment rate than other parts of the state we know that unemployment is disproportionately higher among African-Americans, particularly males. It is my administration's goal to increase the number of minority employees with the City. We have been pro-active in reviewing and revising hiring procedures to reflect this goal, and I receive a quarterly report on our progress.

In addition, my administration has a goal of increasing the number of City contracts with minority- and women-owned businesses. We are implementing a series of reforms in our Purchasing Department, and I will soon execute an executive order that holds individual department directors accountable for setting and achieving goals to increase City contracts with minority- and women-owned businesses.

We are not yet where we want to be on these two fronts, but I believe that these policy and institutional changes will help us move toward our goals.

I want to recognize the efforts of Joshalyn Hundley, who is head of our Equal Business Opportunity Program and the Title VI Coordinator for the City.

## **Work-Family Issues and Discrimination Facing Care Givers & Mothers in Tennessee**

*Elizabeth Gedmark, Dina Bakst, A Better Balance: The Work & Family Legal Center*

*Elizabeth Gedmark and Dina Bakst, with A Better Balance: The Work & Family Legal Center provided written testimony to the Commission. Ms. Gedmark and Ms. Bakst brought several issues related to work and family life balance, including discrimination concerns to the Commission's attention. A Better Balance (ABB) is a national non-profit legal organization that advocates for workers across the economic spectrum so they can care for their families without sacrificing their financial security. Through our country-wide advocacy work and legal services hotline, we have heard from hundreds of individuals and families who are suffering because U.S. workplace laws and policies lag behind other developed countries, and even many developing countries. ABB leads the charge for policies that help families, such as sick leave, fair and flexible work, pay equity, antidiscrimination laws, and others that value family care.*

In January, 2014, we opened our Southern Office, based in Nashville, TN, focusing on the problems of working families in the Southeastern United States. Even though our doors have only been open for 6 months, we have already heard from individuals and valued partners that Tennessee families, especially low-wage working mothers, often face unfair treatment at work and the impossible choice between their job and taking care of their families.

### **I. Background**

Women make up almost half of the workforce<sup>11</sup> and families rely on women's salaries to make ends meet: Women are the primary or co-breadwinners in almost two-thirds of families<sup>12</sup> and a recent Pew Research study found that 40% of American families have a woman as the primary or sole breadwinner.<sup>13</sup> This demonstrates that the State's economy and Tennessee families depend on a female labor force.

### **II. Pregnancy Discrimination**

In recent years, we have heard from dozens of pregnant women across the country whose employers refused to provide medically necessary reasonable job adjustments, like a stool to sit on, extra restroom breaks, or a temporary reprieve from heavy lifting. This failure to accommodate often results in devastating economic and health consequences for working women and their families, because the women were either forced out of their jobs or required to risk their health.<sup>14</sup> Although Tennessee state law prohibits pregnancy discrimination, there is no explicit statutory protection for pregnant women, whether suffering from pregnancy-related disabilities or not, who are in need of reasonable accommodations to stay healthy and on the job.

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<sup>11</sup> Catalyst, *Statistical Overview of Women in the Workplace*, Dec. 2011, <http://www.catalyst.org/publication/219/statistical-overview-of-women-in-the-workplace>.

<sup>12</sup> Heather Boushey & Ann O'Leary, *The Shriver Report: A Woman's Nation Changes Everything: Executive Summary*, (Oct. 2009), [http://www.americanprogress.org/issues/2009/10/womans\\_nation.html](http://www.americanprogress.org/issues/2009/10/womans_nation.html).

<sup>13</sup> Wendy Wang, Kim Parker, & Paul Taylor, *Breadwinner Moms: Mothers Are the Sole or Primary Provider in Four-in-Ten Households with Children; Public Conflicted about the Growing Trend*, May 2013, [http://www.pewsocialtrends.org/files/2013/05/Breadwinner\\_moms\\_final.pdf](http://www.pewsocialtrends.org/files/2013/05/Breadwinner_moms_final.pdf).

<sup>14</sup> *It Shouldn't Be A Heavy Lift: Fair Treatment for Pregnant Workers*, 2013, available at: <http://www.abetterbalance.org/web/images/stories/ItShouldntBeAHeavyLift.pdf>.

It is estimated that *more than one quarter million* pregnant workers are denied requests for accommodations each year, and many more do not even request changes at work, likely because of fear of retaliation.<sup>15</sup> Here in Tennessee, a truck driver was fired because she needed light work while pregnant, but her company only provided light work for employees injured on-the-job.<sup>16</sup> She lost her case in court. Thirty different organizations from across Tennessee recently signed on to a letter in support of the federal Pregnant Workers Fairness Act, a bill that would require employers to provide reasonable accommodations to employees with limitations because of pregnancy, childbirth, and related medical conditions.<sup>17</sup> Tennessee has the third highest infant mortality rate in the country.<sup>18</sup> Pregnant workers should never have to put their health on the line just to earn a paycheck.

### **III. Caregiver Discrimination & Equal Pay**

In Tennessee, women make 77 cents to a man's dollar, and the statistic is even worse for women of color.<sup>19</sup> Nationwide, mothers earn 5% less *per child* than non-mothers, even when statistically controlling for education, work experience and other variables.<sup>20</sup> They are also less likely to be hired or promoted at work. Discrimination that prevents parents from staying at their jobs or advancing at work is a significant threat to family economic security. Although Tennessee law does prohibit pay discrimination, there is no explicit protection regarding discrimination against parents or other caregivers. And despite existing protections, pay disparities and violations of these laws persist. Tennessee women, especially mothers, face wage discrimination and unfair treatment in the workplace.

### **IV. Paid Leave**

Nationally, nearly forty percent of private sector workers lack paid sick time and even more are unable to use their paid time off to care for their sick children.<sup>21</sup> Low wage workers are particularly hard hit and Tennessee families are suffering from a lack of paid time off to deal with illness at home.<sup>22</sup> Across the world, 178 countries provide paid leave to women who give birth to a child, but not in the United States, where only 11% of employees had access to paid family leave in 2012.<sup>23</sup> Although Tennessee state law does provide lengthier family and medical leave time than the federal Family and Medical Leave Act, it is *unpaid* leave and many employees do not qualify for coverage because they have not worked for their employer long enough and/or their employer is not large enough to be eligible.

<sup>15</sup> Bryce Covert, "Why Are Workplaces Still Not Ready for Pregnant Workers?," January 31, 2014, available at: <http://thinkprogress.org/economy/2014/01/31/3235471/pregnant-workers-survey/>.

<sup>16</sup> *Reeves v. Swift Transp. Co., Inc.*, 446 F.3d 637 (6th Cir. 2006).

<sup>17</sup> Letter to U.S. Senator Lamar Alexander, May 6, 2014, available at:

[http://www.abetterbalance.org/web/images/stories/Documents/Senator\\_Alexander\\_PWFA\\_SignOn\\_Letter\\_SENT.pdf](http://www.abetterbalance.org/web/images/stories/Documents/Senator_Alexander_PWFA_SignOn_Letter_SENT.pdf).

<sup>18</sup> Centers for Disease Control, "Infant Deaths Per 1,000 Live Births, By State: 2010," available at:

[http://www.cdc.gov/nchs/pressroom/states/INFANT\\_MORTALITY\\_RATES\\_STATE\\_2010.pdf](http://www.cdc.gov/nchs/pressroom/states/INFANT_MORTALITY_RATES_STATE_2010.pdf).

<sup>19</sup> National Partnership for Women & Families, *Tennessee Women and the Wage Gap*, April 2014, available at:

<http://www.nationalpartnership.org/research-library/workplace-fairness/fair-pay/2014-tn-wage-gap.pdf>.

<sup>20</sup> Stephen Benard, In Paik, & Shelley J. Correll, *Cognitive Bias and the Motherhood Penalty*, 59 *Hastings L. J.* 1359, 1359, June 2008, available at: [http://uchastings.edu/hlj/archive/vol59/Benard-Paik-Correll\\_59-HLJ-1359.pdf](http://uchastings.edu/hlj/archive/vol59/Benard-Paik-Correll_59-HLJ-1359.pdf).

<sup>21</sup> A Better Balance, *Fact Sheet: Paid Sick Time*, December 2011, available at:

<http://www.abetterbalance.org/web/images/stories/Documents/sickdays/factsheet/PaidSickTimeNational.pdf>.

<sup>22</sup> Read one woman's story here: Kristi Rifkin, *Why I Believe in Paid Sick Leave*, April 25, 2013, MomsRising, available at:

<http://www.momsrising.org/blog/why-i-believe-in-paid-sick-leave>.

<sup>23</sup> A Better Balance, *Investing in Our Families: The Case for Family Leave Insurance in New York and the Nation*, September 2013, pg. 18, available at: <http://abetterbalance.org/web/images/stories/Documents/familyleave/FLI2013.pdf>.

## **V. Nursing Mothers**

Tennessee has strong protections for nursing mothers in the workplace, but violations of the law remain rampant. The Tennessee Department of Health's website analyzes why there is a gap between women who intend to breastfeed and those who actually breastfeed a child. One of the obstacles named for this discrepancy is: "Lack of accommodation to breastfeed or express milk at the workplace."<sup>24</sup> We have also seen this problem: women are not provided the time and space they need to express breast milk at work, or they face discrimination for their choice to do so. Employees need to know their rights under the law and employers need to understand their obligations.

## **CONCLUSION & RECOMMENDATIONS**

The Tennessee Human Rights Commission should prioritize enforcement of sex discrimination cases, particularly pregnancy discrimination and caregiver discrimination complaints. The THRC should also work with other government agencies to ensure proper enforcement of protections for nursing mothers and individuals taking family and medical leave under Tennessee state law. Finally, the THRC should support broader laws and policies to advance the rights of working families in the state. We look forward to working with you on these efforts. We would also welcome the opportunity to partner with you in providing public education about existing rights in Tennessee. Thank you for your consideration.

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<sup>24</sup> Tennessee Department of Health, *Breastfeeding*, Accessed: June 5, 2014, available at: <http://breastfeeding.tn.gov/index.shtml>.

## Summary of Human Rights Issue of Housing

These testimonies cover the human rights issues related to housing. Bobbie Fields with Memphis Center for Independent Living spoke regarding Lack of Affordable and Accessible Housing in Memphis; Perrin Lance with Chattanooga Organized for Action discussed Housing Disparities in Chattanooga; Dr. Elenora Woods with Chattanooga-Hamilton County Branch of the NAACP presented Low-Income Resident Housing Concerns; Valerie Radu with Grove Street Settlement House covers Violations in Housing; and Mayor Madeline Rogero of the City of Knoxville spoke regarding Fair Housing in the City of Knoxville.



**Bobbie Fields of Memphis Center for Independent Living** brought testimony regarding the Lack of Affordable and Accessible Housing in Memphis. The issue posed was the lack of affordable housing for individuals who move out of nursing homes. The recommendations the Memphis Center for Independent Living suggested were to write legislation laws that would require developers to set aside a certain portion of units for people with disabilities.

**Perrin Lance for Chattanooga Organized for Action** brought testimony regarding the affordable housing crisis in Chattanooga, TN. Chattanooga has the seventh highest rising rent in the nation. One in 2 households in Chattanooga's urban core resides in unaffordable housing. More than a quarter of all renters are paying more than 50% of their total income on housing costs. The local Housing Authority is moving to demolish most of the remaining public housing units. The recommendation Chattanooga Organized for Action is renewing their commitment in the fight against poverty and social injustice. In the coming weeks and months new initiatives, partnerships, and policy proposals will be presented to make Chattanooga a progressive city.



**Dr. Elenora Woods for Chattanooga-Hamilton County Branch of the NAACP** brought testimony regarding Low-Income Resident Housing Concerns. Mothers are being evicted without a solution for alternative housing and harassment of management. Some tenants have stated that management for the Housing Authority has harassed them routinely as a means of intimidation and to invoke fear by threatening to have them evicted. None of these tenants evicted are given an action plan once they are faced with an eviction. After evicted tenants must appear in court against attorneys hired by the housing authority to defend themselves without representation. After proceedings are over they are forced to pay the housing Authorities legal expenses. The recommendation Chattanooga-Hamilton County Branch of the NAACP is all residents should attend classes on

eviction prevention quarterly. There should be an advocate or counselor for them to confide in to get the necessary people involved to stop the harassment or at least investigate the incidences without the management threatening to evict them using all forms of intimidation tactics. Women should not be evicted or wrote up but rather given assistance to help them locate bedding and or furniture.

**Valerie Radu** for **Grove Street Settlement House** brought two testimony Violations in Housing. Two testimonies were offered from individuals. One women living in downtown Chattanooga was evicted because she withheld rent because her apartment was infested with bed bugs. She was forced to go to court over the unpaid rent and then had to pay her rent and court fees and now is not eligible for any more public housing due to this experience. A 33 year old African American male living with a felony wanted to find housing, a job and other services to help him get on his feet. Instead the felony has stopped him from obtaining services and now he lives on the street.



**Mayor Madeline Rogero, City of Knoxville** brought testimony regarding Fair Housing in the City of Knoxville. She mentioned that the City of Knoxville was the only local government in the state that still conducted its own fair housing investigations. The recommendations for the City of Knoxville are by consolidating their responsibility, through the fair housing investigations of the THRC, to educate, and raise awareness of fair housing laws.

## **B. Human Rights Issue: Housing**

### **Lack of Affordable & Accessible Housing in Memphis**

#### ***Bobbie Fields, Memphis Center for Independent Living***

I work basically with individuals living in the nursing home who wants to get out. And one of the major problems that I have been running into over the years is the lack of affordable housing. We know individuals that are living in the nursing homes and coming out, they're on a fixed income. The majority of them need accessible apartments or homes to live in so that once they're out, they will be able to live and do the things that they want to do in their home.

It's just not easy just to say, "OK, here's a house; come on and move in!"

They got to be able to do their daily business, to function in this house, to get into the bathroom, to get in the kitchen and fix a meal, or even be able to get in and out of the door.

Now, currently I work with the two major HMOs here in the West Tennessee area. And we have already identified approximately 250 residents living in the nursing home who wants to get out, but because of the lack--We have so hard of a time finding housing for these individuals, that the majority of them, it's sad to say, that even I have worked with, have died before they was able to reach their dreams. And I think that is just simply not acceptable to me. There should be something done to help these people be able to move back out into the community, amongst their family and friends, and some of them even go back to work, and live productive lives, become a productive citizen and part of their community, and help rebuild that community.

Due to the lack of housing, and out of all of the new developing communities and areas around just Memphis alone, none of these properties, none of these developers, are setting aside housing for individuals with disabilities and making it affordable for them to purchase or to be able to pay the rent. They are on a fixed income. And like I said, I work with the thirty-four licensed in TN nursing facilities here in Memphis, and of course there are more in the surrounding area. We would appreciate it if something could be done, maybe legislation, that would require developers who were developing properties to set aside a certain portion of affordable homes or apartments for these individuals coming out of the nursing home.

Especially since they're accessing taxpayer dollars, use some of them, to help develop these communities. That's basically, pretty much what I wanted to say today.

I hope and pray that this committee would consider taking back with you something to put on the table in regards to, people living in the nursing facility and wanting to live back out in the community but they can't because there is no affordable housing or accessible housing available to them.

The average waiting list in the communities that are available now is two years. That's the shortest length of time that you can expect to get an apartment or be considered for an apartment. It doesn't necessarily mean you'll get it, but the waiting lists are very long. You could be on the list anywhere from, like I said, two years to ten years. I have two individuals now that I'm working with that's been on those waiting lists for two and a half years. I've also worked with individuals who have passed away in the process of waiting to be considered for an apartment in affordable, accessible housing.

Thank you.

Question: Well, it's not occurred to me. Thank you for raising that consciousness. But there is nothing, there is no requirement for a developer who is developing either apartments or even condo units for sale, cause those could be outfitted for someone with disabilities when they, if they're buying a condo?

Now there are some developers who do ask for government assistance, who ask for taxpayer dollars, so why can't there be legislation that would require them to set aside a certain portion of units and things for people with disabilities . . .

As I stated, I work with the two major HMOs in TN who have identified the people in the nursing facilities who want out but, like I said, because of the lack of housing, and they have been working with a lot of the housing like HUD and other housing initiative programs to see what could be done to raise awareness and to incorporate developers and incentive the government, that utilize government forms, then why not put in some requirements for them to set aside?

We're not asking for you to set aside two or three hundred units, or something like that, just a modest sum. A third of your rental property--a third of those units be dedicated to people on fixed income, limited income, and make them accessible for people in wheelchairs and mobility issues. That's all, that's all we're asking: just to include us when you're thinking about developing these rural areas and other areas around the city. Thank you.

Question: Is there nothing available?

Right now all of the units here in Memphis, in the Shelby County area, are full. There is nothing available, but there are long waiting lists.

## **Housing & Economic Disparities in Chattanooga**

### ***Perrin Lance, Chattanooga Organized for Action***

*Perrin Lance, Executive Director of Chattanooga Organized for Action brought testimony at the Chattanooga Hearing on the Status of Human Rights on February 24, 2014. Mr. Lance brought testimony regarding human rights abuses and disparities facing the Chattanooga community. Chattanooga Organized for Action was created in 2010 by a group of like-minded progressive activists and friends.*

It's been over four years since a group of like-minded progressive activists and friends started an organization called Chattanooga Organized for Action.

The year was 2010, and the country was just coming out of a Great Recession caused by the greed of Wall Street banksters. Across the country, working families lost their homes, their jobs, and the lives they knew and loved. Communities of color were disproportionately affected<sup>25</sup>, and many people's dreams of a better life for their children became reduced to a desperate life lived between dwindling paychecks.

Despite a significant, eight-point increase in poverty<sup>26</sup>, some of us thought that Chattanooga's story would be a little different. After all, Volkswagen had just settled into town. Chattanooga's Gigabit Internet, the world's fastest<sup>27</sup>, had just been announced. A whole host of new entrepreneurs and creatives would set the stage for the next chapter in Chattanooga's Renaissance.

Over the course of four years, one thing has become clear. Chattanooga has become two different cities. A city of opportunity for some, and a city where the gravity of poverty gains a stronger grip. As one opinion columnist described it<sup>28</sup>, "We are a city of the New Gilded Age."

Four years later, Chattanooga is making national headlines, but they're not the kind we want to make.

### **Poverty & Economic Inequity**

- A New York Times article<sup>29</sup> on American's growing poor and low-income populations featured Chattanooga as a highlight of disturbing new trends. The article found that 27 percent of the city's residents live below the poverty line, nearly double the national average. Out of that number, "women head two-thirds of the city's poor households and 42 percent of its children are poor, nearly double the rate statewide"
- Chattanooga ranks 12th in the nation for economic inequality<sup>30</sup> out of the top 100 markets for the ratio of lower-income households to high-income households. For every one household earning \$200,000 or more, there are 20 earning less than \$50,000.
- Over half of all income earned in the Chattanooga area was earned by the top 20% of all household earners.<sup>31</sup>

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<sup>25</sup> <http://www.peri.umass.edu/681/>

<sup>26</sup> [http://www.brookings.edu/~media/research/files/papers/2010/10/07%20suburban%20poverty%20acs%20kneebone/1007\\_suburban\\_poverty\\_acs\\_kneebone.pdf](http://www.brookings.edu/~media/research/files/papers/2010/10/07%20suburban%20poverty%20acs%20kneebone/1007_suburban_poverty_acs_kneebone.pdf)

<sup>27</sup> <http://www.nytimes.com/2010/09/13/technology/13broadband.html>

<sup>28</sup> <http://timesfreepress.com/news/2014/apr/18/mirror-mirror-on-the-wall/>

<sup>29</sup> <http://www.nytimes.com/2014/03/17/business/economy/low-wage-workers-finding-its-easier-to-fall-into-poverty-and-harder-to-get-out.html>

<sup>30</sup> <http://www.bizjournals.com/bizjournals/news/2014/01/31/ratios-of-low-income-households-to.html>

<sup>31</sup> <http://www.bizjournals.com/bizjournals/news/2014/01/31/income-earned-by-the-top-20-of-all.html>

## Health & Education

- Chattanooga's ranks as **the eighth most unhealthy city in the country**<sup>32</sup>.
- Adults of workforce age are falling behind in education, as 17% of adults do not have a high school diploma. In our poorest neighborhoods, **over 40% of adults do not have a high school diploma**<sup>33</sup>.

## Housing

- **Chattanooga is in the midst of an affordable housing crisis**<sup>34</sup>. 1 in 2 households in Chattanooga's urban core live in unaffordable housing and are burdened by housing costs. More than a quarter of all renters are severely burdened, paying more than 50% of their total income on housing costs.
- Working families looking for an affordable home are running out of options. Chattanooga now has **the seventh highest rising rent in the nation**<sup>35</sup>. To make matters worse, while thousands of people sit on waiting lists for public housing, the local Housing Authority is moving to **demolish most of the remaining public housing units.**<sup>36</sup>

## Disparities

- **Chattanooga's economic disparities are felt disproportionately by its marginalized populations**<sup>37</sup>. Black households make an average of \$26,787 per year, while for whites it's \$51,548. Sixty-percent of Black children live in poverty, compared to 16.5% of white children.

All of these facts leave us with one fateful question - Is this it?

Will the "Two Chattanoogas" be our legacy? Is this the city we will leave behind for our children? Must we accept conditions of poverty and unemployment, and the suffering of our fellow citizens - or is there more we can do?

## The Progressive City of the South

The growing gap between the rich and the poor have marred this era of history, but there was another time a lot like ours. It was called the Gilded Age. This era of history saw a dangerous and growing gap between the rich and the poor and the loss of opportunity for many. Much like our time, the Gilded Age was the result of runaway greed.

But the story doesn't end there. Through the work of determined activists and organizers, the Progressive Era came as an answer and brought forth many new solutions and innovations to the social ills of the time such as labor unions, the 8-hour work day, and the end of child labor.

<sup>32</sup> <http://timesfreepress.com/news/2014/apr/18/despite-its-outdoor-mecca-status-chattanooga-ranke/?print>

<sup>33</sup> <http://www.cim-network.org/CIM/PubIssue.aspx?id=60A0A13E998B44EDA11C33FCEB16191C&issueid=%7B57A381EF-671E-43D2-8BBD-44F6A04BA960%7D#.U1Vs8HVdWBs>

<sup>34</sup> <http://chatthousing.com/>

<sup>35</sup> <http://www.nooga.com/166266/chattanooga-makes-list-of-cities-with-fastest-growing-rent/>

<sup>36</sup> <http://timesfreepress.com/news/2014/apr/23/sobering-look-public-housing-chattanooga-cha-offer/?local>

<sup>37</sup> <http://www.tfponline.com/news/2013/may/17/leaders-in-city-districts-7-9-meet-seek/>

Over 100 years later, we here in Chattanooga find ourselves with a choice: we can continue on our road towards wider and deep disparities, or we can become something new - the Progressive City of the South - a city where citizens combine their efforts to make sure no community falls behind.

To that end, Chattanooga Organized for Action is renewing our commitment in the fight against poverty and social injustice. In the coming weeks and months we'll be announcing new initiatives, partnerships, and policy proposals to make our vision for a progressive city possible.

## **Low-Income Resident Housing Concerns**

### ***Dr. Elenora Woods, Chattanooga-Hamilton County Branch of the NAACP***

*Dr. Elenora Woods, a Housing Advocate for the Chattanooga-Hamilton County Branch of the NAACP brought testimony at the Chattanooga Hearing on the Status of Human Rights on February 24, 2014. Dr. Woods brought testimony regarding housing issues brought to the attention of the local NAACP office. Dr. Woods has been assisting individuals facing eviction, poor treatment and other issues while living in public housing.*

**Identified Issue:** Many poor, young, mothers are being evicted without any solutions or alternatives for housing. As a result they become homeless. None of these tenants evicted are given an action plan once they are faced with an eviction. These individuals are forced to appear in court against high powered attorneys hired by the Housing Authority to defend themselves without representation. Once the proceedings are over they are also forced to pay the housing authorities legal expenses. The attorneys are often on retainers and the cost of these attorneys is overwhelming for anyone, let alone a woman or man living in poverty with children.

### **Proposed Solutions:**

- A. All residents should attend classes on eviction prevention quarterly.
- B. All tenants should be counseled prior to eviction and given a written and verbal warning and
- C. Tenants should be required to sign the written warning. Some tenants that were evicted stated they were evicted for things such as improper bedding and furniture. Women should not be evicted or wrote up but rather given assistance to help them locate bedding and or furniture.
- D. Finally, all tenants should have a representative (lawyer) assigned to them to represent them when they have to go to court against the Housing Authority Attorneys. It should be unconstitutional for anyone to represent themselves against an attorney at law because they are too poor to afford an attorney.

**Identified Issue:** Some tenants have stated that management for the Housing Authority to harass them routinely as a means of intimidation and to invoke fear by threatening to have them evicted.

### **Proposed Solution:**

There should be an advocate or counselor for them to confide in to get the necessary people involved to stop the harassment or at least investigate the incidences without the management threatening to evict them using all forms of intimidation tactics.

**Identified Issue:** The health risks of roaches, mice and spiders need to be addressed in a timely manner. There are documented cases where tenants have been on the waiting list to have their apartments exterminated for 6 months or longer. Several tenants have been hospitalized for brown recluse spiders in one housing project (College Hills Courts)..

**Proposed Solution:** We need to have a step by step manual with alternatives listed for women to follow when they find themselves facing an eviction. Maintenance issues that have a profound effect on one's

health should be addressed within 24-48 hours. If tenants have to exterminate their apartments they should be reimbursed.

## **Violations in Housing**

### ***Valerie Radu, Grove Street Settlement House***

I am here today to give a brief testimony on behalf of a lot of folks who live in Chattanooga. In 2012 Grove Street Settlement House of Chattanooga organized fraction undertook a Chattanooga Truth Commission on Human Rights which happened on December 10th at the public library. We had testimonies from a lot of people representing a lot of backgrounds at that event. I am actually going to be sharing some of those testimonies here today.

When it comes to housing, I know that Perrin Lance is gonna speak a little more on that and I just wanted to kind of lead into that by reading two final testimonies related to challenges of finding affordable housing.

#### Testimony 1:

I am a 21-year-old African American female who has experienced discrimination in housing. The discrimination I experienced caused me great personal distress and anxiety. I lived in public housing in downtown Chattanooga and was evicted because I withheld my rent due to the fact my apartment was infested with bed bugs. When I requested my apartment be sprayed for bed bugs, nothing was done by the management company and my baby was severely bitten. I was forced to go to court over the unpaid rent and then had to pay my rent and court fees. I have now moved in with my mother because I am not eligible for any more public housing due to this experience. My child is the one who has suffered the most through this and I feel responsible as her mother. I tried to do the right thing but it turned out I was punished for it.

#### Testimony 2:

I am a 33-year-old African American male who was recently released from jail. After I did my time I went to a half-way house at the Salvation Army and completed the program there. I wanted to find housing, a job and other services to help me get on my feet. What I found out was because I had a felony on my record it was very difficult to get any services. The only way I can survive is through the streets so I live on the streets. The police know me and I feel like they target me on a regular basis.

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## **Fair Housing in the City of Knoxville**

### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

I want to thank the Tennessee Human Rights Commission, Executive Director Beverly Watts, and Commissioners Pierce and Houston, for holding these hearings on the Status of Human Rights in Tennessee.

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations.

It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. But we still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

Prior to last year, the City of Knoxville was the only local government in the state that still conducted its own fair housing investigations. In other locales, THRC was responsible for investigating fair housing complaints and enforcing federal rules when necessary.

Recognizing that greater coordination and success would occur by consolidating this responsibility, we worked with Executive Director Beverly Watts for a smooth transfer of our fair housing investigations to THRC. We are very pleased with the success to date and appreciate the excellent work of THRC staff.

I want to recognize two members of the City's Community Development Department who worked through this transition: Becky Wade, our Director of Community Development, and Mark Rigsby, who is our Assistant Community Development Administrator.

City staff continues to educate and raise awareness of fair housing laws and refers complaints to THRC. Once a month, we provide a table for THRC staff in the City County Building in downtown Knoxville to ensure access for people seeking assistance. We appreciate the work of the Public Building Authority in making that happen.

More broadly, we continue to work to make sure that we are responsive to vulnerable populations across the city. Those include people with disabilities; racial and ethnic minorities, including a growing population of non-English speakers; and members of the LGBT community.

## Summary of Human Rights Issue of Access to Programs and Services

These testimonies cover the human rights issue Access to Programs and Services. Monroe Woods with Bolivar- Hardemon County Branch of the NAACP discussed Access to Government Programs for Rural and Low-Income Populations, Former Commissioner Deborah Taylor Tate spoke about Access to the Internet.



**Monroe Woods with Bolivar- Hardemon County Branch of the NAACP** discussed Access to Government Programs for Rural and Low-Income Populations. Hardeman County, based upon recent census data, has a population of approximately twenty seven thousand (27,000) individuals, with a per capital income of approximately sixteen thousand (\$16,000.00), with some twenty three percent (23%) below the federal poverty level. There appears to be a trend at both the state and federal levels of developing and passing laws that negatively impact the poor or finding ways of depriving them of benefits of those laws that are already on the books. The Affordable Care Act is a law that offers benefits to citizens and at the same time, every effort is made at the state level to deprive eligible citizens of the benefits of that law. To access the programs requires the use of computers, and in most cases, technical assistance for eligible recipients to enroll. There is no federal, state or local agency offering that assistance. TN State Unemployment Benefits is another

example of benefits to which individuals are entitled but have difficulty receiving. The recommendation is an advocacy component included in rules and regulations to assure that eligible recipients are indeed able to access those programs to which they are eligible and entitled. Decision makers should be aware of barriers of all individuals in order to create conditions that will truly help.

Former Commissioner **Deborah Taylor Tate** spoke about **Access to the Internet**. Much of the testimony discussed the Aspen Institute Task Force on Learning and Internet Report. To read more, visit <http://aspeninstitute.fsmdev.com/documents/AspenReportFinalPagesRev.pdf>. The world as a whole has entered an era of continual change and our approaches to learning should reflect it. The report shifts the traditional focus from one institution, the school, to a focus on the learner and all the places where the learner can advance academically and pursue his or her interests. The report urges us to advance policies and practices that foster five essential principles, learning networks, equity of access, interoperability, digital literacy, learner safety, privacy and trust.

*Access to the Internet for  
Everyone*

## **C. Human Rights Issue: Access to Programs & Services**

### **Access to Government Programs for Rural & Low-Income Populations**

#### ***Monroe Woods, Bolivar-Hardeman County Branch of the NAACP***

*Monroe Woods, President of the Bolivar-Hardeman County Branch of the NAACP brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Mr. Woods brought testimony regarding the issues facing rural and low-income populations.*

Heartfelt thanks to the TN Human Rights Commission for holding these hearings and allowing divergent views to be expressed. Human Rights are key components of the privileges we enjoy as American citizens, and it is critical that these rights are protected.

I am pleased to be here because I believe the Commission should be aware of and sensitive to the breach of rights from all sources.

The Subject of "Race Relations" in TN is important as it relates to interactions among citizens, businesses, employers and employees, as well as law enforcement.

My concern today is how recent Federal and State Laws have been implemented, especially in rural TN.

Usually, both federal and state benefit laws promulgated are implemented by state government, and citizens of TN interact with state employees to access those programs and their benefits. Previously, when laws were passed that provided benefits through specialized programs, TN state departments provided information to recipients and assisted them in applying for and receiving those benefits. This process played out at the local level through state offices in local counties. The most well-known are the TN State Departments of Children Services, Social Services and State unemployment offices.

I propose that as new laws are passed (as well as some existing laws), there should be an advocacy component in place to ensure that the programs are accessible and that those most in need receive the benefits intended by the legislation that authorized the program.

Hardeman County, based upon recent census data, has a population of approximately twenty seven thousand (27,000) individuals, with a per capital income of approximately sixteen thousand (\$16,000.00), with some twenty three percent (23%) below the federal poverty level.

There appears to be a trend at both the state and federal levels of developing and passing laws that negatively impact the poor or finding ways of depriving them of benefits of those laws that are already on the books. This practice is both troubling and unconscionable.

Only during the last few years we have been able to celebrate gains made that began "50 years ago": The Civil Rights Act, the March on Washington, Voting Rights Act, and the "War on Poverty". It now appears that there is a war on the "poor".

Examples range from, voter restrictions brought on by the requirement for "photo ID's", reduction in the number of days for early voting, among other agitators. The "user friendly" slogan has now become the

"how we can censor the right to vote" slogan. Restrictions caused by laws that prevent felons from voting, even after they have paid all of the "court required" debts to society are components of that attack.

The Affordable Care Act is a law that offers benefits to citizens and at the same time, every effort is made at the state level to deprive eligible citizens of the benefits of that law. To access the programs requires the use of computers, and in most cases, technical assistance for eligible recipients to enroll.

There is no federal, state or local agency offering that assistance. In fact, efforts were made to make it unlawful for volunteers to even assist the unprepared and unequipped to access those desperately needed benefits. It is as if there is a desire to purge a certain segment of our society by establishing as many barriers as possible for those most in need.

TN State Unemployment Benefits is another example of benefits to which individuals are entitled but have difficulty receiving. Local offices in Hardeman County and other similarly situated counties exist but are unable to offer assistance to those with problems.

Most frequently, individuals who have been approved for benefits and received their letter confirming the same are given a phone number to call. The phone is routinely unanswered and messages left are ignored for days and weeks by the department of unemployment while would-be recipients go without much needed resources. The individuals in need are left with the options of having to call their state representative or the office of the Governor, or hiring a lawyer that they cannot afford.

As of January 1, 2014, in TN, to apply for TennCare, one must do so on a computer or call a 1-800 number. The local offices are no longer the place to apply for assistance.

For the above reasons, there needs to be an advocacy component to rules and regulations to assure that eligible recipients are indeed able to access those programs to which they are eligible and entitled.

The challenge is that Hardeman County is a rural TN County, with a large percentage of its population without access to computers, and if there is access, they live in areas where there is no high speed computer service available.

It is important that decision makers be made aware of these situations. Hardeman County is not unique; there are many other rural counties in TN with similar situations. In my opinion, it is essential that government at all levels sets a standard of excellence in how it treats and cares for its citizens. For it is government that must assure that the private sector do the same.

After all, it is government Of the people, For the people and By the people!

## Access to the Internet

*Former Commissioner Deborah Taylor Tate*

Thank you for the opportunity to file this letter and reference materials with the TN Human Rights Commission and for your commitment to policies that improve our communities, our state and our nation; but most of all the lives of all Tennesseans.

As I sat throughout the recent hearing in Nashville listening to the numerous passionate and at times, extremely emotional testimony, I could not help but think how so many of our societal problems are being assisted, improved and even solved through the technological revolution we find ourselves in this new digital age.

Indeed the story regarding the invention and original “take rate” for computer, Internet, broadband and now increasingly wireless broadband has been nothing short of amazing, epochal transformation of our world and our lives has occurred. Between 2000 and 2013, home broadband access to the Internet grew from less than 5 percent of all U.S. households to 70 percent. However this has leveled off in the past few years, leaving nearly one-third of homes with NO broadband service. And that number is even more pronounced in black households (64%) and Hispanic homes (53%).

Whether immediately reaching emergency first-hand responders, finding a homeless shelter, applying for a job, gaining a degree, or even real-time language translation—we all benefit from our online access to the worldwide internet. It is no longer a luxury, it is a necessity. Just as having electricity in the last century, broadband is the superhighway for our economic growth, job creation, educational attainment and an improved quality of life. At a time when our cars are driving themselves, wearable devices monitor every heartbeat and we share photos instantaneously around the world, there is at the same time a growing digital divide most often for the poor, the elderly, the uneducated and our diverse populations.

Many of our citizens are being left behind: whether inner city or rural schools that do not have enough bandwidth or devices for children to learn; children who cannot do their homework at home; unemployed workers who have no high speed Internet to apply for a job or seniors who are isolated and disconnected from the world.

At the very time when our nation is remembering President Johnson’s War on Poverty and celebrating the 50<sup>th</sup> anniversary of the Civil Rights Act, many Americans are not just being left behind, but being left out. In fact, while the digital age is being heralded as the greatest technological age in history, the digital divide is growing. Many have called this divide-- *the civil rights issue* of this century.

To address this, federal, state and local governments along with numerous broadband providers have sought to work toward expanded deployment and access- at reasonable costs- for all citizens. I was very proud to be part of state government when Tennessee was the very first state in the country to connect all of our schools and libraries through the E-rate program.

Yet, today 80 percent of schools and libraries do not have the speed or access they need.

Our public libraries foster community use-without any cost- and have played an integral part in reaching those without access at home. Through innovative partnerships like ConnectTN, public- private partnerships have attempted to locate unserved areas and make the business case for providing for access to the infrastructure.

This is the rare case where there is a need for regulatory protection, owing to civil rights concerns. Our public officials must set policies that ensure that redlining of communities is an unacceptable discriminatory practice established by law.

In addition, corporate citizenship initiatives should be encouraged—such as WalMart’s fine example of often providing WiFi in communities with limited broadband. In one small town, businesses proudly post a sticker to show local citizens are welcome to utilize their free WiFi. Providers such as Comcast, through its Internet Essentials, have committed a low cost broadband product to eligible low income citizens here in Tennessee and across the U.S.

Five years ago, the departments of Commerce and Agriculture disseminated over \$4 billion dollars attempting to insure all regions of the country had the infrastructure to reach every American. However that goal has still not been totally fulfilled. State and local governments must take an active role in the roll out to every community and every family—without regard to their economic level.

Congress directed the Federal Communications Commission (FCC) to develop a National Broadband Plan in 2009 to ensure every American has “access to broadband capability” and to advance “consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.” The plan was written, millions of dollars expended and yet today, the divide continues to grow—especially for our most vulnerable—those who could benefit the most. Congress should be encouraged to continue to hold hearings and update communications policy to reform and improve deployment, access and uptake through the Universal Service Fund, Lifeline, E-rate and healthcare programs. At present, the FCC has numerous dockets open regarding how to improve these programs given that there remains a digital gap which negatively impacts the poor, the elderly and diverse populations—those the HRC specifically works to improve. I encourage you to send comments on behalf of the citizens of Tennessee who have been unable to access the benefits afforded by the digital superhighway.

In a few weeks, the Aspen Institute will issue a national report focusing on Learning and the Internet. I will forward the HRC a copy of that report which will provide numerous statistics regarding both the incredible opportunities afforded our children as well as huge gaps that persist. That report will suggest changes to our traditional educational systems based on a model first developed in the Industrial Age where knowledge is transferred from an external source—teachers, books and schools—to a student. In most instances, any learning that takes place outside class does not count for credit, nor is it even formally recognized. But technology is changing all of this, and in order for children to learn the skills they will need for the jobs of the digital age—no matter the sector—the schoolhouse must transform itself as well. Children must have access to the latest technologies and devices in order for them to compete and for our country as a whole to remain globally competitive. Children from homes without access and those with disabilities whether physical or learning will need special accommodations—just as they do in the real world and as required by law.

Those gaps if not closed will only exacerbate the present societal ills which were voiced in your public hearings. Thus, it is imperative that in order to solve many issues impacting our most vulnerable citizens; we will all need to become champions for unleashing the innovation and ingenuity of all— not merely some—by insuring we close the digital divide.

Whether access to or delivery of healthcare services, enhancing educational opportunities, applying for a job— all our citizens— and especially our children must have the tools they need to navigate and become productive, successful members of society in this digital age.

Thank you for including this absolutely critical issue in your upcoming published report and for adding access to affordable broadband for all and bridging the digital divide to your proceedings in the future.

FCC Dockets stating Digital Divide remains a national issue:

National Broadband Plan link to all the dockets related to the

NBP: <http://blog.broadband.gov/?ArticleTitle=Public%20Notices%20for%20the%20Omnibus%20Broadband%20Initiative>

Lifeline: <http://www.fcc.gov/document/fcc-reforms-modernizes-lifeline-program-low-income-americans>

Erate: Schools/libraries program (numerous studies/filings on need)

[https://apps.fcc.gov/edocs\\_public/attachmatch/DA-14-308A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-14-308A1.pdf)

MMTC President David Honig called the digital divide, “the greatest threat to first class citizenship since segregation.” He added that the divide, “represents the very real possibility that the vast opportunities of broadband won’t be available to everybody.

January 15, 2014, in Washington, Minority Media and Telecommunications Council’s (MMTC) 5th Annual Broadband and Social Justice Summit entitled, *Bridging the Gap: Infrastructure, Education, & Equity in the Digital Economy*

"The digital divide is an opportunity divide -- it you can't get online, you can't compete in the digital economy," said FCC chairman Julius Genachowski in a statement. "The NTIA's new report provides an in-depth look at the persistent gaps between the digital haves and the digital have-nots. Closing these gaps is one of the top priorities of the FCC's National Broadband Plan." Former FCC Chairman Julius Genachowski

## Summary of Human Rights Issue of Justice and Law Enforcement

These testimonies cover the human rights issue Justice and Law Enforcement. David Yoder with the Legal Aid of East Tennessee discussed Access to Justice, Stacy Rector with the Tennesseans for Alternatives to the Death Penalty spoke about Disparities within the Death Penalty; Mayor Madeline Rogero with the City of Knoxville discussed Law Enforcement Issues in the City of Knoxville, and June Zeitlin with Leadership Conference on Civil and Human Rights spoke about Criminal Justice Issues.



**David Yoder** with the **Legal Aid of East Tennessee** presented testimony on Access to Justice and its implication as a human right denied by those with limited economic means. The Justice system does provide legal representation to most people charged with a crime where there exists a risk of incarceration if convicted. However, there is no right to counsel in civil cases (except in some states for parents faced with the loss of their children through state termination of parental rights proceedings). “A lawyer is the key to the courthouse door.” The denial of legal assistance to protect themselves in civil matters and thus the denial of real access to our justice system results in physical abuse, homelessness, illness, the perpetuation of poverty and even death. Tennessee must ask ourselves if it is a human right to be safe from abusers and predators of all kinds, housed, healthy and fed and to have access to justice to a fair legal system.

**Stacy Rector** with the **Tennesseans for Alternatives to the Death Penalty** presented written testimony regarding Disparities within the Death Penalty. This margin of error reveals the death penalty system is irreparably broken. It is unfairly administered and applied, exorbitantly costly, does not provide swift or sure justice for victims’ families, and cannot be trusted to be accurate 100 percent of the time. With less expensive alternatives available in Tennessee, such as a life sentence (51 years minimum before parole eligibility) or life without the possibility of parole, Tennessee must consider changing this ineffective, inefficient, and untrustworthy policy that does not make our citizens safer and diverts funds from proven crime prevention methods and greater victims’ support.

Money, racial or ethnic  
identity, and geography  
influence justice



**Mayor Madeline Rogero** with the **City of Knoxville** presented testimony about Law Enforcement Issues in the City of Knoxville. PARC, an independent board that reviews and investigates complaints about police conduct. Last year PARC received 119 complaints for investigation and of those, the largest group – 32 of them – were complaints about officer rudeness or discourtesy. Only three were for excessive force – which was the leading complaint in the late 1990s. In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. There are continued challenges in many areas, and I value the support of THRC as we work together to address those. Knoxville police recruits begin Cultural Awareness training in the second week of the academy, all the way through to the end of the 26-week training. A small advisory group has been studying issues of violence in the community, particularly as they affect African American men and boys.

**June Zeitlin** with **Leadership Conference on Civil and Human Rights** presented testimony about Criminal Justice Issues. In many instances, state correctional facilities are operating at or over capacity, leading states to use scarce resources to try to build their way out of this situation. For example, just last year in Tennessee, overcrowding of state prisons made headlines across the state. It was reported by the *Nashville City Paper* that “10 of the 14 state prisons have operated above 95 percent of their capacity on average since July 2012.” We urge state leaders in Tennessee to benchmark Texas and Arkansas practices of alternatives to incarceration while preserving public safety.



## **D. Human Rights Issue: Justice & Law Enforcement**

### **Access to Justice**

#### ***David Yoder, Legal Aid of East Tennessee***

*David Yoder, Attorney for Legal Aid of East Tennessee brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mr. Yoder brought testimony regarding access to justice and its implications as a human right denied by those with limited economic means.*

Our Constitution sets the standard, “We the People of the United States in Order to form a more perfect Union, establish Justice...” (Note that this comes even before “provide for the common defense,”) We Pledge Allegiance and state further, “with Liberty and Justice for all.” Not for those who can afford it, “for all.”

A long time before we, as a nation, recognized in a formal way the need to address these values, private attorneys in some communities scattered across our nation gathered in store fronts with low income persons and tried to provide legal assistance to the poor who could not pay for their services. However, much of this effort was directed to the “deserving poor” as defined by those giving away their services.

In the 60’s, many parts of our country saw dramatic civil unrest and violence. We recognized, among other things, that if a significant part of our population could not access/use our civil justice system, we had a problem. If the only time poor people saw our civil legal system used, it was by someone or some private or government agency with wealth and/or power using our legal system to have its way with them, then we could not expect them to believe in it or trust it and should not be surprised when people resorted to non legal means. In 1965, as a part of the War on Poverty, the Office of Economic Opportunity launched its first legal aid program.

In 1974, President Richard Nixon signed into law the Legal Services Corporation Act creating the LSC as we know it today. Eligibility was determined by income level, not some individual’s determination of whether or not the person seeking help is, “deserving”. “Judgment” would be left to the courts or administrative bodies.

Funding for civil legal aid has always been a struggle, but in 1978, Congress established the “minimum access goal” of funding sufficient to allow one legal aid attorney for each 5,000 eligible low income persons. Funding across the nation was allocated based on the poverty population for each service area.

In 1980, the nation took a philosophical turn and support for federally funded legal aid became a target. In 1982 the Legal Services Corporation saw its appropriation drop by 25% (nearly a third when adjusted for the high inflation rate at the time). 1983 began a period of near frozen allocations with minor increases in the early 90s and 2009 & 10 each followed with major reductions. In 1996, LSC funding was reduced by 30%. In 2012 it was cut again by 13.9%. In 1981, the LSC appropriation reached \$321,000,000. For 2014, the appropriation level is \$365,000,000, but that is after 30 years of inflation and a dramatic increase in the poverty population. If we look at the total Inflation since 1981 it equals 105.82%, meaning that LSC funding would need to be \$660,982,200 in 2014 just to keep even with inflation.

In 1981, the current LAET service area had 81 legal aid attorneys. Today, in spite of adding nearly 40 different funding sources, LAET is able to employ only 22 attorneys. In terms of the Congressional minimum access goal set in 1978 of one attorney per 5,000 eligible low income persons, LAET should have resources to employ 70 attorneys, not 22.

### **Why is this relevant to Human Rights?**

To begin with, in spite of our Constitution and Pledge, we have yet to insure “justice for all”. Studies done by the UT College of Social Work Office of Research & Public Services combined with other statewide studies indicate that Tennessee’s legal aid programs including LAET have sufficient resources to meet less than 10% of the need for civil legal assistance experienced by persons living below 125% of the federal poverty index in East Tennessee. Other surveys have estimated that legal aid programs are able to assist less than half of the eligible persons with civil legal problems that are severe enough to compel them to seek out a legal aid office.

Our Justice system does provide legal representation to most people charged with a crime where there exists a risk of incarceration if convicted. However, there is no right to counsel in civil cases (except in some states for parents faced with the loss of their children through state termination of parental rights proceedings).

So why is access to a legal aid lawyer for a poor person a human rights issue? In part, it is because there are practically no other resources for justice for them. Access to Justice does not “merely” mean that a person cannot get a particular legal matter resolved. It means that the legal problem will become more critical, will lead to other problems and will significantly impact the quality of life for the individual and their family.

A woman without sufficient resources to hire an attorney (or a low income man) can be the victim of domestic violence and be being beaten repeatedly and severely, and we will not provide an attorney for her to protect herself. A person can lose custody of her/his children to a spouse who has financial means regardless of what is in the best interests of the children, and we will not provide an attorney to represent them. A custodial parent can be forced to live without child support because they cannot afford an attorney to represent them. A person can be evicted from their rented apartment or house or have their home foreclosed upon in violation of clear laws, and we will not provide an attorney for them. A person can be cheated out of wages or denied unemployment compensation that they are legally entitled to, and we will not provide an attorney for them. A person can be denied medical treatment or insurance coverage for treatment that would literally save their life, and even if they are eligible for insurance coverage, we will not provide an attorney to help them.

We recognize that, “a lawyer is the key to the courthouse door.” The denial of legal assistance to protect themselves in civil matters and thus the denial of real access to our justice system results in physical abuse, homelessness, illness, the perpetuation of poverty and even death. In many critical cases, the “punishment” to the just poor person who cannot get representation is far more severe than in lesser criminal cases. We must ask ourselves if it is a human right to be safe from abusers and predators of all kinds, housed, healthy and fed and to have access to justice to a fair legal system.

## **Disparities within the Death Penalty**

### ***Stacy Rector, Tennesseans for Alternatives to the Death Penalty***

*Stacy Rector, Executive Director for Tennesseans for Alternatives to the Death Penalty provided written testimony to the Commission. Ms. Rector brought issues to Tennessee's Death Penalty to the Commission's attention. Tennesseans for Alternatives to the Death Penalty (TADP) seek to honor life by abolishing Tennessee's death penalty through education, grassroots organizing and advocating a change in public policy.*

### ***Tennesseans for Alternatives to the Death Penalty***

In 2005, the United Nations Commission on Human Rights (UNCHR) called for all states that maintained the death penalty to cease executions and abolish the practice.<sup>39</sup> By 1976, nearly four years to the day that the United States Supreme Court decided *Furman v. Georgia* and ended the death penalty, it was reinstated as thirty-five states had put in place new statutes to combat the “randomness” – i.e. discrimination – in death sentencing.<sup>40</sup> Locally, in Tennessee, problems remain with capital punishment just as they do nationally. After rarely using capital punishment since the 1976 reinstatement (six executions) Tennessee has ten executions scheduled for 2014-2016, placing it at the center of the national debate. Tennessee's use of capital punishment reveals deep systemic problems outlined here under headings of *Fairness, Cost, Deterrence, and Accuracy.*

## **Fairness**

The integrity of the American judicial system rests upon the notion that justice is meted out impartially. Unfortunately, reality does not match this ideal, where money, racial or ethnic identity, and even geography, influence justice.

- *Money:* The vast majority of death row inmates were too poor to afford their own defense at trial.<sup>41</sup> Approximately 85 percent of Tennessee death row inmates could not afford to hire their own defense at trial which means that they were assigned overworked, under-resourced public defenders<sup>42</sup> or appointed counsel.
- *Race:* Race plays a role in the use of the death penalty. A 2007 report on capital sentencing found that in Tennessee defendants with white victims were at least three times more likely to receive the death penalty than defendants with black victims.<sup>43</sup> Even in jury selection, black jurors continue to be systematically eliminated from service on capital juries. More than 100 criminal defendants have raised Batson claims (a claim that the dismissal of a juror is based solely on race) on appeal in Tennessee. The state's courts have never reversed a criminal conviction because of racial discrimination during jury selection, even though the reasons provided for juror dismissal are often suspect. In a 2006 Tennessee case, *State v. Tyler*, the prosecutor struck only African American

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<sup>39</sup> [Human Rights Resolution 2005/59](http://www.amnestyusa.org/our-work/issues/death-penalty/international-death-penalty/death-penalty-and-human-rights-standards). Accessed at: <http://www.amnestyusa.org/our-work/issues/death-penalty/international-death-penalty/death-penalty-and-human-rights-standards>

<sup>40</sup> Stuart Banner, *The Death Penalty: An American History* (Cambridge: Harvard University Press, 2002), 265.

<sup>41</sup> Stephen B. Bright, “Race, Poverty, the Death Penalty, and the Responsibility of the Legal Profession,” *Seattle J. Soc. Just.* 1 (2002): 73.

<sup>42</sup> Richard Locker, “Public defender office seeks \$ 28 million.” *Commercial Appeal*, 21 April 2012.

<sup>43</sup> American Bar Association, “Evaluating Fairness and Accuracy in State Death Penalty Systems: The Tennessee Death Penalty Assessment Report.” (March 2007): 284.

jurors. The explanation given and accepted by both the trial and appellate courts was that one black juror was “tentative and timid” and another was struck for wearing a large hat and sunglasses.<sup>44</sup>

- *Geography*: Just ten percent of all the counties in the U.S. returned even a single death sentence from 2004-2009.<sup>45</sup> Similarly in Tennessee, forty percent of the state’s death row comes from one county—Shelby County. Approximately half the counties in Tennessee have never sent anyone to death row, meaning being tried and convicted for the same crime in different counties can bring vastly different sentences.<sup>46</sup>

### **Deterrence**

According to a 2009 survey of the former and present presidents of the nation’s top academic criminological societies appearing in Northwestern University’s School of Law Journal, 88 percent of these experts rejected the notion that the death penalty acts as a deterrent to homicide.<sup>47</sup> Furthermore, a random survey of 500 police chiefs across the nation reveals that when asked to name one area as the “most important for reducing violent crime,” the death penalty came in last among their answers.<sup>48</sup>

### **Cost**

Maintaining the capital punishment system is more expensive than alternatives forms of sentencing, including a sentence of life without parole. A murder trial where the death penalty is pursued is more expensive than non-capital cases. Cost studies in Kansas, Maryland, North Carolina, and Florida bear out this conclusion. For example, in the Kansas study the state spent four times as much to try a capital cases compared to one where the death penalty was not sought.<sup>49</sup> According to a 2004 study by the Tennessee Comptroller of the Treasury, death penalty trials cost an average of 48 percent more than the cost of trials in which prosecutors seek life imprisonment.<sup>50</sup>

The Office of Research was unable to determine the total, comprehensive cost of the death penalty in Tennessee. Although noting that, “no reliable data exists concerning the cost of prosecution or defense of first-degree murder cases in Tennessee,”<sup>51</sup> the report concluded that, “overall, first-degree murder cases in which the prosecution has filed a notice to seek the death penalty cost more than life without parole and life with the possibility of parole cases.”<sup>52</sup>

There is also a greater cost of the death penalty that goes beyond the fiscal realities of Tennessee’s budget: the cost to murder victims’ family members. To be meaningful, justice should be swift and sure. The death penalty is neither. Capital punishment can prolong pain for victims’ families, dragging them through an agonizing and lengthy process that holds out the promise of an execution in the beginning but often results

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<sup>44</sup> Equal Justice Initiative Report: *Illegal Racial Discrimination in Jury Selection: A Continuing Legacy*, [www.eji.org](http://www.eji.org). See also the Racial Justice Act in NC

<sup>45</sup> Robert J. Smith, “The Geography of the Death Penalty and Its Ramifications” Boston University Law Review (22 August 2011). Accessed at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1914638](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1914638)

<sup>46</sup> Tennessee Department of Correction. Accessed at: <http://www.tn.gov/correction/deathfacts.html>

<sup>47</sup> Michael L. Radelet and Traci L. Lacock, “Do Executions Lower Homicide Rates: The Views of Leading Criminologists.” *Journal of Criminal Law and Criminology* 99, 2 (Winter 2009): 501.

<sup>48</sup> Richard C. Dieter, “Smart on Crime: Reconsidering the Death Penalty in a Time of Economic Crisis,” Death Penalty Information Center (October 2009): page # Accessed at: <http://www.deathpenaltyinfo.org/documents/CostsRptFinal.pdf>

<sup>49</sup> Report of the Judicial Council Death Penalty Advisory Committee. February 13, 2014. Accessed at: <http://www.deathpenaltyinfo.org/documents/KSCost2014.pdf>

<sup>50</sup> John G. Morgan, “Tennessee’s Death Penalty: Costs and Consequences,” Comptroller of the Treasury Office of Research (2004): 16.

<sup>51</sup> Ibid, 46

<sup>52</sup> Ibid, i.

in a different sentence. In contrast, a life without parole sentence begins as soon as families leave the courtroom and is served outside the spotlight of the news cameras. Alternative sentences like life without parole begin immediately and the savings from repealing the death penalty can be used to support families of murder victims. The state of Maryland repealed its death penalty in 2013 and recently provided \$500,000 of new funding for 2015 for support and services for family members of homicide victims. These new dollars were allocated from the savings garnered from dismantling the capital punishment system in Maryland.<sup>53</sup>

### **Accuracy**

Some suggest that in order to address the length and cost of this process, inmate appeals should be limited. However, doing so would undoubtedly lead to executing innocent people. Since 1973, 144 death row inmates have been exonerated, including three in Tennessee: Michael McCormick who was on Tennessee's death row for twenty years; Paul House, on death row for twenty-three years; and Gussie Vann, on death row for seventeen years.<sup>54</sup> Though two of these exonerations hinged on DNA evidence, only approximately 18 of the 144 death row exonerations nationwide had DNA evidence to test, demonstrating DNA testing is not a panacea that can prevent all wrongful convictions. According to the Innocence Project, the leading causes of wrongful convictions are eyewitness misidentification testimony, unvalidated or improper forensic science, false confessions and incriminating statements, and informants.<sup>55</sup>

In April 2014, a report featured in the *Proceedings of the National Academy of Sciences* estimates that four percent of inmates who have received a death sentence over the past thirty years are actually innocent. This means that one in every 25 individuals who has been given a death sentence in this time frame is likely innocent.<sup>56</sup>

### **Conclusion**

This margin of error reveals the death penalty system is irreparably broken. It is unfairly administered and applied, exorbitantly costly, does not provide swift of sure justice for victims' families, and cannot be trusted to be accurate 100 percent of the time. With less expensive alternatives available in Tennessee, such as a life sentence (51 years minimum before parole eligibility) or life without the possibility of parole, Tennessee must consider changing this ineffective, inefficient, and untrustworthy policy that does not make our citizens safer and diverts funds from proven crime prevention methods and greater victims' support.

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<sup>53</sup> Accessed at: <http://www.ncadp.org/press/entry/maryland-death-penalty-repeal-legislation-to-use-funds-from-savings-to-the>

<sup>54</sup> Death Penalty Information Center Innocence Database. Accessed at:

[http://www.deathpenaltyinfo.org/innocence?inno\\_name=&exonerated=&state\\_innocence=All&race=All&dna=All&page=5](http://www.deathpenaltyinfo.org/innocence?inno_name=&exonerated=&state_innocence=All&race=All&dna=All&page=5)

<sup>55</sup> The Innocence Project. Accessed at: [http://www.innocenceproject.org/Content/DNA\\_Exonerations\\_Nationwide.php](http://www.innocenceproject.org/Content/DNA_Exonerations_Nationwide.php)

<sup>56</sup> Samuel R. Gross, et. al. "Rate of false conviction of criminal defendants who are sentenced to death," *Proceedings of the National Academy of Sciences of the United States of America* (28 April 2014).  
<http://www.pnas.org/content/early/2014/04/23/1306417111.full.pdf+html>

## **Law Enforcement Issues in the City of Knoxville**

### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations. It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. But we still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

Our Police Department has increased its efforts during the past decade to train officers to treat all members of our community with respect and professionalism.

Our police recruits begin Cultural Awareness training in the second week of the academy, all the way through to the end of the 26-week training. In all they receive 65-plus hours of classroom time on the subjects of Cultural Awareness, Mental Illness, Homelessness, Crisis Intervention, Autism and other issues.

This classroom time includes a panel of community members who donate their time and experiences to aid in educating our new recruits. These include people who may be homeless themselves or have been at one time, they may be a part of the LGBT community, they may be racial minorities who have had experiences with law enforcement (both positive and negative), or a parent with an autistic child.

By providing this type of interactive training and panel discussions, we demonstrate to our recruits our expectations of how law enforcement works together with members of the community to resolve issues in a more positive manner.

We have seen positive results of these efforts, as evidenced by statistics from our Police Advisory Review Committee, or PARC, an independent board that reviews and investigates complaints about police conduct.

Last year PARC received 119 complaints for investigation – the lowest number since the Committee's first full year of operation in 1999. Of those, the largest group – 32 of them – were complaints about officer rudeness or discourtesy. Only three were for excessive force – which was the leading complaint in the late 1990s, when PARC was created.

While we obviously expect there to be no complaints, and we want all of our officers to be respectful, this is clearly a sign of growing professionalism and sensitivity in our ranks. I would like to recognize and thank Police Chief David Rausch for his continued leadership in that regard.

I have also formed a small advisory group to study issues of violence in our community, particularly as they affect African-American men and boys. Working with me in this group are Police Chief David Rausch; Daniel Brown, city councilman and former mayor; Andre Canty, youth community activist and president of 100 Black Men of Knoxville; Thomas “Tank” Strickland Jr., the City’s Director of Community Relations; Rev. Daryl Arnold, pastor of Overcoming Believers Church; Rev. Dr. John A. Butler, pastor of Clinton Chapel AME Zion Church and presiding elder of the Knoxville district; Rev. Donna Butler of Clinton Chapel AME Zion Church; and Vrondelia (Ronni) Chandler, program support and alignment director of Project Grad Knoxville.

We have joined with a nationwide effort headed by Mayors Michael Nutter and Mitch Landrieu of Philadelphia and New Orleans to address this issue. President Obama recently announced a complementary initiative, My Brother’s Keeper.

We have been doing a lot of investigation into the issues of violence and how to reduce violence-related deaths, and to provide more opportunities to African-American men and boys.

## **Criminal Justice Issues**

### ***June Zeitlin, Leadership Conference on Civil & Human Rights***

*June Zeitlin with the Leadership Conference on Civil & Human Rights, brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Zeitlin brought several human rights issues to the Commission's attention related to Tennessee and the United States of America. Ms. Zeitlin covered voting rights, criminal justice, education and disability rights. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues.*

I am June Zeitlin, director of human rights policy at The Leadership Conference on Civil and Human Rights, the nation's oldest and most diverse coalition of civil and human rights organizations, and The Leadership Conference Education Fund. Several of the organizations participating in today's hearing are state and local affiliates of our leading members, including the NAACP, the National Urban League and the National Council on Independent Living (NCIL). I want to recognize the outstanding work of the Tennessee Commission on Human Rights, and particularly this unprecedented effort to hold hearings around the state to get the input of local, state and national organizations on the state of human rights in Tennessee. The Leadership Conference is honored to be here to provide a national framework for these critical human rights issues and how they relate to the human rights challenges faced by Tennessee today.

Founded in 1950, The Leadership Conference seeks to further the goal of equality under the law through legislative advocacy and public education. We seek to build an America as good as its ideals. The Leadership Conference consists of more than 200 national organizations representing persons of color, women, children, persons with disabilities, organized labor, seniors, gays and lesbians, and many faith-based groups. The Leadership Conference has worked to pass landmark federal legislation to protect the civil and human rights of all Americans, including laws to ban discrimination on the basis of race, national origin, sex, age and disability. Some of the most notable are:

- the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- the Civil Rights Acts of 1957, 1960, and 1964;
- the Voting Rights Act of 1965 and subsequent reauthorizations;
- the Fair Housing Act of 1968;
- Title IX of the Education Amendments of 1972;
- the Americans With Disabilities Act and ADA Amendments Act passed in 2008;
- the Lilly Ledbetter Fair Pay Act of 2009;
- the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009; and
- the Violence Against Women Act Authorization of 2013.

The Leadership Conference Education Fund, The Leadership Conference's sister organization, builds public will for federal policies that promote and protect the civil and human rights of all persons in the United States through initiatives grounded in the belief that an informed public is more likely to support effective human rights and social justice policies.

As someone from out of the state, I must acknowledge at the outset the historic moment of being in Memphis shortly after we as a nation celebrated the holiday honoring Rev. Dr. Martin Luther King Jr., who gave his life in this very city advocating for the 1,300 striking sanitation workers of AFSCME Local 1733. Dr. King understood the importance of linking the struggle for African-American civil rights in the American South with the struggles throughout the African diaspora. He knew that civil rights were human rights. And he spoke in eloquent moral terms about the struggle.

Today, nearly 46 years later, we still face huge challenges to advancing civil and human rights for all Americans. Much as there was resistance to King's efforts, there is significant resistance to nearly any policy or law that would make America more just and more equitable – particularly in Washington, D.C. You are all no doubt familiar with the gridlock in the aptly named “do nothing” Congress. While our national legislature continues to succumb to partisan obstruction and paralysis, the economic and social needs of most Americans are more pressing than ever. The top 1 percent of earners in America earn more than 19 percent of the nation's household income. The top 10 percent earns more than 48 percent—nearly half—of the nation's household income. The unemployment rate for African Americans is nearly twice the national average; for young people it's nearly three times the national average.

Tennessee overall has an average unemployment rate of 7.8 percent<sup>57</sup>, which is higher than the national average. People of color, two-thirds of whom are African American, make up approximately 20 percent of the state's population. Yet, on average, they made up 18.6 percent of the state's unemployed citizens last year. In 2012, the poverty rate in Tennessee was 17.9 percent, which was almost 3 percent higher than the national average.<sup>58</sup>

Unfortunately, there remains an inconsistency between the ideals the nation professes and the reality of its practices. While it is true that U.S. laws and policies are comparatively advanced in protecting civil rights, the gaps in U.S. law and policy as they relate to the protection of universal human rights recognized by the Universal Declaration of Human Rights (UDHR) is striking, especially in the areas of racial discrimination and economic inequality. The U.S. government has fallen short of fully implementing its obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the two major human rights conventions that the U.S. has ratified. And the United States has yet to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD), the need for which I will highlight later in my presentation.

In our work on national policy, we are very conscious that bipartisan support is essential for achieving success. While one party may be able to block action, it takes two parties to advance social change. Recently, we have begun to make some progress in this regard. Examples include the recent budget agreement adopted with support from both parties. And looking back over the past year, we have the adoption of a bill reauthorizing the Violence Against Women Act, which was signed into law, and also the adoption in the Senate of a comprehensive immigration reform bill. And just two weeks ago, we saw the bipartisan introduction of new voting rights legislation that embodies a forward-looking set of protections that work together to ensure an effective response to racial discrimination in voting in every part of the country.

But these examples of progress are not mere coincidences. Nor did they come easily. That is why my colleague, Anjali Thakur-Mittal, and I made the decision to come to Memphis for this hearing today. The case for advancing human rights and civil rights here in Tennessee and for the entire nation is clear. Lifting up those who are excluded or stuck at the bottom benefits us all. But achieving this requires us all to work together. We face many challenges to advancing the cause of human rights and perfecting our union. Today, I would urge all of us—whether we are civil and human rights advocates, public servants, or members of the

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<sup>57</sup> “December Unemployment Rate Decreases to 7.8 Percent.” Tennessee Department of Labor & Workforce Development. January 23, 2014. Retrieved from <https://news.tn.gov/node/11921>

<sup>58</sup> “Restoring Shared Prosperity” Half in Ten. Retrieved from <http://halfinteneducation.org/indicators/?y=2013&state=TN>

Tennessee congressional delegation, which includes some very important members of the House and Senate, to rededicate ourselves to finding common ground to reach solutions that benefit the people in Tennessee and around the country. Today, I want to highlight a few areas—including voting rights, education, criminal justice and the rights of persons with disabilities—where such an inclusive and bipartisan approach can lead to real change that will improve people’s lives.

Bipartisan support has also opened the possibility of reform of our criminal justice system at both the federal and state levels. Throughout the country, state prison systems are out of control as a result of population increases made up of disproportionate numbers of African Americans and Latinos. In many instances, state correctional facilities are operating at or over capacity, leading states to use scarce resources to try to build their way out of this situation. For example, just last year in Tennessee, overcrowding of state prisons made headlines across the state. It was reported by the *Nashville City Paper* that “10 of the 14 state prisons have operated above 95 percent of their capacity on average since July 2012.”<sup>59</sup> As a result, the state was forced to house over 9,000 of its inmates in county jails at an additional cost of \$48 million dollars to taxpayers. It is evident we can no longer afford to incarcerate our way to “public safety,” and bipartisan reform initiatives are necessary to meet these challenges.

And there are examples of state legislators and members of Congress working in a bipartisan fashion to reform our criminal justice system and explore alternatives to incarceration. At the federal level, Congress is now considering a set of measures that will restructure federal sentencing guidelines and provide opportunities for inmates to qualify for early release as a means of reducing both costs and overcrowding in the federal bureau of prisons. Also, states like Texas and Arkansas have begun to implement policies that incorporate alternatives to incarceration, like probation and community supervision and as a result reduced their prison populations and costs, without sacrificing public safety. We urge state leaders in Tennessee to also use this moment as an opportunity to pursue alternatives to incarceration while preserving public safety.

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<sup>59</sup> Greenberg, Pierce. “Group lobbies state to reform prisons — and save money.” *Nashville City Paper*. June 16, 2014. Retrieved from <http://www.nashvillecitypaper.com/content/city-news/group-lobbies-state-reform-prisons-and-save-money>

## Summary of Human Rights Issue of New American and Immigrants

These testimonies cover the human rights issue of New Americans and Immigrants. Mayor AC Wharton with the City of Memphis discussed Immigration Integration Methods: A Municipal Perspective; Mayor Madeline Rogero with the City of Knoxville spoke about Immigrant Issues in the City of Knoxville; Mayor Karl Dean with Nashville Davidson County Government spoke about Empowering New Americans; Dan Cornfield and Alistair Newbern with the spoke about Partnering for an Equitable and Inclusive Nashville; Alysa Medina with Tennessee Immigrant and Refugee Rights Coalition discussed Challenges Facing Families with Mixed Immigration; Veronica Zavaleta with Tennessee Immigrant and Refugee Rights Coalition spoke about Effects of Deportation on Immigrant Families ; and Iris Mercado with Tennessee Immigrant and Refugee Rights Coalition spoke about Challenges Faced by Undocumented Youth.



**Mayor AC Wharton** with the **City of Memphis** presented testimony on Immigration Integration Methods: A Municipal Perspective. The Mayor’s Multicultural Coalition in Memphis is a group comprised of approximately thirty leaders representing diverse populations and organizations that serve multicultural residents and immigrants. The coalition protect against barriers for the immigration population. Local Hispanic, Muslim and African community expressed concern regarding interaction with the police department and the economic stability of their businesses. The City of Memphis just recently we signed on as a Welcoming City with the Welcoming America collaborative. As our local communities begin to change and become more diverse, it will

take the courage of a broad base of thinkers – elected officials, clergy, business owners, and everyday folks in the community to come together and ask what is the moral and right thing to do? The recommendation is to encourage leaders to recognize and listen to the voices of our new Tennesseans.

**Mayor Madeline Rogero** with the **City of Knoxville** presented testimony about Immigrant Issues in the City of Knoxville. Knoxville has growing challenges for our Hispanic population, which nearly tripled from 1.6 percent of City residents in the 2000 Census to 4.6 percent in 2010. Language is the most significant barrier to ensuring full access to City services and resources for the Latino population. Many of our Latino newcomers are immigrants, and immigrant populations are often vulnerable to abuse and exploitation in both housing and employment. The City of Knoxville has developed a comprehensive action plan across all City departments for addressing the needs of those with Limited English Proficiency; continued outreach and educational efforts will be required to ensure that people are aware of community resources and legal protections; and connect immigrants and refugees to local organizations like Bridge Refugee Services and the Tennessee Immigrant and Refugee Rights Coalition.





**Mayor Karl Dean with Nashville Davidson County Government** presented testimony about Empowering New Americans. Nashville is rapidly becoming more diverse. By 2020, the majority (50.1%) of Davidson County’s population will be “people of color.” By 2030, that number will be 59%, and by 2040, according to the experts, it will be 68%. A decade ago, 2.5% of Nashville’s population was foreign-born. Today, that number is nearly 12%. The Mayor Office has instituted MyCity at Casa Azafran and a new Pre-K Program for New Americans. MyCity is first of its kind in the nation, this free program helps New Americans gain a better understanding of how Metro Government works. Upon graduation, they become part of an extensive and diverse alumni network. The Mayor that this year’s budget will include funding to construct a new pre-kindergarten center at Casa Azafran, the home of a collective of strong nonprofit organizations, from Conexion Americas to the Tennessee Immigrant and Refugee Rights Coalition to

Justice for Our Neighbors, who together offer education, healthcare, the arts and legal services to immigrants, refugees and the Nashville community as a whole. Not only will this new pre-K hub provide a much-needed expansion of our city’s tuition-free preschool opportunities and strengthen services to children from non-English-speaking homes.

**Dan Cornfield and Alistair Newbern with Vanderbilt University** presented testimony about Partnering for an Equitable and Inclusive Nashville. Over the last half-century, as Nashville has grown and changed in its population, the challenges of achieving equity and inclusion for all Nashvillians have similarly expanded to encompass issues of race, religion, nationality, ethnicity, sexual orientation, disability, gender, age, and wealth. Disparities persist in access to opportunity, infrastructure, and services. As Nashville thrives as a city, the mandate to ensure that all



Nashvillians share equally in and have access to the benefits of its growth is even more compelling. Nashville’s strength as a city depends upon shared prosperity and the participation of all community members in policymaking decisions for its future. The recommendation are to plan for the next twenty-five years which gives Nashville the opportunity to ensure that equity and inclusion are solidified core values of the community; educate through a white paper to ensure that commitment is carried into Nashville’s future; confirm that the values of equity and inclusion are central tenets of development; formation of a public-private partnership dedicated to equity and inclusion considerations. This information derives from an extensive report, Social Exclusion in Nashville.





**Alysa Medina with Tennessee Immigrant and Refugee Rights Coalition** presented testimony regarding Challenges Facing Families with Mixed Immigration. 16.5 million People currently live in mixed status family. Families have to wait for immigration reform.” Because of the current status of our federal law, upon applying for my husband’s residence paperwork, immigrants would have to leave the US and go back to Mexico in order to gain his final VISA. Upon crossing back into Mexico, the US government will impose a 10 year bar on the individual’s return. People are forced to live with the daily fear that our family members can be so easily torn from us. Programs such as “Secure Communities” and 287(g) programs target undocumented immigrants driving without licenses and subject them to deportation leaving a wave of children separated from their parents. Local police officers use racial profiling to target

members of our communities. Anti-immigrant rhetoric fills the media and the halls of our legislature causing further policies which divide our families. Immigrant children are bullied and harassed in our school systems—not just by fellow students but by some of the teachers themselves or administration. The recommendation is a reform of our outdated immigration laws. Immigration reform that has as its central component not more enforcement and border security but the promise that family will no longer suffer separation due to broken policy; reform that holds the family as the most important unit—as is true to our American morals—and puts a stop to the inhumane programs driving the deportation machine.

**Veronica Zavaleta with Tennessee Immigrant and Refugee Rights Coalition** presented testimony on about Effects of Deportation on Immigrant Families. Eleven hundred families are being separated every single day, just because the system is broke, just because the system was created years and years ago, and it worked in that point, but right now in 2014, it does not work anymore. Undocumented students get a DACA number which identifies them as undocumented and they have pay three times the normal price for college. The recommendation is to raise awareness of the pain and terror in our communities, to speak for those too afraid to speak for themselves, to encourage others to join their voices with ours until a lasting change is created.



**Iris Mercado with Tennessee Immigrant and Refugee Rights Coalition** presented testimony about Challenges Faced by Undocumented Youth. Each year, undocumented students graduate in Tennessee with hopes of continuing their education, but no matter how long they have lived in Tennessee they must pay more than three times as much as their classmates to attend a public college or university—even if they meet all the other residency requirements as other students. There are an estimated 14,184 undocumented youth in Tennessee who are eligible now for Deferred Action for Childhood Arrivals (DACA), or will be eligible when they turn 16. With DACA, these youth are authorized to live and work in Tennessee, but our current tuition policies create barriers to continuing their education and achieving their potential. Undocumented immigrants paid more than \$157 million in sales and property tax in Tennessee in 2010 alone. The Immigrant and Refugee Right

Coalition recommends a less restrictive eligibility requirements of time spent in Tennessee schools and academic requirements, in-state tuition to Tennessee graduates, regardless of immigration status; follow in the footsteps of 16 other states and approve tuition equality policies.

## **E. Human Rights Issue: New Americans & Immigrants**

### **Immigration Integration Methods: A Municipal Perspective**

#### ***Mayor AC Wharton, City of Memphis***

*Mayor AC Wharton, Mayor of the City of Memphis brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Mayor Wharton brought testimony regarding Memphis' municipal perspective of integration methods for immigrants.*

Executive Director Watts and Members of the Commission, I appreciate the invitation to testify before the Tennessee Human Rights Commission on an opportunity related to the growing diversity of our city and our entire nation – immigrant integration.

Executive Director Watts, thank you for reaching out and asking me to share more about what we are doing here on a local level to work toward promoting mutual benefits for immigrants and receiving communities that foster enhanced civic participation and community engagement.

In the spring of 2013, I, along with Mayors from twenty other cities, was invited by then New York City Mayor Michael Bloomberg to attend an immigrant integration conference he organized in New York City. We were invited due to our rapidly growing foreign-born population. Yes, believe it or not, Memphis was included in this short list of cities.

We were included because our state has become known as a New Destination State given the fact we had the third fastest growing immigrant population in the nation during the first decade of the 21st Century.

The measure used to chart immigrant integration success is described as economic mobility for, civic engagement by, and the receiving communities' openness to the immigrant population. And this is what we in the City of Memphis use as our compass in guiding our activities.

While immigration is often viewed as a federal issue, we all know as the great Tip O'Neill put it - "all politics is local." So while the folks in DC work on immigration reform and tackling best ways to deal with the current system, I have always worked to ensure that those who are residents, and notice I didn't say citizens, but residents of our city know they don't have to live in fear.

**Mayor's Multicultural Coalition.** One process we have put in place here locally includes the Mayor's Multicultural Coalition. This is a group comprised of approximately thirty leaders representing diverse populations and organizations that serve multicultural residents and immigrants. This groups meets to hear (early on) about programs and policies coming from my Administration but they also have an opportunity to tell me very candidly how the work we are doing and plan on doing impacts their specific populations. I want to hear the bad and the good.

Experiences and actions we take for granted when we plan or implement programs and policies can become major barriers for the immigrant population. For example, during the holidays my Office gave away 5,000 baskets of food to those who have fallen on tough times. The process called for the recipients to come to a central location downtown to pick up the baskets. Well, because of the relationships we have built, Latino

pastors called and said the community doesn't feel safe coming downtown and while they need the food there is a broad based fear that downtown is this place where they lock up Latinos.

So I could have said, "No, that's the process. Too bad! We're sticking to it!" but instead we worked with the leaders of those communities and they picked the baskets and passed them out to those in need at churches and other places the community considers safe. That comes from relationship and that comes from a local leader's unique perspective to see the immediate need of those living in his or her city and being able to act on meeting that need.

Also, our local Muslim and African community expressed concern regarding interaction with the police department and the economic stability of their businesses. As a result, we have hosted town halls for the larger Muslim community and roundtables for African business owners. Immigrant business owners had an opportunity to sit down and meet with top level brass from our police department representing precincts where their businesses are located. They want to work with the police and help serve as eyes and ears around their stores and gas stations.

Now of course all of our immigrant integration work isn't as "Kum Ba Yah" as this may sound, but I feel proud of our city when a people who came here from countries where government has been a horrible enemy- when they feel at ease sitting in a room with me and members of our police department ... That makes me proud.

**Welcoming City.** The City of Memphis just recently we signed on as a Welcoming City with the Welcoming America collaborative. Other cities include New York, Atlanta, Philadelphia, Chicago and San Francisco... The goal here is to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality.

As our local communities begin to change and become more diverse, it will take the courage of a broad base of thinkers – elected officials, clergy, business owners, and everyday folks in the community to come together and ask what is the moral and right thing to do?

And I believe that should be what drives us as elected officials and as the electorate to determine our best course of action around immigrant integration in our communities.

And other leaders can make efforts to develop similar programs in their cities. What I have done isn't rocket science but I would be careless if I didn't acknowledge how diverse we are becoming and act on that.

**Diverse City Programming.** Actions as simple as the monthly radio show on Spanish radio the City hosts designed to educate the community on city ordinances and raise awareness about city assets such as our libraries and community centers is a great place to start.

Our libraries host events and activities focusing on diversity. We host naturalization ceremonies and have received numerous grants allowing us to add diversity to our collections.

The City uses Language Line which is an interpretation system over the phone so if you call in about a pothole, stray animal, or just need help finding a service- we can speak your language. This is a great customer service feature.

So in closing, I encourage other local leaders to recognize and listen to the voices of our new Tennesseans. They are our local scientists, business owners, activists, educators and parents who are here not to be liabilities but rather to serve as contributors to the continued progress of our local cities and our state.

## **Immigrant Issues in the City of Knoxville**

### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations. It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. But we still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

We also see growing challenges for our Hispanic population, which nearly tripled from 1.6 percent of City residents in the 2000 Census to 4.6 percent in 2010.

We know that language is the most significant barrier to ensuring full access to City services and resources for the Latino population. We have developed a comprehensive action plan across all City departments for addressing the needs of those with Limited English Proficiency – again, Joshelyn Hundley was the key to making that happen. That plan is currently under review by our Law Department.

We also know that many of our Latino newcomers are immigrants, and immigrant populations are often vulnerable to abuse and exploitation in both housing and employment. Continued outreach and educational efforts will be required to ensure that people are aware of community resources and legal protections. We work together in these efforts with local advocacy groups including Centro Hispano and the East Tennessee Hispanic Chamber of Commerce.

More broadly, like any metropolitan area, we see immigrants and refugees from around the world: Africa, the Middle East, Eastern Europe, Central Asia. We do whatever we can to connect them with local organizations like Bridge Refugee Services and the Tennessee Immigrant and Refugee Rights Coalition. We want to make sure that they know their rights as well as the housing, employment and social services that are available to them.

I also want to recognize Patricia Robledo, who is the City's Business Liaison in our Office of Business Support, but is also our liaison to many outside organizations that serve immigrant populations.

## **Empowering New Americans**

### ***Mayor Karl Dean, Metropolitan Nashville Davidson County Government***

*Mayor Karl Dean, Mayor of the Metropolitan Government of Nashville & Davidson County brought testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Mayor Dean brought testimony regarding the City of Nashville's efforts to empower new Americans.*

It's good to be with you this afternoon. I know the Commission has held hearings throughout the state in the past few months, and I think it's appropriate that you're wrapping things up there in Nashville.

This city has become an example of the good that can happen when community members join together and say, "This is a welcoming community. We will not tolerate discrimination here."

As you'll hear this afternoon, organizations throughout the city are working hard to further human rights and prevent discrimination—to be a force for opportunity and equality.

Their good work is one of our city's greatest strengths. And, of course, there is still more work to do, which is why it's so important that we gather together in forums like this one. There could not be a better time for conversations like this.

Like so many places in our country, our city is rapidly becoming more diverse. In fact, by 2020, the majority (50.1%) of Davidson County's population will be "people of color." By 2030, that number will be 59%, and by 2040, according to the experts, it will be 68%. A decade ago, 2.5% of Nashville's population was foreign-born. Today, that number is nearly 12%.

As these numbers illustrate, the face of our city is changing quickly. That kind of change often brings a community to a crossroads. That's what happened here in Nashville in 2009. Many of you here today know exactly what I'm talking about.

In 2009, this community faced a proposed referendum that would have forced Metro Government to do business exclusively in English. Had it passed, we would have been the largest city in the country with an English Only requirement.

Not only would English Only have affected our government's ability to function effectively, it would have sent a signal to all who wanted to live, work or visit here. It would have replaced our "Welcome" signs with signs that read, "You're welcome here, but only if you speak English." Our community was at a crossroads, and—by a resounding 56%-to-44% margin—we chose the path that was welcoming, the path that respected and valued the differences among us. We defeated English Only.

That was five years ago. And while five years doesn't seem that long ago—it certainly doesn't for me—so much has happened in Nashville during that time. Building on the momentum of the English Only defeat, we have continued our work to ensure that Nashville is an open and welcoming place.

Since 2009, we've launched a new program called MyCity Academy. The first of its kind in the nation, this free program helps New Americans gain a better understanding of how Metro Government works. Over the course of seven months, MyCity Academy participants meet with me and with leaders from Metro departments. They tour Metro facilities and practice using our bus system. They hear from police officers

and from employees at our water plant. Upon graduation, they become part of an extensive and diverse alumni network.

MyCity is now in its third year, and this year's class includes 34 community leaders from diverse backgrounds and 12 different countries. As news of MyCity spreads throughout our New American communities, the list of people who want to participate gets longer and longer. Our next class won't begin until March 2015, but already people are contacting our office to make sure we send them an application when the time comes.

MyCity is organized with the help of my New Americans Advisory Council, which I created in 2009 to help open a two-way line of communication and collaboration between Metro Government and Nashville's New American communities. The Council is comprised of leaders from Nashville's most prominent refugee and immigrant communities. Current members hail from Sudan, Peru, Nigeria, China and Kurdistan, among other places.

Nashville's Kurdish population is so large that, since 2009, we have twice been a polling place in the Iraqi elections. In 2010 and again just last month, thousands of Iraqi citizens from Nashville and throughout the region cast their ballots here in the Iraqi parliamentary elections.

And since 2009, Nashville has celebrated the opening of a new community center, Casa Azafran, located at the gateway to Nashville's booming international district. Casa Azafran plays home to a collective of strong nonprofit organizations, from Conexion Americans to the Tennessee Immigrant and Refugee Rights Coalition to Justice for Our Neighbors, who together offer education, healthcare, the arts and legal services to immigrants, refugees and the Nashville community as a whole.

Earlier this month, I announced that this year's budget will include funding to construct a new pre-kindergarten center at Casa Azafran. Not only will this new pre-K hub provide a much-needed expansion of our city's tuition-free preschool opportunities . . . it will strengthen services to children from non-English-speaking homes, which today account for nearly a quarter of all parents in our public school system.

These kinds of programs, and others like them, contribute to Nashville's vibrancy and success. And we've experienced a lot of success lately. Now is a great time to be in Nashville. We are at the top of our game.

The media gives out all kinds of national awards and accolades. Mayors tend to pay attention to that sort of thing. In 2013, The New York Times called Nashville the newest "it" city. It emphasized that our city is "alive with immigrants." Last month, Nashville was the subject of a Time Magazine profile. It was titled "The South's Red-Hot Town."

According to the Bureau of Labor Statistics, Nashville had the highest percentage job growth of any market in the country in 2012. And we followed that up in 2013 with the Number Two ranking. Earlier this year, the Census Bureau announced that Nashville was the 7th fastest-growing large city in the United States.

To me, it is no coincidence that our city has reached these kinds of heights—and earned these kinds of accolades—at a time when our population of immigrants and refugees is rapidly increasing. There's much more we can do and should do to ensure that Nashville is a city of opportunity and a city that respects the dignity of people from of all walks of life.

We will continue with our work, and we will continue to be thankful for the work of the Tennessee Human Rights Commission, which does so much to advance opportunity in our state. Thank you.

## **Partnering for an Equitable & Inclusive Nashville**

### ***Dan Cornfield & Alistair Newbern***

Since a group of students at its historically black colleges and universities charted the course for a civil rights movement that would change the nation, issues of equity and inclusion have been central to Nashville's city identity. Over the last half-century, as Nashville has grown and changed in its population, the challenges of achieving equity and inclusion for all Nashvillians have similarly expanded to encompass issues of race, religion, nationality, ethnicity, sexual orientation, disability, gender, age, and wealth. As in the past, these new challenges have been met by the force of enterprising Nashvillians who have launched nationally recognized initiatives of advocacy, awareness, and inclusion. In our constantly diversifying community, these socially integrative initiatives present models for Nashville's future resolve to address both long-term and recent trends that slow Nashville's progress toward greater social inclusion and equity.

Nashville is poised to enter its planning process as a city worthy of emulation in many ways. However, Nashville's work to achieve equity and inclusion for all its residents is not complete. Disparities persist in access to opportunity, infrastructure, and services. We reach this conclusion from multiple sources indicating the need for continued efforts to achieve social inclusion in Nashville. Sources include Metro Social Services' annual Community Needs Evaluation reports, U.S. Census Bureau statistics about Nashville, local organizations and archives, our own recorded conversations with community leaders, reports written for this paper by diverse experts and advocates, reports written for this paper by staff of two Metro Nashville government agencies, and media coverage.

As Nashville thrives as a city, the mandate to ensure that all Nashvillians share equally in and have access to the benefits of its growth is even more compelling. Nashville's strength as a city depends upon shared prosperity and the participation of all community members in policymaking decisions for its future. Planning for the next twenty-five years gives Nashville the opportunity to ensure that equity and inclusion are solidified core values of the community.

Our purpose in this white paper is twofold: first, to recognize and learn from models in the public and private sectors of Nashvillians working to create an equitable Nashville; and second, to ensure that commitment is carried into Nashville's future.

As Nashville authors its general plan for the next twenty-five years, we must confirm that the values of equity and inclusion are central tenets of development. To achieve this goal, we propose the annual evaluation of measurable benchmarks, an Inclusivity Index that can be used as a perennial guide for planning decisions and to evaluate equity in our city. We also propose the formation of a public-private partnership dedicated to equity and inclusion considerations. The Partnership will develop and execute the Inclusivity Index, ensure inclusion of marginalized voices in community decision making, and encourage socially integrative initiatives in Nashville that manifest these goals. Establishing the Partnership will serve as the first step in making our commitment to equity and inclusion real for all Nashvillians, today and tomorrow, and in creating a strong, prosperous, equitable, and inclusive community to support Nashville's growth over the next twenty-five years and beyond.

Our proposal for a public-private partnership is inspired by Nashville's continuing mission of becoming an inclusive democratic community and arises out of this history of noteworthy action by both committed community leaders and public officials. Several recent campaigns illustrate Nashville's progress toward these goals. To learn more, read [Social Exclusion in Nashville](#).

## **Challenges Facing Families with Mixed Immigration Status**

### ***Alysa Medina, Tennessee Immigrant & Refugee Rights Coalition***

My name is Alysa Medina, the East TN Organizer for the Tennessee Immigrant and Refugee Rights Coalition. **TIRRC** is a statewide, immigrant and refugee-led collaboration whose mission is to empower immigrants and refugees throughout Tennessee to develop a unified voice, defend their rights, and create an atmosphere in which they are recognized as positive contributors to the state.

In TIRRC, we envision a society in which: immigrants are powerfully engaged as leaders in the civic, political, and cultural life of the community; the human rights and dignity of all people are respected, and diversity is welcomed and valued; people are free from discrimination and oppression, and immigrants are joined with others in a broader movement for religious freedom and social, racial and economic justice.

In TIRRC, we also believe that real and lasting change must be led by those directly affected by injustice, and for this reason **community organizing** and **leadership development** are the core strategies we use to realize our vision. We bring together diverse immigrant communities throughout the state to examine root causes, find common interests, and organize for better conditions.

That brings me to the reason that I got involved with TIRRC four years ago, first as a volunteer and now as the East TN Organizer. I am one of the 16.5 million people that currently live in mixed status family. My husband of 8 years is an undocumented immigrant that came here from Mexico 22 years ago.

My husband migrated to the US the day after his 21<sup>st</sup> Birthday, three of his 7 brothers and sisters had already moved to the states and had become residents of the US. The necessity in their family was great at that time—my husband’s father had died when he was 8 years old and his mother was struggling to support her 8 children in Mexico with little help from their extended family. My husband dropped out of secondary school in order to help support his younger brothers and sisters. It was soon apparent that the best opportunity for him to do so was in el Norte, but as most immigrants from Latin America of meager means, there were no visas or legal ways for him to migrate to the US. And so 22 years ago, he crossed the desert in Baja California and met his older brother on the California side of the border. He found work, began to learn English and, 10 years later, after many rocky years learning to live in this country—met me and fell in love.

Despite the repeated attempts to change his status, my husband and I have always been unable to do so. Repeatedly we have gone for immigration consultations and we always get the same response, “You are not eligible to fix your husband’s status without having to face years of separation under the current law. Wait for immigration reform.” Because of the current status of our federal law, upon applying for my husband’s residence paperwork, my husband would have to leave the US and go back to Mexico in order to gain his final VISA. Upon crossing back into Mexico, the US government will impose a 10 year bar on his return. This means that my husband will not be able to re-enter the US for 10 years.

This is impossible to imagine—lose the father of my four children for 10 years? What about their birthdays? Christmases? Soccer games? Plays? My son’s first communion? Proms? Driver’s licenses? Graduations?

Entering college? etc. Let alone the day to day contact that my children have with their father...that they need with their father.

And so, as many other families, both mixed status families where one or more members of the family are undocumented and the others are residents or citizens and families in which all the members of the family are undocumented, we are forced to live with the daily fear that our family members can be so easily torn from us. No one can imagine the intensity of the fear that overtakes us when my husband is late from work. Or the flash of fear every time my husband calls and I worry that he may have been pulled over or had some kind of encounter with the police. Or when I see the look of terror on my children's faces when a police officer pulls behind us while we are driving...fearful that my husband will be taken from them, fearful always fearful. My children have internalized this fear and are nervous every time they see a police officer or official.

Families with undocumented members live with this daily terror underlying everything that they do in life. There is no planning for the future because there is the constant worry about the present. At one time my husband and I dreamed of owning our own home, a little farm but these dreams have been dashed due to our situation. Our children suffer from the anxiety and terror this situation causes.

Things have gotten even more difficult as the years go by. Programs such as "Secure Communities" and 287(g) programs target undocumented immigrants driving without licenses and subject them to deportation leaving a wave of children separated from their parents. Local police officers use racial profiling to target members of our communities. Anti-immigrant rhetoric fills the media and the halls of our legislature causing further policies which divide our families. And this rhetoric drips down through societal ranks; it poisons the hearts of a new generation of children who then repeat the hate filled language against immigrants. Immigrants are spoken of as less than human or undeserving of our compassion. Immigrant children are bullied and harassed in our school systems—not just by fellow students but by some of the teachers themselves or administration.

All the while immigrant families suffer in silence, afraid to lift their voices, afraid to defend their rights lest it bring the spotlight on their own situation and risk to any undocumented family members.

That is why my husband and I began to organize with TIRRC. That is why we have decided that we must take our story public in order to raise awareness to the pain and terror in our communities, to speak for those too afraid to speak for themselves, to encourage others to join their voices with ours until a lasting change is created.

And that change is a reform of our outdated immigration laws. Immigration reform that has as its central component not more enforcement and border security but the promise that families will no longer suffer separation due to broken policy. Reform that holds the family as the most important unit—as is true to our American morals—and puts a stop to the inhumane programs driving the deportation machine.

## **Effects of Deportation on Immigrant Families**

### ***Veronica Zavaleta, Tennessee Immigrant & Refugee Rights Coalition***

My name is Veronica Zavaleta, and I'm a volunteer in the Tennessee Immigrant Refugees and Rights Coalition. I'm originally from Mexico City. One night twelve years ago, I decided to immigrate to this country. I was fleeing from domestic violence and I came to this country with three boys. One was 9 years old, 18 months and 4 months. I was running basically to save my life. I came to United States twelve years ago, don't speak English and I was in the middle of nowhere with nothing, remember? But Nashville has a great community, open their arms for me, received me with my three kids and twelve years later, we still here.

I'm a volunteer in different organizations because I believe in the power of education. I like to educate my community, especially the women in my community. To let them know we have a power. To let them know we have a voice. Because Hispanic women think to be mistreated is OK because we are women. I started working in a restaurant where I have experienced a lot of discrimination. He was telling me, my boss was telling me, he would put my tongue in the fryer in order for me to speak English. It was difficult, but I was coming from a domestic violence. I was coming from a broke family. I was think that's right. I was thinking if someone abuses me it was OK, because I was a woman, and above that I was a Mexican. But today I speak English, and I don't get my tongue in the fryer.

Twenty years later, I'm fighting for Human Rights. I'm fighting for my community, and I'm fighting for my kids. My kids are undocumented as well. I have a son who is a junior in college. He's in a community of 33,000 students, and just few of them are undocumented. Right now my family is about to be separated because of the injustice on immigration policies. My brother, he's a single father. He has a little girl. She is 5 years old. And it is so hard when that little girl come to me and told me, "Everybody in the school having a Moms' and Girls' Day, but I don't have a mom." And right now, next month, she will not have a father, because his father is about to be deported. He's been in United States for ten years!

Right now, at this point, I feel very unsecure for my family. Very unsecure for my future and it's not only me. Eleven hundred families being separated every single day, just because the system is broke, just because the system was created years and years ago, and it work in that point, but right now in 2014, don't work no more. Years ago when they created the Constitution, we don't have Facebook or Twitter. And in 2014, we do. It's completely a different world. But even with all those tools, we keep fighting to keep our family together. Because I believe that I'm asking for twelve years of being contributing to this community. I'm a part of my neighborhood. I'm a part of Nashville, my daughter as well. And right now, we are form part of those eleven hundred families who's being separated every day.

Here in Tennessee, in the state of Tennessee, the students who are undocumented or who receive a DACA, the child arrivals. Is that what it's called?

That President Obama gives to the students? They cannot go to college, because one student who is undocumented has to pay three times the normal price. It's so hard to see a kid, straight A's in school, the best behavior, to turn around and say, "I can't follow my dream." Just because of couple thousand dollars!

Maybe for the people, who is in the audience today, they say, or they thinking, "It's just a couple thousand dollars." But when you talk about \$18,000 per semester... it's hard. It's hard.

And it's just because the system don't work.

My brother is in deportation proceedings, because the rules don't work. One day he just got stopped, because his light didn't work. He pulled over, and he end up now in deportation. What we gonna do with that five-years-old? She doesn't have a mother. And she will not have a father.

## **Challenges Faced by Undocumented Youth**

### ***Iris Mercado, Tennessee Immigrant & Refugee Rights Coalition***

Each year, undocumented students graduate in Tennessee with hopes of continuing their education, but no matter how long they have lived in Tennessee they **must pay more than three times as much** as their classmates to attend a public college or university—even if they meet all the other residency requirements as other students.

Our low college enrollment rates are bad for our state, and our unfair tuition policies make it worse. Nationally, **less than 10% of undocumented students who graduate high school go to college**, compared with about 75% of their documented classmates. Studies show that **with inclusive in-state tuition policies, 31% more Latino non-citizens enroll** in higher education and their high school dropout rates are reduced by an estimate of 14%. Tuition equality will help boost Tennessee's graduation rates and keep us economically competitive.

**There is an estimated 14,184 undocumented within Tennessee**, who is eligible now for Deferred Action for Childhood Arrivals (DACA), or will be eligible when they turn 16. With DACA, **these youth are authorized to live and work in Tennessee**, but our current tuition policies create barriers to continuing their education and achieving their potential. We have invested in the education of these young, undocumented Tennesseans throughout their K-12 education and their families have invested in our state. **Undocumented immigrants paid more than \$157 million in sales and property tax in Tennessee in 2010 alone.**

Students, parents, educators, and members of the Tennessee community have joined together to pass legislation in Tennessee that would grant in-state tuition rates to undocumented students to attend college.

In 2014, two bills have been filed that would expand access to in-state tuition rates to students who meet certain requirements, regardless of immigration status. TIRRC strongly supports both of these bills.

### **[SB1951/HB1992](#)**

This bill was introduced by Senator Gardenhire (R-Chattanooga) and Representative Floyd (R-Chattanooga). SB1951 would grant access to in-state tuition rates at all public colleges and universities in Tennessee to students who (1) spent at least five years in Tennessee schools and (2) meet the academic requirements for the HOPE scholarships.

TIRRC believes that the eligibility requirements of time spent in Tennessee schools and academic requirements are too restrictive. However, we support this bill as a good first step in expanding tuition equality in Tennessee.

***CURRENT STATUS:*** *The bill was taken off notice in the [House Education Subcommittee](#) on Tuesday, March 25<sup>th</sup>, 2014 and was moved to the General Subcommittee of the [Senate Education Committee](#) on Monday, March 24<sup>th</sup>, 2014.*

### **[SB2067/HB2328](#)**

This bill was introduced by Senator Tate (D-Memphis) and Representative Camper (D-Memphis). SB2067 would create a pilot project that would grant in-state tuition at the three public institutions of higher education in Shelby County to students who (1) spent at least two years in a Tennessee high school and (2) graduated from a Tennessee high school or received a GED.

TIRRC believes that all public institutions of higher education should grant in-state tuition to Tennessee graduates, regardless of immigration status. However, we support this bill as good first step in expanding tuition equality in Tennessee.

**CURRENT STATUS:** *This bill was on calendar for the House Education Subcommittee on Tuesday, March 25<sup>th</sup>, 2014 and in the Senate Education Committee on Wednesday, March 26th.*

**Tuition equality is an economic development policy and supports our Drive to 55.** The businesses and industries that call Tennessee home are facing workforce shortages. Granting in-state tuition rates to all Tennessee graduates will prepare a much needed workforce to strengthen our state and help us compete in a global market. And, it will build our tax base. **Households headed by someone with a bachelor's degree earn approximately \$1.6. million more** in a sixty-year period than those with only a high-school diploma.

**At least sixteen other states have already approved tuition equality policies.** It's a fair and commonsense policy that is good for our whole state.

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## Summary of Human Rights Issue of LGBT

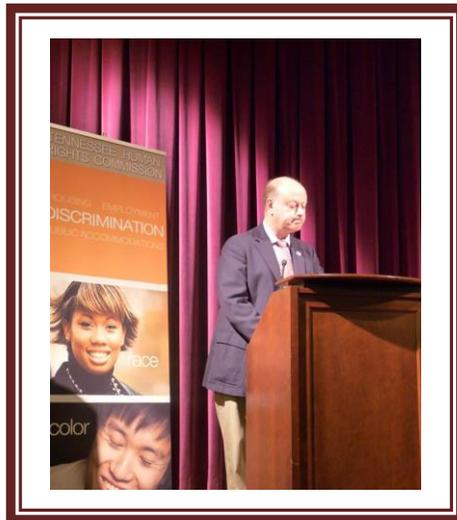
These testimonies cover the human rights issue of Lesbians, Gay, Bisexual, and Transgender (LGBT). Chris Sanders with the Tennessee Equality Project discussed Discrimination faced by LGBT Tennesseans; Dr. William Langston and Joshua Rigsby with Middle Tennessee State University spoke about Challenges faced by LGBT Students in Higher Education; Mayor Madeline Rogero with the City of Knoxville discussed LGBT Issues in the City of Knoxville; Marisa Richmond with the Tennessee Transgender Political Coalition spoke about The State of Transgender Tennesseans.

**Chris Sanders** with the **Tennessee Equality Project** presented testimony on Discrimination faced by LGBT Tennesseans. The issues for the LGBT community are violence, employment discrimination, safe schools, birth certification gender changes, and marriage. The gay, lesbian, bisexual, and transgender community finds it difficult to work with most, though not all, local law enforcement agencies on hate crimes. Some local law enforcement agencies check the box on their forms when there is probable hate crime, while many do not. Many district attorneys do not seem to make use of the sentencing enhancement statute when prosecuting perpetrators of hate crimes. The Tennessee Department of Education released a report last year revealing over 5000 confirmed cases of bullying in our public schools in 2012. To see the full report, visit

<http://www.timesfreepress.com/news/2013/oct/24/tennessee-schools-report-7555-cases-bullying-2012/>. The need for solutions is real. GLSEN's 2011 School Climate Survey data for Tennessee revealed that 4 in 10 gay, lesbian, bisexual, and transgender students experienced physical harassment. 59% of those students never reported it to administrators. Tennessee is the only state with a statute specifically forbidding

transgender people from changing the sex designation on their birth certificate. As this is identification in many areas of in Tennessee can change their card, but not their birth rest of their lives and outs them it may threaten their safety or most frequent complaints we married in other jurisdictions new names, names changed on the State of Tennessee will not license or receiving a title for a Project recommends diversity that TEP offers which inclusive transgender community. TEP

Commission determination of gender identity covered under Title VII of the Civil Right Act of 1964, documentation of cases of discrimination based on sexual orientation, and referring appropriate complaints to TEP. TEP recommends the State Board of Education explore a similar course as established by the Tennessee Board of Regents schools and the University of Tennessee at the policy level or at least adopt a model recommended policy for local school districts.



changing the sex designation on an important document for life, it means that transgender people passport and their Social Security certificate, which follows them the as transgender in situations in which their ability to get a job. One of the receive is that couples legally come back to Tennessee with their federal documents, but names that recognize for a change on a driver's vehicle. The Tennessee Equality training for local law enforcement of the gay, lesbian, bisexual, and request the Tennessee Human Right

**Dr. William Langston and Joshua Rigsby with Middle Tennessee State University** presented about Challenges faced by LGBT Students in Higher Education. The testimony reviewed the Campus Climate Survey and inaugural college conference. A campus climate survey was sent to all of the community colleges and five of the universities in the Tennessee Board of Regents system, three universities in the University of Tennessee system, and thirteen private institutions in Tennessee (this project had the approval of the MTSU Institutional Review Board). At each institution, at least one stakeholder with some knowledge of the campus climate for LGBT+ students was identified (primarily the faculty advisor for the campus LGBT+ student group, student affairs staff, or campus diversity office staff). Representatives from twenty-one colleges and universities, public and private, as well as a number of community colleges, convened to examine issues that have an impact on LGBT+ students now and in the future. April 10 -12, 2014 marked for participants an opportunity to examine a variety of topics designed to empower students and administrators to bring change back to their campuses.



**Mayor Madeline Rogero** with the **City of Knoxville** presented testimony LGBT Issues in the City of Knoxville. City Council approved an expansion of the City's nondiscrimination ordinance for City employees, to ensure that people cannot be discriminated against because of their sexual orientation or gender identity. Last year, Knoxville became only the second City government in Tennessee, and the first of the big four cities, to expand our employee benefits to domestic partners of either gender.

**Marisa Richmond** with the **Tennessee Transgender Political Coalition** provided written testimony about The State of Transgender Tennesseans. The National Transgender Discrimination Survey released in 2011 was mentioned as the most extensive survey of transgender discrimination. Please visit, [http://endtransdiscrimination.org/PDFs/NTDS\\_Report.pdf](http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf) to read more. Transgender and gender non-conforming people face injustice at every turn: in childhood homes, in school systems that promise to shelter and educate, in harsh and exclusionary workplaces, at the grocery store, the hotel front desk, in doctors' offices and emergency rooms, before judges and at the hands of landlords, police officers, health care workers and other service providers. Tennessee Transgender Political Coalition understands the fact that neither state law nor federal law currently has an explicit ban on workplace discrimination against members of the lesbian, gay, bisexual, and transgender communities. Tennessee Transgender Political Coalition has legislation in both arenas to add sexual orientation and gender identity or expression to both federal and state statutes. Currently, hate crimes targeting transgender people is not considered a hate crime under current state statute. The [National Transgender Discrimination Survey](#) (2011) reported that 78% of all trans people had been harassed in school, and 15% had dropped out because of it. 89

Transgender and gender non-conforming people face injustice at every turn.

Tennessee documents are much harder to change. Last year, the National Center for Transgender Equality (NCTE) gave letter grades to each state for their driver's license policy, and Tennessee was given a "F" because of the requirement for genital surgery. Tennessee Transgender Political Coalition hope that recommendations made by THRC will reflect the language in our proposed bill in the Tennessee General Assembly. Tennessee Transgender Political Coalition believes that the EEOC and court rulings empower THRC to act to address discrimination in the workplace against transgender workers; with two trans-inclusive federal laws on the books, the State of Tennessee is empowered to act against Hate Crimes targeting transgender people even in the absence of explicit protection in Tennessee Code; the HUD policy does permit the THRC to investigate, and act, on discrimination against trans people in housing; and it is time for Tennessee to change both the driver's license policy and the birth certificate law.

## E. Human Rights Issue: LGBT

### Discrimination faced by LGBT Tennesseans

#### *Chris Sanders, Tennessee Equality Project*

*Chris Sanders, Executive Director of the Tennessee Equality Project brought testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Mr. Sanders brought testimony regarding human rights abuses faced by LGBT individuals in Tennessee. The Tennessee Equality Project is a statewide organization charged with protecting and advancing equal rights for our state's gay, lesbian, bisexual and transgender community.*

I am grateful for the opportunity to speak to you, especially considering that much of what we work on falls outside your purview because of the infrequent mention of the protected classes, sexual orientation and gender identity, in Tennessee law. In fact, the appearance of these classes is so infrequent that our community exists in only two reports issued by the state that I know of—the Tennessee Bureau of Investigation's hate crime report<sup>60</sup> and their domestic violence report.<sup>61</sup> I will note two problems with these reports.

First, the hate crime report does not include hate crimes committed on the basis of gender identity, even though this class is considered in federal hate crime law. It is a significant oversight considering the violence to which transgender people are subjected nationwide and in Tennessee. One thinks of the quite famous case of Duanna Johnson of Memphis, who was brutally beaten by law officers while she was detained and whose subsequent murder has not been solved.<sup>62</sup>

Second, the Tennessee Bureau of Investigation has published a family violence report that excludes unmarried and same-gender couples because they don't count as "family" to the state, which means that victims of domestic violence from our community experience a true case of insult added to injury.<sup>63</sup>

What I propose to do with our time today is lay out a few areas or sites of discrimination and possible solutions where the State of Tennessee could play a constructive role, should it choose to do so.

**Violence:** I would like to start with violence or hate crimes. Generally speaking, I would make you aware that the gay, lesbian, bisexual, and transgender community finds it difficult to work with most, though not all, local law enforcement agencies on hate crimes. Some local law enforcement agencies check the box on their forms when there is probable hate crime, while many do not. Many district attorneys do not seem to make use of the sentencing enhancement statute when prosecuting perpetrators of hate crimes. So the Tennessee Equality Project's practice is to help victims by making the U.S. Department of Justice aware of hate crimes in Tennessee.

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<sup>60</sup> See [http://www.tbi.state.tn.us/tn\\_crime\\_stats/documents/2012HateCrime.pdf](http://www.tbi.state.tn.us/tn_crime_stats/documents/2012HateCrime.pdf). Note the 2013 report released in late May 2014 does include transgender people. We are grateful to the TBI for this change.

<sup>61</sup> See [http://www.tbi.state.tn.us/tn\\_crime\\_stats/documents/DomesticViolenceinTN2010-2012final.pdf](http://www.tbi.state.tn.us/tn_crime_stats/documents/DomesticViolenceinTN2010-2012final.pdf)

<sup>62</sup> Duanna Johnson's story is powerfully conveyed at [http://www.nytimes.com/2008/11/18/us/18memphis.html?\\_r=0](http://www.nytimes.com/2008/11/18/us/18memphis.html?_r=0)

<sup>63</sup> The report was roundly criticized by domestic violence advocacy groups. See <http://blogs.knoxnews.com/humphrey/2013/06/tbi-report-on-domestic-violenc.html>.

How can state and local governments play a more constructive role? First, the Tennessee Bureau of Investigation could report hate crimes based on gender identity, even if it is the case that state law does not give the TBI jurisdiction over such crimes. It seems there is good justification for tracking any crime pattern in the state, any form of violence regardless of whose job it is to deal with it. Second, local law enforcement could take the approach that the Shelby County Sheriff's Office and the Memphis Police Department have taken—putting their leadership through diversity training that is inclusive of the gay, lesbian, bisexual, and transgender community. TEP offers it free of charge to local governments and we would be glad to do the same for state agencies as well.

**Employment Discrimination:** A common call for help that TEP receives and the Nashville LGBT Chamber of Commerce as well is a complaint of job discrimination. It is no secret that sexual orientation and gender identity are not included in the Tennessee Human Rights Act or in federal employment discrimination law. The EEOC, however, has recently held that discrimination based on gender identity is sex discrimination under Title VII of the Civil Rights Act of 1964.<sup>64</sup> And a federal judge recently ruled that sexual orientation is covered under Title VII.<sup>65</sup> The federal case related to sexual orientation will take time to play out. But the EEOC's determination that gender identity is covered under Title VII makes me wonder whether the Tennessee Human Rights Commission could make the same determination. And I would further request that the Commission consider documenting cases of discrimination based on sexual orientation and gender identity, even if you have no enforcement powers or jurisdiction in these cases. It would be valuable for policy makers and citizens to know all patterns of discrimination.

Some matters are beyond the Commission's scope, of course, but they touch the issue of job discrimination in Tennessee, namely the 2011 law passed by the General Assembly that prohibits local governments from applying non-discrimination standards that exceed federal or state law to their contractors or private employers in their jurisdictions. That law is currently being challenged in court, but it would be impossible to address the state's response to job discrimination facing my community without reminding you of this injustice. Nevertheless, I would say, in summary, that I hope the Commission will consider documenting all discrimination complaints and be given adequate staff to do so and to consider construing gender identity discrimination as sex discrimination within the framework of existing state law. I could ask for even more and suggest that the Commission could refer job discrimination complaints related to sexual orientation and gender identity to organizations like TEP so that we could play a mediating role with employees and employers. Sometimes there are solutions other than recourse to the law.

**Safe Schools:** Now let's turn to the issue of safe schools for gay, lesbian, bisexual, and transgender youth. I am aware, of course, that the State Department of Education, the State Board of Education, and local school districts make policy in this area and obviously the General Assembly has statutory authority. I only wish to note that the state could play a leadership role in making sure our public schools are taking appropriate measures to address bullying. The Tennessee Department of Education released a report last

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<sup>64</sup> See this note from the Society for Human Resource Management <http://www.shrm.org/legalissues/federalresources/pages/eeoctransgender.aspx>.

<sup>65</sup> For more information on the case, go to <http://www.buzzfeed.com/chrisgeidner/federal-judge-existing-civil-rights-law-can-protect-gay-peop>.

year revealing over 5000 confirmed cases of bullying in our public schools in 2012.<sup>66</sup> The need for solutions is real. GLSEN's 2011 School Climate Survey data for Tennessee revealed that 4 in 10 gay, lesbian, bisexual, and transgender students experienced physical harassment. 59% of those students never reported it to administrators.<sup>67</sup> In late 2011, Jacob Rogers of Cheatham County took his life after being relentlessly bullied at school for being gay.<sup>68</sup> Likewise in early 2012 Phillip Parker of Smith County did the same.<sup>69</sup>

How could our state show some leadership? The General Assembly could pass the Dignity for All Students Act, which would add gender identity, gender expression, sexual orientation, disability, physical appearance, and other factors to Tennessee's anti-bullying laws.<sup>70</sup> I suggest that the State Board of Education could explore a similar course at the policy level or at least adopt a model recommended policy for local school districts. If our Tennessee Board of Regents schools and the University of Tennessee schools already have a similar policy for college students, I fail to see why we should not include all public elementary, middle, and secondary students in such a policy.

**Birth Certificate Gender Changes:** There are two final issues I want to discuss with you. The first is the fact that, according to Lambda Legal, Tennessee is the only state with a statute specifically forbidding transgender people from changing the sex designation on their birth certificate.<sup>71</sup> As this is an important document for identification in many areas of life, it means that transgender people in Tennessee can change their passport and their Social Security card, but not their birth certificate, which follows them the rest of their lives and outs them as transgender in situations in which it may threaten their safety or their ability to get a job. Unfortunately, I don't see any will in the General Assembly to pass the bill written by the Tennessee Transgender Political Coalition to allow such changes. I suspect a federal court challenge will be necessary. But I bring it to remind you of the structural aspects of discrimination in our state. It results in some curious contradictions in the application of Tennessee law. I give you the example of Andrea Jones, a Tennessee transgender woman who tried to get the sex designation on her driver's license changed in 2011. The state office would not recognize her as a woman. To protest, she raised her blouse outside the office and was arrested for indecent exposure, which, of course, would only be possible if she were indeed deemed a woman by the state.<sup>72</sup> With this gesture, she effectively demonstrated the ways in which Tennessee law disadvantages transgender people.

**Marriage:** Finally we turn to the issue that receives all the media attention—marriage. Whether the majority is ready or willing, marriage equality is coming to Tennessee. There are cases pending in every

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<sup>66</sup> For a fuller analysis, see <http://www.timesfreepress.com/news/2013/oct/24/tennessee-schools-report-7555-cases-bullying-2012/>

<sup>67</sup> A snap shot of the data can be found at <http://glsen.org/sites/default/files/Tennessee%20NSCS%20Snapshot%202011.pdf>.

<sup>68</sup> <http://www.wsmv.com/story/16213348/friends-say-classmate-killed-self-after-bullying-on-sexuality>

<sup>69</sup> [http://www.huffingtonpost.com/2012/01/23/phillip-parker-gay-tennessee-teen-suicide\\_n\\_1223688.html](http://www.huffingtonpost.com/2012/01/23/phillip-parker-gay-tennessee-teen-suicide_n_1223688.html)

<sup>70</sup> For a bit about the fate of the bill this past legislative session, see

<http://www.memphisflyer.com/MemphisGaydar/archives/2014/03/26/dignity-for-all-students-act-sent-to-study>.

<sup>71</sup> For information on many state policies including the Tennessee law, go to <http://www.lambdalegal.org/publications/sources-of-authority-to-amend>.

<sup>72</sup> The story of Andrea Jones can be found at [http://www.huffingtonpost.com/2011/11/16/andrea-jones-transgender\\_n\\_1097978.html](http://www.huffingtonpost.com/2011/11/16/andrea-jones-transgender_n_1097978.html).

state in the 6<sup>th</sup> Circuit of the U.S. Court of Appeals. Same gender couples will gain the freedom to marry even here. Until that time, loving committed couples have to go to other states or jurisdictions to get married and receive the federal benefits of doing so. One of the most frequent complaints we receive is that couples legally married in other jurisdictions come back to Tennessee with their new names, names changed on federal documents, but names that the State of Tennessee will not recognize for a change on a driver's license or receiving a title for a vehicle.<sup>73</sup> Of course, they can go to court and pay \$150 to \$200 to get their names changed. But it is one of the more ordinary and expensive forms of discrimination. Marriage discrimination touches property and adoption rights as well.

The Tennessee Constitution is marred by the marriage discrimination amendment, but it also contains Article I, section 23, which states, *"That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance."*

My remonstrance to the State of Tennessee, a state I dearly love, is that it continues to fail its gay, lesbian, bisexual, and transgender citizens because it fails to understand the 14<sup>th</sup> Amendment to the Constitution of the United States, of which section 1 says, *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*

My hope is that we can all recommit ourselves to the fullness of the Constitution and live into its promise of equal protection for all. Tennessee's gay, lesbian, bisexual, and transgender citizens and our allies stand ready to partner with our neighbors to do just that.

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<sup>73</sup> The stories of some of these couples can be found at <http://www.lgbtqnation.com/2013/09/tenn-denying-name-changes-to-legally-married-same-sex-couples/>.

## **Challenges faced by LGBT+ Students in Higher Education**

### ***Dr. William Langston & Joshua Rigsby, Middle Tennessee State University***

*Dr. William Langston and Joshua Rigsby from Middle Tennessee State University (MTSU) brought testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Dr. Langston brought testimony regarding the discrimination and environment facing LGBT+ students on higher education campuses across the state. Their testimony reviewed a survey conducted by MTSU and a review of the related, inaugural college conference.*

### **Background**

College is an important time for the identity development of young adults (Arnold & King, 1997; Evans, Forney, Guido, Patton, & Renn, 2010; Pascarella & Terenzini, 2005). Sexual orientation and/or gender identity/expression are important components of identity development, and hiding these personal characteristics can have serious negative consequences for LGBT+ students. Living “in the closet” can lead to feelings of isolation and can impede development (Eddy & Forney, 2000).

LGBT+ students are at-risk for dropping out of colleges and universities for a variety of reasons ranging from hate-biased incidents (O’Malley, 2013) to familial rejection causing financial and emotional difficulties (Ryan, Russell, Huebner, Diaz, & Sanchez, 2010). In fact, LGBT+ students struggle more with mental health disorders, substance abuse, self-injurious behavior, and suicidal ideation than do other students (Oswalt & Wyatt, 2011; Marine, 2011). Transgender students have, on average, more severe issues than lesbian and gay students, likely exacerbated by a higher risk for harassment (Rankin, Weber, Blumenfeld, & Frazer, 2010). Thus, it is not surprising that LGBT+ students can experience more academic problems than other students (Oswalt & Wyatt, 2011).

The project described in this report has two parts: A campus climate survey that attempted to take a “snapshot” of the current state of affairs for LGBT+ students in Tennessee, and the Inaugural LGBT+ College Conference designed to effect change for LGBT+ students.

### **Campus Climate Survey**

A campus climate survey was sent to all of the community colleges and five of the universities in the Tennessee Board of Regents system, three universities in the University of Tennessee system, and thirteen private institutions in Tennessee (this project had the approval of the MTSU Institutional Review Board). At each institution, at least one stakeholder with some knowledge of the campus climate for LGBT+ students was identified (primarily the faculty advisor for the campus LGBT+ student group, student affairs staff, or campus diversity office staff). The initial email described the purpose of the survey. Two follow-up reminders were also sent. Respondents were requested to answer on behalf of their institution, and not their personal experience. We received twelve responses, four from universities, six from community colleges. Nine were public, one was private. Surveys were primarily completed by faculty and staff, some students did participate at two institutions.

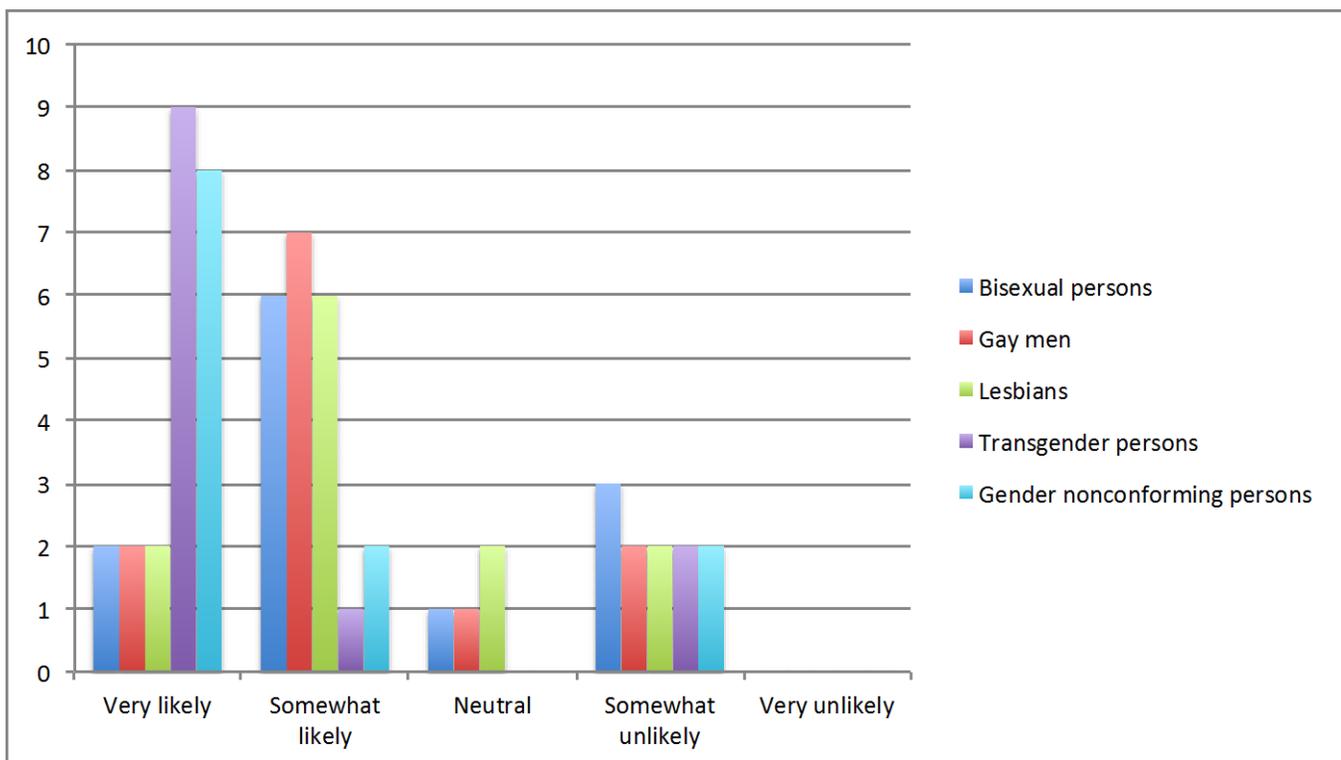
The survey design was based on Eddy and Forney (2000), and included measures associated with five aspects of identity development: Freedom from excessive anxiety, time for reflection and introspection,

experimentation with varied roles, the experiencing of choice, and meaningful achievement (p. 146-150). Eddy and Forney presented reflective questions, some of which were chosen for the survey. In addition, quantitative items were developed based on Gortmaker and Brown (2006) and the University of North Florida Commission on Diversity Committee on Lesbian, Gay, Bisexual and Transgender Equity (2011) survey instrument. Highlights from each section are reported below:

### Section 1: Freedom from excessive worry

Participants were most likely to choose “somewhat accepting” to describe the overall campus environment for LGBT+ people at their institution (67%), and only 17% chose “somewhat unaccepting.” None chose “very unaccepting.”

In response to the question *In your opinion, how likely are each of the following groups to experience prejudice on campus based on sexual orientation or gender identity/expression?* bisexual persons, gay men, and lesbians were primarily reported to be “somewhat likely” to experience prejudice; transgender persons and gender nonconforming persons were primarily reported to be “very likely” to experience prejudice.



Participants reported a variety of incidents that occurred on their campus, including “verbal harassment,” “jokes,” and “pressure to keep silent” as the most common challenges:

**3. While attending or employed at your institution, are you aware of any of the following occurring because of sexual orientation or gender identity/expression? (Please choose all that apply.)**

#	Answer	Response	%
1	Verbal harassment	9	75%
2	Physical assault	1	8%
3	Sexual harassment	2	17%
4	Threats	1	8%
5	Graffiti	3	25%
6	Jokes	10	83%
7	Employment problems	4	33%
8	Pressure to keep silent	8	67%
9	Refusal of friends/colleagues to associate	3	25%
10	Pressure to leave campus housing	2	17%
11	Vandalism/property destruction	1	8%
12	Denial of services	2	17%
13	Pressure to change research, academic projects, or work activities	2	17%
14	Preferential treatment	1	8%
15	Other (Please specify)	4	33%
16	None of the above	1	8%

These incidents were primarily perpetrated by students; however, faculty were a close second:

**6. Which of the following groups perpetrated the incident(s)? Please choose all that apply.)**

#	Answer	Response	%
1	Students	9	82%
2	Faculty	7	64%
3	Staff	5	45%
4	Others (Please specify)	2	18%

Whereas these results paint a somewhat bleak picture, respondents' most frequent response was that harassment would not be serious enough to cause LGBT+ students/faculty/staff to fear for their safety; or they reported that the campus was generally safe with the exception of isolated departments (75% in the two categories).

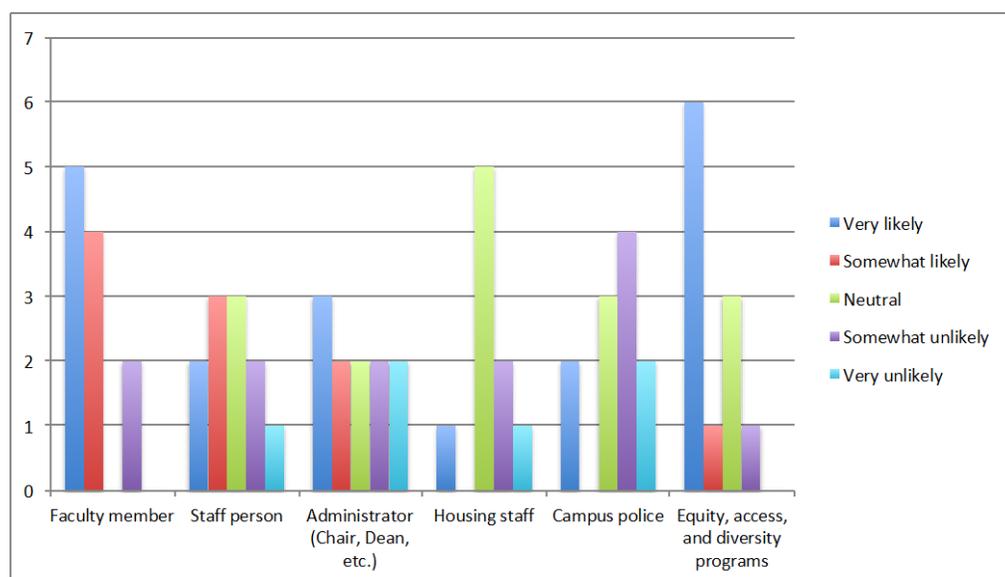
Three quarters of the responding institutions do have sexual orientation included in their nondiscrimination policy; half also include gender identity/expression. Given the overwhelming consensus that transgender persons and gender nonconforming persons are “very likely” to experience prejudice, extending protection to them should be a high priority.

One goal of the reflective questions was to have respondents identify strengths that might be shared with others as they considered their specific challenges. Some respondents reported that their campus has adequate procedures for handling complaints (e.g., “they have made attempts to deal with these complaints as best as possible” and “Faculty are caring and express support for LGBT students”). There were also challenges reported in this area (e.g., “Many offices on campus are staffed by personnel that are not LGBT friendly”). With respect to training, six respondents reported at least some faculty/staff receive LGBT+ training, but they also identified a number of challenges in this area (e.g., “Student life staff are not prepared to handle issues with LGBT students. They have not been through any training and there are no guidelines instituted” and “Those who need this training most do not attend”). Respondents reported that there is limited visibility of allies, with LGBT+ student groups taking the lead in increasing visibility. Challenges were also reported with respect to ally visibility (e.g., “allies differ by department. I don't perceive administrators and staff as being strong allies”).

## Section 2: Time for reflection and introspection and Experimentation with varied roles

The majority of the respondents reported that their campus has an LGBT+ student organization (82%), but few have a campus LGBT+ resource center (18%). Just over half (55%) have a SafeZone (or similar) program to provide training to the campus community to know how to deal with issues confronting LGBT+ students.

Participants reported somewhat uneven training levels for various members of the university community. Faculty and the staff of access and diversity programs were generally perceived to be “very likely” to be able to assist a student who goes to them to discuss LGBT+ issues. Staff, administrators, and campus police were not perceived to be as well prepared.



In response to the reflection questions in this section, respondents did not feel that the curriculum offers many opportunities for reflection (e.g., “There are no gender classes, material is designed mostly for traditional families and gender roles”). LGBT student groups were highlighted as offering students a place to go, with some respondents noting that their visibility could be increased. Respondents did not feel that there was a high degree of outreach from student affairs to the LGBT+ campus community with one respondent noting “Can't even imagine how to start this” and another saying “no proactive outreach being done.”

### **Section 3: The experiencing of choice**

Respondents overwhelmingly did not believe that their institution gives enough attention to LGBT+ students' issues (91%). When considering environmental issues/concerns that exist that would affect a student's comfort level in exploring/discovering their sexual and/or gender identity, respondents noted the role of LGBT+ student organizations and faculty members in creating a welcoming environment, but also reported a wide range of concerns, including “A lack of counseling staff or campus-wide discussion of this issue” and “There are no gender-neutral restrooms or single/family restrooms. Marketing material does not have LGBT people.” Respondents also primarily noted challenges in the area of LGBT+ role models available to students, but felt their campuses had reasonable resources (e.g., library) for LGBT+ students.

### **Section 4: Meaningful achievement**

When considering reflective questions related to campus support for student involvement in their community, the responses were mixed, noting that some support is available, but it is not very visible (e.g., “need more visible/explicit support from administration”). The responses to a question addressing the presence of LGBT+ issues in the curriculum were also mixed, with one respondent noting that “There are some courses in LGBT+ issues” but that “These issues are not regularly brought up outside of Women's Studies and Psychology courses.”

### **Section 5: Final reflection**

Overall, respondents noted a number of strengths and challenges. One respondent suggested that to improve the campus climate for LGBT+ people “Be open, be active, take part, ask questions, involve, discuss, develop courses, offer support.” The results of the survey indicate that the situation for LGBT+ students in Tennessee is somewhat varied. Some schools are far along in working to improve the campus climate for these students, some schools are just beginning this process. Some schools excel in some areas but face challenges in other areas, and the list of particular strengths and challenges differs from institution to institution.

Having the data is helpful, but the next step is to use the experiences of campuses that have achieved a high degree of success to benefit campuses that are facing challenges. That was the purpose of the Inaugural LGBT+ College Conference held at Middle Tennessee State University April 10-12, 2014.

### **Inaugural LGBT+ College Conference**

Representatives from twenty-one colleges and universities, public and private, as well as a number of community colleges, convened to examine issues that have an impact on LGBT+ students now and in the

future. April 10 -12, 2014 marked for participants an opportunity to examine a variety of topics designed to empower students and administrators to bring change back to their campuses. The registered organizations represented the following institutions:

- University of Memphis
- Western Kentucky University
- Northeast State Community College
- Southwest State Community College
- Columbia State Community College
- Volunteer State Community College
- Walter State Community College
- Middle Tennessee State University
- Christian Brothers University
- East Tennessee State University
- The University of Tennessee—Knoxville
- University of Tennessee—Chattanooga
- Lincoln Memorial University
- University of North Alabama
- Winthrop University
- Hunter College
- Austin Peay State University
- Tennessee State University
- Tennessee Tech University
- Vanderbilt University
- Rhodes College

The tireless support of the volunteers from the conference’s presenting sponsors, Nissan North America and Deloitte—serving as panelists, assisting with registration and logistics, and generally making things run smoothly—was essential to making the event a success. Conference supporters Cracker Barrel, Project Uno, and Open Arms Care Corporation also made their presence felt in a meaningful way and provided invaluable contributions to the conference’s success. MT Lambda and MTSU student volunteers also logged innumerable hours dedicated to the conference’s goals in often thankless roles.

Beverly Watts, Director of the Tennessee Human Rights Commission, opened the conference by welcoming students from across the state and impressing upon them the importance of fighting for positive social change. MTSU Head Football Coach Rick Stockstill followed by introducing Alan Gendreau, the first openly gay NCAA Division I college football player, and the all-time leading scorer in the NCAA’s Sun Belt Conference. Gendreau’s inspiring story set the stage for a conference filled with opportunities for students to learn and grow on their own personal journeys.

Stephen Loveless of the Tennessee Equality Project, and a LGBTQI Program Coordinator at Vanderbilt University, provided a tutorial for students on the workings of the Tennessee State Legislature. At the end of his session, students knew who their state representatives and senators were, how bills become law in Tennessee, and how to research legislation that might be of interest to the LGBT+ community. Loveless also led a strategy session focused on establishing S.M.A.R.T. goals (Specific, Measurable, Attainable, Realistic, Timely), and the group worked to help refine one another’s goals.

The focus of Day 2 was student outcomes, and the first panel of the day featured Bea Purdue, Development Officer for MTSU’s College of Behavioral and Health Sciences, moderating a discussion of Friendraising and Fundraising. Panelists were Travis Parman of Nissan North America, Michael McDaniel of The Community Foundation of Middle Tennessee, and Jan Maddox of Deloitte. Conference-goers were treated to an informative and wide-ranging discussion of how to align funding requests with the values and priorities of funders, and how not to take “no” for an answer.

Students who attended the session reported a number of impactful take-aways that will serve them well in the future, including Christina H., who wrote:

On Friday, I attended a lecture on the strategies and approaches to use when applying for a grant. I felt that the information I learned could not only be used to apply for grants, but also when applying for schools and jobs in the future. The message of the lecture was learn how to adapt your ideas and connect with others in order to accomplish and reach your goals.

The day continued with Joshua Rigsby, President of MT Lambda, and William Langston, Psychology Professor and Faculty Advisor for MT Lambda, discussing how to align LGBT+ student goals with institutional administration goals. Rigsby and Langston included data from their campus climate survey sent to 35 institutions in the state of Tennessee; data that could be used to

help an institution identify its most pressing needs. Following Rigsby and Langston's presentation, conference-goers assembled to identify their strengths and needs, and then shared strategies to act as change-agents for their campuses. At least two significant outcomes have already emerged from this session: one university will be undertaking a local campus climate survey (using materials shared from Middle Tennessee State University), and one school will be starting a SafeZone program (again, using materials shared from Middle Tennessee State University). In addition, attendees made numerous contacts to assist one another in programming, fundraising, and maintaining membership in their organizations (an especially vexing problem for community colleges given their rapid turnover).

The day's sessions concluded with a panel discussion moderated by Patrick McCarthy, Professor in MTSU's Industrial/Organizational Psychology program, focused on life after college, bringing one's whole self to work. Panelists were Ron Balacarras of Deloitte, Gregg Cason of Nissan North America, and Diane Easter of Deloitte. Panelists shared stories and added a personal touch to a day filled with organizing and strategizing.

Day 3 began with breakout sessions for students to learn about and confront their own biases that they may have concerning members of the LGBT+ community. Over six sessions, conference-goers addressed bullying, trans\* issues, LGBT+ and communities of color, and attitudes towards bisexual people. These free-ranging discussions were the highlight of the conference for many attendees, including Leslie L., who wrote:

At the beginning of the experience, I wasn't sure what LGBT stood for or what exactly the conference was about, but I actually learned quite a bit there. During the second day we attended a lecture on different words used to 'name' people who are not heterosexual and how those words can be hurtful and disrespectful to those individuals. I could also appreciate and relate this lecture to my life because I have a very good friend who is gay. I learned a lot about the issues that are present in the LGBT community and some ways that they are approaching the issues.

Day 3 concluded with Pastor Bryan Currie's discussion of homosexuality and religion, another high point for many attendees, and an empowering experience for attendees from religious institutions who learned ways to discuss LGBT+ issues with their campus administrators.

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### **Entertaining and Impactful Programming**

Each evening, conference-goers were treated to entertaining and impactful programming that highlighted conference themes. The first evening, the film *Miracles on Honey-Bee Hill*, a project of MTSU Professor, Dr. Bob Pondillo, was presented, along with a discussion moderated by Dr. Pondillo.

The second evening, actress Jennifer Lanier presented her emotional and thought-provoking

performance *None of the Above* about her personal journey as an African American, Lesbian, and Native American woman. Lanier's performance was made possible with the support of the MTSU Women's History Month Committee and the June Anderson Center for Women and Nontraditional Students. This event had a profound impact on audience members.

The final evening, conference-goers were treated to a TED Talk style lecture by Elizabeth Birch, former Executive Director of the Human Rights Campaign, discussing the entire history of the LGBT+ community framed against the backdrop of human history. After Birch's lecture, the conference awards dinner celebrated a successful and invigorating three-day experience, and recognized the significant contributions of the conference honorees.

## LGBT Issues in the City of Knoxville

### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations. It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. But we still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

We have also made strides locally in ensuring equal treatment of our LGBT residents. During my first six months as mayor, I proposed and City Council approved an expansion of the City's nondiscrimination ordinance for City employees, to ensure that people cannot be discriminated against because of their sexual orientation or gender identity.

Last year, Knoxville became only the second City government in Tennessee, and the first of the big four cities, to expand our employee benefits to domestic partners of either gender.

I am happy to say that the response to both of those changes has been overwhelmingly positive in our city.

## **The State of Transgender Tennesseans**

### ***Marisa Richmond, Tennessee Transgender Political Coalition***

*Marisa Richmond, President of the Tennessee Transgender Political Coalition provided written testimony to the Commission for inclusion in this report. Dr. Richmond provided testimony regarding the state of transgender Tennesseans. The Tennessee Transgender Political Coalition (TTPC) is an organization designed to educate and advocate on behalf of transgender related legislation and policies at the Federal, State, and local levels.*

### **Employment**

First, we wish to share with all of the members of the Commission the [National Transgender Discrimination Survey](#)<sup>74</sup>. It was released in 2011, and is the most extensive survey of transgender discrimination ever undertaken. Over 6,450 responses are included in the survey, which explored discrimination in all aspects of life.

This study brings to light what is both patently obvious and far too often dismissed from the human rights agenda. Transgender and gender non-conforming people face injustice at every turn: in childhood homes, in school systems that promise to shelter and educate, in harsh and exclusionary workplaces, at the grocery store, the hotel front desk, in doctors' offices and emergency rooms, before judges and at the hands of landlords, police officers, health care workers and other service providers.

We are aware of the fact neither state law nor federal law currently has an explicit ban on workplace discrimination against members of the lesbian, gay, bisexual, and transgender communities. Of course, we do have legislation in both arenas to add sexual orientation and gender identity or expression to both federal and state statutes. We hope that recommendations made by THRC will reflect the language in our proposed bill in the Tennessee General Assembly:

[HB 0490](#)<sup>75</sup> by [\\*Jones](#) ( [SB 1216](#) by [\\*Ford](#) )

Human Rights - As introduced, adds sexual orientation and gender identity or expression to the list of characteristics protected from discrimination or harassment in employment, public accommodations, housing, and financing in the state. - Amends TCA Title 4, Chapter 21; Title 8 and Title 50.

Currently, 18 states, plus the District of Columbia and Puerto Rico, along with nearly 200 cities (including Metro Nashville, Knoxville, and Memphis), have such language:

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<sup>74</sup> [http://endtransdiscrimination.org/PDFs/NTDS\\_Report.pdf](http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf)

<sup>75</sup> <http://www.capitol.tn.gov/Bills/108/Bill/HB0490.pdf>

- Minnesota (1993), Minn. Stat. Ann. § 363A.03(44)
- Rhode Island (2001), R.I. Gen. Laws § 11-24-2.1(I)
- California (2003), Cal. Gov't. Code § 12926 (p), (2011)
- New Mexico (2003), N.M. Stat. § 28-1-2(Q)
- Hawai'i (2005)—Housing, Haw. Rev. Stat. § 515-2 – Employment (2011)
- Illinois (2005), 755 Ill. Comp. Stat. 5/1-102
- Maine (2005), Me. Rev. Stat. Ann. Tit.5, § 4553 (9-C)
- Washington (2006), Rev. Code Wash. § 49.60.040 (15)
- District of Columbia (2006), D.C. Code § 2-1401.02
- New Jersey (2006), N.J. Rev. Stat. § 10:5-5 (rr)
- Hawai'i (2006)--public accommodation, Haw. Rev. Stat. § 498-2
- Oregon (2007), Or. Rev. Stat. § 174.100(6)
- Vermont (2007), Vt. Stat. Ann. Tit. 1 § 144
- Iowa (2007), Iowa Code § 216.2(9A)
- Colorado (2008), Colo. Rev. Stat. § 24-34-401(7.5)
- Nevada (2011)
- Connecticut (2011)
- Massachusetts (2011)
- Puerto Rico (2013)
- Delaware (2013)
- Maryland (2014)

In addition to the pending legislation in both Congress and the Tennessee General Assembly, we have several positive court rulings that are relevant to Tennessee. The U.S. 6th Circuit Court of Appeals has ruled twice in both *Smith v. Salem*, 2004 Fed. App. 0262A (6th Circuit, 2004) and *Barnes v. Cincinnati* 401 F. 3d 729, 736 (6th Circuit, 2004) that Title VII of the Civil Rights Act of 1964 bans harassment in the workplace against transgender people. This extends a previous Supreme Court ruling, *Price Waterhouse v. Hopkins*, 490 U.S.228 (1989), which stated that Title VII bans "sex stereotyping."

The U.S. Equal Employment Opportunity Commission followed in April 2012 in *Macy v. Department of Justice*, that “intentional discrimination against a transgender individual because that person is transgender is, by definition, discrimination ‘based on... sex’ and such discrimination... violates Title VII.”

EEOC Press Release: <http://www.eeoc.gov/eeoc/newsroom/release/12-18-12a.cfm>

EEOC Strategic Enforcement Plan: <http://www.eeoc.gov/eeoc/plan/sep.cfm>

EEOC Commissioner Chai Feldblum about the ruling: <http://youtu.be/HLChaY8r8xE>

Even without legislation, many major Tennessee based private employers are already expanding their non discrimination policies to include all lesbian, gay, bisexual and transgender employees. A partial list includes:

- Bridgestone (Headquartered in Nashville)
  - Federal Express (Headquartered in Memphis)
  - First Horizon National Corp./1<sup>st</sup> Tenn. Bank (Headquartered in Memphis)
  - Nissan USA (headquartered in Franklin)
  - ServiceMaster (Headquartered in Memphis)<sup>76</sup>
- Unum Group/Colonial Life (Headquartered in Chattanooga)

We believe that the EEOC and court rulings empower THRC to act to address discrimination in the workplace against transgender workers.

### **Hate Crimes**

Currently, hate crimes targeting transgender people is not considered a hate crime under current state statute. The [Tennessee Transgender Political Coalition](#) does have a bill which would add trans people to the statute:

[HB 0930](#) by [\\*Camper](#) , Odom ( [SB 0708](#) by [\\*Ford](#)) Hide Co-Prime Sponsors

Criminal Procedure - As introduced, adds as an advisory enhancement factor to sentencing that defendant intentionally chose victim of crime based on gender identity or expression. - Amends TCA Section 40-35-114.

In the meantime, there are two federal laws which does classify all lesbian, gay, bisexual, and transgender persons as protected classes: the *Shepard-Byrd Hate Crimes Prevention Act of 2009* and the *Violence Against Women Act of 2013*. These two laws allow the Federal Bureau of Investigation to track, and prosecute, hate crimes in Tennessee, even as the Tennessee Bureau of Investigation, and local law enforcement, do not.

The bill in the Tennessee General Assembly mirrors the language in the Shepard-Byrd Act along with the laws in twelve states (California, Colorado, Connecticut, Hawai'i, Maryland, Minnesota, Missouri, New Jersey, New Mexico, Pennsylvania, Vermont, Washington), along with the District of Columbia.

With two trans-inclusive federal laws on the books, we believe that the State of Tennessee is empowered to act against Hate Crimes targeting transgender people even in the absence of explicit protection in Tennessee Code.

### **Education**

In April 2014, U.S. Department of Education's Office for Civil Rights (OCR) released new guidance describing the responsibilities of colleges, universities and public schools to address

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<sup>76</sup> <http://www.servicemaster.com/about-us/corporate-responsibility/diversity>

sexual violence and other forms of sex discrimination under Title IX of the Education Amendments of 1972.

The guidelines, “[Questions and Answers on Title IX and Sexual Violence](#)”, further clarifies and expands the requirements of Title IX. The guidance can also be found at [NotAlone.gov](#).

A related “Know Your Rights” document is available in [English here](#) and [Spanish here](#).

At the state level, the [Tennessee Transgender Political Coalition](#) and our partners co-authored the *Dignity for All Students Act* here in Tennessee, which has yet to pass in the General Assembly:

[HB 0927](#) by [\\*Camper](#) , Pitts, Odom, Gilmore, Fitzhugh, DeBerry L, Turner M, Jernigan, Jones, Johnson G, Love, Stewart, Powell, Mitchell, Ramsey, Hardaway, Akbari ([SB 1124](#) by [\\*Kyle](#))  
Hide Co-Prime Sponsors

Education, Curriculum - As introduced, expands definition of harassment and bullying in schools to include conduct based on actual or perceived demographic traits, requires review of anti-bullying policies at least once every three years, clarifies that such policies apply to students, school staff and volunteers. - Amends TCA Title 49.

The [National Transgender Discrimination Survey](#) (2011) reported that 78% of all trans people had been harassed in school, and 15% had dropped out because of it.

In 2013, the Tennessee Department of Education reported they had confirmed 5478 cases of bullying across Tennessee. In Tennessee, we have only two school districts with fully inclusive anti-bullying AND non-discrimination policies: Metro Nashville and Putnam County. While local activists are working hard in several counties, that still leaves nearly 130 local education agencies without explicit local or state protection.

Current policies are inadequate and are clearly not working.

The bill is similar to legislation already adopted in a bipartisan manner in Arkansas, California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

At the higher education level, there are fully inclusive policies in place with both the Tennessee Board of Regents and the University of Tennessee at Knoxville, but we are constantly hearing complaints from people in TBR schools that enforcement of the policy is uneven.

Furthermore, the Commission asked how many private school operating in Tennessee currently have such a policy. the answer is two. Besides Vanderbilt University, the other is Rhodes College in Memphis, which adopted new policies just prior to the 2013-2014 school year. TTPC is now working with Rhodes College officials to help them implement the policies.

Rhodes College Non Discrimination Policy:

<http://www.rhodes.edu/collegehandbook/10507.asp>

Rhodes College Diversity Policy:

<http://www.rhodes.edu/collegehandbook/10309.asp>

The [Tennessee Transgender Political Coalition](#) has also begun negotiations with other privately run institutions of higher learning to help them adopt and implement such policies as well.

We believe that the recent guidelines issued by the U.S. Department of Education empowers the State of Tennessee to address mistreatment of transgender students, staff, and faculty at all levels of education.

### **Housing Discrimination Against Trans**

In July 2010, the U.S. Department of Housing and Urban Development (HUD) announced a new policy that provides lesbian, gay, bisexual and transgender (LGBT) individuals and families with further assistance when facing housing discrimination. The [new guidance](#) treats gender identity discrimination most often faced by transgender persons as gender discrimination under the Fair Housing Act, and instructs HUD staff to inform individuals filing complaints about state and local agencies that have LGBT-inclusive discrimination laws.

The [Fair Housing Act](#) prohibits discrimination in rental, sales and lending on the basis of race, color, national origin, religion, gender, disability and familial status. Approximately 20 states, and the District of Columbia, and over 60 cities, towns and counties across the nation have additional protections that specifically prohibit such discrimination against LGBT individuals. Under the guidance announced in 2010, HUD will, as appropriate, retain its jurisdiction over complaints filed by LGBT individuals or families but also jointly investigate or refer matters to those state, district and local governments with other legal protections.

Despite this announcement, transgender people have had trouble gaining access to homeless shelters in the State of Tennessee. Currently, we are aware of only four shelters open to trans people, and all four are located in Davidson County. This leaves trans people in need of shelter without any options in 94 counties.

We believe the HUD policy does permit the THRC to investigate, and act, on discrimination against trans people in housing.

### **Health Care**

In September 2011, the Centers for Medicare and Medicaid Services (CMS), an agency of the Department of Health and Human Services (HHS), released guidance for enforcing new rules that give all patients, including those with same-sex partners, the right to choose who can visit

them in the hospital as well as the right to choose who will help make medical decisions on their behalf. All hospitals that participate in Medicare and Medicaid must comply with these rules. These rules apply to all hospitals that participate in Medicare and Medicaid. See the press release: [Medicare steps up enforcement of equal visitation and representation rights in hospitals](#)

For more information on the CMS rules issued in November, please visit: <http://www.hhs.gov/news/press/2010pres/11/20101117a.html>

The rules updated the Conditions of Participation (CoPs), which are the health and safety standards all Medicare- and Medicaid-participating hospitals and critical access hospitals must meet, and apply to all patients of those hospitals even if they are not on Medicare or Medicaid. Among other things, the CoPs require hospitals to explain to all patients their right to choose who may visit them during their inpatient stay, regardless of whether the visitor is a family member, a spouse, a domestic partner (including a same-sex domestic partner), or another type of visitor, as well as their right to withdraw such consent to visitation at any time.

Existing CoPs also protect the rights of hospital patients to have representatives who can act on their behalf. HHS has updated the guidance for these rules to emphasize that hospitals should give deference to patients' wishes concerning their representatives, whether expressed in writing, verbally, or through other evidence, unless prohibited by state law. The guidance issued today is intended to make it easier for family members, including a same-sex domestic partner, to make informed care decisions for loved ones who have become incapacitated.

CMS today sent a letter to State Survey Agencies, which conduct on-site inspections of hospitals on behalf of CMS. The letter highlights the equal visitation and representation rights requirements and directs SSAs to be aware of the guidance when evaluating hospitals' compliance with CoPs.

For the letter sent to State Survey Agencies, please visit:

<http://www.cms.gov/SurveyCertificationGenInfo/PMSR/list.asp#TopOfPage>.

## **Identity Documents**

Over the past few years, we have seen major changes in gender change policies from the Federal Government.

In June 2010, the U.S. State Department announced [new guidelines](#) a new policy permitting easier gender change on passports: [State Department Statement on Gender Marker Change](#)

This was followed in June 2013 when the Social Security Administration also allowed for easier gender change on Social Security records: <https://secure.ssa.gov/poms.nsf/inx/0110212200>

Tennessee documents are much harder to change. Last year, the National Center for Transgender Equality (NCTE) gave letter grades to each state for their driver's license policy, and Tennessee was given a "F" because of the requirement for genital surgery. Here are the states that NCTE awarded the grade of "A":

**“A” – Easy to understand form, certification accepted from a range of licensed professionals, no medical details required (16)**

[California](#) (2008), [Colorado](#) (2006), [Delaware](#) (2011), [District of Columbia](#) (2007), [Hawaii](#) (2012), [Maine](#) (2013), [Massachusetts](#) (2008), [New Jersey](#) (2009), [New Mexico](#) (2010), [Nevada](#) (2010), [Ohio](#) (2009), [Pennsylvania](#) (2010), [Rhode Island](#) (2012), [Virginia](#) (2012), [Washington State](#) (2009)

Of course, Tennessee is the only state that has ever passed a law that totally bans gender changes on birth certificates [Vital Records Act of 1977, *Tennessee Code Annotated § 68-3-203 (d)*], although Idaho and Ohio have policy bans. That means, that a person born in any of the states which border Tennessee are allowed to change gender on their birth certificates, but not if they were born in Tennessee.

We feel that it is time for Tennessee to change both the driver's license policy and the birth certificate law.

The members of the [Tennessee Transgender Political Coalition](#) appreciate the opportunity to share our concerns and recommendations with the members of the Tennessee Human Rights Commission. Although we were unable to speak at the hearings, we are available for any additional meetings and are willing to answer any further questions about discrimination facing transgender people in Tennessee.

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## Summary of Human Rights Issue of Voting Rights

These testimonies cover human rights issue of Voting Rights. Hedy Weinberg with the American Civil Liberties Union of Tennessee discussed Voter Disenfranchisement in Tennessee; June Zeitlin with Leadership Conference of Civil and Human Rights spoke about Voting Rights Issues.



**Hedy Weinberg with the American Civil Liberties Union of Tennessee** brought testimony regarding Voter Disenfranchisement in Tennessee. The United States has said that the right to vote is preservative of all rights, and yet millions of Americans have had their right to vote revoked because of a criminal conviction. Of the total disenfranchised population, about 45%, which is about 2.6 million people, have completed their sentences but reside in one of the 12 states, which include Tennessee, which disenfranchised people post sentence. Over the last few decades, the number of disenfranchised citizens has been increasing because of an incarceration boom fueled by mandatory minimum sentences, prison privatization, and the war on drugs. In turn, this has impacted the families of those who are disenfranchised and the communities in which they reside by reducing their collective political voice. The goal should be expanding access to the ballot box, not restricting who has access. American Civil Liberties Union of Tennessee recommend

several actions that the state could take, including the Tennessee General Assembly, to ensure access to the ballot box for disenfranchised former felons. The recommendation are to provide Know Your Rights information and workshops about the voter restoration process for individuals preparing to leave the prison as part of the re-integration into the community, remove financial obligations that are not required prior to being able to register to vote, and automatic restoration of voting rights upon release from prison.

**June Zeitlin with Leadership Conference of Civil and Human Rights** brought testimony regarding Voting Rights Issues. The Voting Rights Act was first enacted in 1965 and has been reauthorized four times, each time with broad bipartisan support. Thee landmark law prohibits discriminatory voting practices that have been responsible for the denial of the voting rights of racial, ethnic, and language minorities in the United States. This law has been responsible for much of the progress made to outlaw discriminatory voting practices over the last 50 years. In June 2013, the Supreme Court of the United States ruled in *Shelby County [Alabama not Tennessee] v. Holder* that the coverage provided in section 4(b) of the VRA, which was used to determine the states and political subdivisions subject to section 5 preclearance, was unconstitutional.

Thus, while the Court did not invalidate the preclearance mechanism in the Voting Rights Act, it effectively halted its use by invalidating the part of the law that determined which places were subject to the preclearance obligation. The Leadership Conference of Civil and Human Rights recommends strong bipartisan support. With the support, the new voting rights legislation can be enacted into law in time for the 2014 election. The Leadership Conference of Civil and Human Rights hopes to count on the Tennessee congressional delegation to support this fair, commonsense legislation.



## **F. Human Rights Issue: Voting Rights**

### **Voter Disenfranchisement in Tennessee**

*Hedy Weinberg, American Civil Liberties Union of Tennessee*

Thank you. Good to be among friends. Good afternoon and thank you for the opportunity to speak with you. I'm here today to discuss felony disenfranchisement in Tennessee. By continuing to deny citizens the right to vote based on criminal convictions, our government of the United States and the Tennessee Government is endorsing a system that expects these citizens to return to our communities and to contribute but denies them their participation in our democracy. Not only is disenfranchising millions of American citizens, and in fact hundreds of thousands in Tennessee undone pride, but it is counterproductive to the rehabilitation and reintegration of those released from prison. Before I begin my formal presentation, I also want to take a moment to underscore the importance of pursuing and ensuring equal treatment and protection for all Tennesseans, regardless of their race, their religion, national origin, sexual orientation, gender identity, and economic or social status.

Our state has a rich, rich legacy in civil rights and civil liberties activism, from the sanitation strikes in Memphis, to the trading workshops that hide under our educational center, to the lunch counter sit-ins in Nashville; and our challenges are many and our work continues. But I do have to say I remain confident that we will succeed in creating a Tennessee where justice and fairness will prevail. And thank you for setting the scene and allowing these conversations to take place.

Voter disenfranchisement, or to be more positive, voter restoration: voting is a fundamental right and the cornerstone of our democracy. The United States has said that the right to vote is preservative of all rights, and yet millions of Americans have had their right to vote revoked because of a criminal conviction. Upon release from incarceration, these citizens work, they pay taxes, they live in our communities, they raise their families, and yet they are without a voice. In 2010, an estimated 5.85 million citizens could not vote as a result of a criminal conviction, and these folks are still in—they're in jail, they're in prison, they're still on probation or pro-bail, probation or parole, or they owe fines and fees, and so their voting rights have not yet been restored. Of that 5 million plus, nearly 4.4 million, almost 75% of those, have been released from prison and they're living and working in our communities but they have not had their voting rights restored and can't yet get them restored. Of the total disenfranchised population, about 45%, which is about 2.6 million people, have completed their sentences but reside in one of the 12 states, which include Tennessee, which disenfranchised people post sentence.

Okay, so after they've left prison and after they've completed probation and parole. The sentencing project at Washington, D.C., which is a fabulous resource, also estimates that in 2010, 341,815 Tennesseans, which is 7% of the state's voting age population, were denied the right to vote because of their criminal record. Approximately 72% of those Tennesseans, which is about 247,000-plus individuals, who were disenfranchised were no longer incarcerated and had actually completed their parole and probation. Worse still, many felony disenfranchisement laws, like the recent photo ID laws that we see popping up all over the country, those laws are rooted in the Jim Crow era and were intended to bar minorities from voting. The impact of these laws continues today.

Nationwide, 1 in 13 African-Americans of voting age have lost the right to vote, and that's nearly 7.5% of voting age blacks compared to less than 2% of non-blacks who cannot vote. In Tennessee, 19% of African-Americans were disenfranchised. Now that number includes folks who are also still in prison and can't vote, as well as those who have completed their sentence and are either permanently disenfranchised forever or have not yet been able to get their voting rights back. Of the estimated 247,880 former felons, 105,817, which are approximately 43%, are African-Americans.

Over the last few decades, the number of disenfranchised citizens has been increasing because of an incarceration boom fueled by mandatory minimum sentences, prison privatization, and the war on drugs. In turn, this has impacted the families of those who are disenfranchised and the communities in which they reside by reducing their collective political voice.

There's been a lot of public attention nationwide. Recently, Attorney General Holder talked about the importance of being able to see disenfranchised folks—those who had had convictions that had now been released from prison, be able to have their rights restored, and most recently, I think this weekend, Senator Ron Paul was in Memphis and while he didn't say it publicly as he was speaking to one of the political parties, he did speak to them this past year and raised the concern he has about, the huge number of disenfranchised African-Americans in the community and across the country. There is no question that Tennessee has one of the most punitive and complicated felony disenfranchised statutes in the country. Tennessee is actually just one of 10 states that permanently disenfranchise some or all of its citizens who have been convicted of certain crimes, meaning they can never ever get their voting rights back.

Tennessee maintains a growing list of felonies for which permanent disenfranchisement is the penalty including non-violent crimes, such as voter fraud, bribery, and interference with government operations. For those who are eligible for restoration, Tennessee along with 20 other states required that the sentence and probation or a parole be completed. Tennessee law also requires that all fines, fees, and restitution be paid in full, and then Tennessee unlike any other state requires that the former felon be current on their court-ordered support payments, court ordered child support payments.

Now history is important and I think we need to know that prior to 2006, the type of offense and the date of conviction actually guided one's eligibility in the process recorder to restore one's right to access the ballot vote- the ballot box. In addition, every individual had to be involved in a judicial proceeding, which was required in order for the individual to have their voting rights restored. During the 104th General Assembly, ACLU along with the Tennessee Bar Association, the State, and NAACP championed legislation that would streamline and standardize the complex restoration procedures. That new law which had passed represented a step forward and also eliminated the required court order, signed court order, replacing it with a required signed certificate of restoration by the individual- by the Board of Parole and Probation. Unfortunately, and this is, again, important to realize what was happening in 2006 as well as where we are today. Unfortunately, at the ninth hour, legislators added two financial preconditions before individuals with felony convictions could get their voting rights restored. Former felons had to pay all restitution to the victim or victims of the offense ordered by the court as part of the sentence, and they had to be current in court-ordered child support obligations. Now, no one is

denying that those fees and that responsibility should be removed from the individual with the felony conviction, but one has to question whether or not adding that burden to individuals with felony convictions will ever better them and then be able to access the ballot box.

While a number of states require individuals to pay fines, fees, and restitution before they can register to vote, again Tennessee is the only state in the country to require child support payments—clearly an impossible financial obstacle to overcome for most individuals coming out of prison. In addition, there is no link between child support payments, good parenting, and the right to vote. In fact, as legislation was being debated on the floor, Representative Tommy Brown, who is no longer in the legislature but was a social work professor at the University of Tennessee, pointed out that many divorced parents are not current with their child support and actually suggested that perhaps the legislature should consider next requiring that those parents be current in their child support before they could cast their vote. And that was just to make the point that this particular provision was going to target a certain community of folks, typically those in the minority community and without a question, those who, if they were not poor when they entered the facility, would certainly be poor when they got out and have a lot of difficulty just accessing housing and employment. ACLU filed a lawsuit, *Johnson v. Bredesen*, challenging the child support financial requirement and the restitution payments as a precursor to having one's voting rights restored; and in a very troubling 2:1 decision, the Sixth Circuit Court of Appeals upheld the financial requirement, choosing to ignore the seriousness of Tennessee's effort to disenfranchise its citizens. ACLU had argued that the law violated the fourteenth amendment, equal protection clause, and the twenty-fourth amendment, a ban on poll tax. But in their 2:1 decision, the Sixth Circuit refused to accept that the restitution or child support requirements were financial barriers to voting like what was—had been known as the poll tax, the unconstitutional poll tax. The court also dismissed the notion that the law suffered constitutional flaw because of its disparage treatment of individuals based on thereof. Instead, the Court held that the State had a rational interest in collecting restitution payments and child support payments which justified they believe the denial of voter restoration.

So the court basically, in this case, legitimized a pay-above scheme in Tennessee. Those with the financial resources can pay to have their rights restored. If a citizen, as many former convicts are, are unable to find a job to repay their financial obligations after exiting the correction system, the Court assumes that they are not worthy of participating in the political process, and we know then that challenges the process of reintegration into our communities and then it also challenges public safety issues that all of us are concerned about.

Descending the Johnson case and the one defense is sometimes always where you find your solace, Judge Karen War focused on the law's unequal treatment of disenfranchised citizens based on their ability to pay and she said, quote, "It is indisputable that the plaintiffs are now unable to access the ballot box simply because they are too poor to pay." Judge Moore called the city's attempt to collect child support payments that an individual cannot make by linking those payments to the right to vote as, quote, "Nothing more than an attempt to exercise unbridled power over a clearly powerless group, which is not a legitimate state interest."

It's also important to note that the current law also requires that the former felon, again, who has completed their sentence, parole, probation, and has paid back all of their fees, including child support, that that individual must then confront a series of burdensome steps in order to register.

First, they have to secure the certificate of restoration and have it signed, first by their parole officer and if they can't find that officer—and you know there's a lot of turnover in those positions—by someone else who has a history that this individual had completed parole and probation, then they have to have the certificate signed by the Criminal or Circuit Court clerk certifying that all court-ordered restitution has been paid in full. And then they must bring the certificate to the local election commission who sentenced them in the State Election Commission Office to certify that all court-ordered child support payments are current and that the certificate of restoration has been completely—completed correctly. And it is only then that the State Election Commission sends a notice to the Local Election Commission certifying that the certificate has been approved or denied. It is the responsibility of the local election commission to notify the individual that their certificate has been approved or denied and it is only then when learning that their certificate was approved that the individual can go then back to the Local Election Commission to complete a voter's restoration form. Very, very tiring, complicated process. So suffice it to say this process takes time, it takes talent, and most importantly it takes tenacity.

In our state, we have across the state some wonderful advocates who are willing to work with former felons to help them restore their voting rights, but it is a process that needs to be made simpler and with far fewer steps. The goal should be expanding access to the ballot box, not restricting who has access. So there's no question we have a lot to fix, and we would recommend several actions that the state could take, including the Tennessee General Assembly, to ensure access to the ballot box for disenfranchised former felons.

One, would be providing Know Your Rights information and workshops about the voter restoration process for individuals preparing to leave the prison as part of the reintegration into the community.

Two, would be removing financial obligations that are not required prior to being able to register to vote.

And three, which we of course I think is the most important, receiving and at best, recommendation, receiving automatic restoration of voting rights upon release from prison.

As the United States Supreme Court has said, no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Our rights, even the most basic, are illusory if the right to vote is under minded. We would like you to join with us to restore the most precious of civil rights that have been denied far too long to hundreds of thousands of Tennesseans.

Thank you.

## **Voting Rights Issues**

### ***June Zeitlin, Leadership Conference of Civil & Human Rights***

*June Zeitlin with the Leadership Conference on Civil & Human Rights, brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Zeitlin brought several human rights issues to the Commission's attention related to Tennessee and the United States of America. Ms. Zeitlin covered voting rights, criminal justice, education and disability rights. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues.*

I am June Zeitlin, director of human rights policy at The Leadership Conference on Civil and Human Rights, the nation's oldest and most diverse coalition of civil and human rights organizations, and The Leadership Conference Education Fund. Several of the organizations participating in today's hearing are state and local affiliates of our leading members, including the NAACP, the National Urban League and the National Council on Independent Living (NCIL). I want to recognize the outstanding work of the Tennessee Commission on Human Rights, and particularly this unprecedented effort to hold hearings around the state to get the input of local, state and national organizations on the state of human rights in Tennessee. The Leadership Conference is honored to be here to provide a national framework for these critical human rights issues and how they relate to the human rights challenges faced by Tennessee today.

Founded in 1950, The Leadership Conference seeks to further the goal of equality under the law through legislative advocacy and public education. We seek to build an America as good as its ideals. The Leadership Conference consists of more than 200 national organizations representing persons of color, women, children, persons with disabilities, organized labor, seniors, gays and lesbians, and many faith-based groups. The Leadership Conference has worked to pass landmark federal legislation to protect the civil and human rights of all Americans, including laws to ban discrimination on the basis of race, national origin, sex, age and disability. Some of the most notable are:

- the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- the Civil Rights Acts of 1957, 1960, and 1964;
- the Voting Rights Act of 1965 and subsequent reauthorizations;
- the Fair Housing Act of 1968;
- Title IX of the Education Amendments of 1972;
- the Americans With Disabilities Act and ADA Amendments Act passed in 2008;
- the Lilly Ledbetter Fair Pay Act of 2009;
- the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009; and
- the Violence Against Women Act Authorization of 2013.

The Leadership Conference Education Fund, The Leadership Conference's sister organization, builds public will for federal policies that promote and protect the civil and human rights of all persons in the United States through initiatives grounded in the belief that an informed public is more likely to support effective human rights and social justice policies.

As someone from out of the state, I must acknowledge at the outset the historic moment of being in Memphis shortly after we as a nation celebrated the holiday honoring Rev. Dr. Martin Luther King Jr., who gave his life in this very city advocating for the 1,300 striking sanitation workers of AFSCME Local 1733. Dr. King understood the importance of linking the struggle for African-American civil rights in the American South with the struggles throughout the African diaspora. He knew that civil rights were human rights. And he spoke in eloquent moral terms about the struggle.

Today, nearly 46 years later, we still face huge challenges to advancing civil and human rights for all Americans. Much as there was resistance to King's efforts, there is significant resistance to nearly any policy or law that would make America more just and more equitable – particularly in Washington, D.C. You are all no doubt familiar with the gridlock in the aptly named “do nothing” Congress. While our national legislature continues to succumb to partisan obstruction and paralysis, the economic and social needs of most Americans are more pressing than ever. The top 1 percent of earners in America earn more than 19 percent of the nation's household income. The top 10 percent earns more than 48 percent—nearly half—of the nation's household income. The unemployment rate for African Americans is nearly twice the national average; for young people it's nearly three times the national average.

Tennessee overall has an average unemployment rate of 7.8 percent<sup>77</sup>, which is higher than the national average. People of color, two-thirds of whom are African American, make up approximately 20 percent of the state's population. Yet, on average, they made up 18.6 percent of the state's unemployed citizens last year. In 2012, the poverty rate in Tennessee was 17.9 percent, which was almost 3 percent higher than the national average.<sup>78</sup>

Unfortunately, there remains an inconsistency between the ideals the nation professes and the reality of its practices. While it is true that U.S. laws and policies are comparatively advanced in protecting civil rights, the gaps in U.S. law and policy as they relate to the protection of universal human rights recognized by the Universal Declaration of Human Rights (UDHR) is striking, especially in the areas of racial discrimination and economic inequality. The U.S. government has fallen short of fully implementing its obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the two major human rights conventions that the U.S. has ratified. And the United States has yet to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD), the need for which I will highlight later in my presentation.

In our work on national policy, we are very conscious that bipartisan support is essential for achieving success. While one party may be able to block action, it takes two parties to advance social change. Recently, we have begun to make some progress in this regard. Examples include

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<sup>77</sup> “December Unemployment Rate Decreases to 7.8 Percent.” Tennessee Department of Labor & Workforce Development. January 23, 2014. Retrieved from <https://news.tn.gov/node/11921>

<sup>78</sup> “Restoring Shared Prosperity” Half in Ten. Retrieved from <http://halfinteneducation.org/indicators/?y=2013&state=TN>

the recent budget agreement adopted with support from both parties. And looking back over the past year, we have the adoption of a bill reauthorizing the Violence Against Women Act, which was signed into law, and also the adoption in the Senate of a comprehensive immigration reform bill. And just two weeks ago, we saw the bipartisan introduction of new voting rights legislation that embodies a forward-looking set of protections that work together to ensure an effective response to racial discrimination in voting in every part of the country.

But these examples of progress are not mere coincidences. Nor did they come easily. That is why my colleague, Anjali Thakur-Mittal, and I made the decision to come to Memphis for this hearing today. The case for advancing human rights and civil rights here in Tennessee and for the entire nation is clear. Lifting up those who are excluded or stuck at the bottom benefits us all. But achieving this requires us all to work together. We face many challenges to advancing the cause of human rights and perfecting our union. Today, I would urge all of us—whether we are civil and human rights advocates, public servants, or members of the Tennessee congressional delegation, which includes some very important members of the House and Senate, to rededicate ourselves to finding common ground to reach solutions that benefit the people in Tennessee and around the country.

Today, I want to highlight a few areas—including voting rights, education, criminal justice and the rights of persons with disabilities—where such an inclusive and bipartisan approach can lead to real change that will improve people’s lives.

## **Voting**

The Voting Rights Act was first enacted in 1965 and has been reauthorized four times, each time with broad bipartisan support. As you know, this landmark law prohibits discriminatory voting practices that have been responsible for the denial of the voting rights of racial, ethnic, and language minorities in the United States. This law has been responsible for much of the progress made to outlaw discriminatory voting practices over the last 50 years. In June 2013, the Supreme Court of the United States ruled in *Shelby County* [Alabama not Tennessee] *v. Holder* that the coverage provided in section 4(b) of the VRA, which was used to determine the states and political subdivisions subject to section 5 preclearance, was unconstitutional. Thus, while the Court did not invalidate the preclearance mechanism in the Voting Rights Act, it effectively halted its use by invalidating the part of the law that determined which places were subject to the preclearance obligation.

The Leadership Conference was part of a coalition effort, working with a group of bipartisan congressional leaders committed to quickly addressing the Court’s decision. I am pleased to be able to tell you that on January 16, a bipartisan group of members of Congress introduced amendments to the Voting Rights Act that will help restore the fair and effective protection of every American’s right to vote. We are hoping that with strong bipartisan support, the new voting rights legislation can be enacted into law in time for the 2014 election. And we hope we can count on the Tennessee congressional delegation to support this fair, commonsense legislation.

## Summary of Human Rights Issue of Homelessness

These testimonies cover the topic of the human rights issues of homelessness. Mayor Madeline Rogero with the City of Knoxville discussed Homelessness Issues in the City of Knoxville; Paul Gardner with Mid-South Peace and Justice and Marian Bacon with Memphis Center for Independent Living reported on Civil Rights Abuses Faced by People Experiencing Homelessness; and Samuel Lester with Nashville Homeless Organizing Coalition spoke on the Criminalization of the Indigent and Unhoused.



**Mayor Madeline Rogero** with the **City of Knoxville** brought testimony on Homelessness Issues in the City of Knoxville. Another vulnerable population we serve is the homeless or those in danger of becoming homeless. I have convened a Mayor's Roundtable on Homelessness, consisting of many community partners, homeless service agencies and faith-based organizations. We have produced a draft plan for a holistic, collaborative approach that focuses first on preventing homelessness, and then on providing emergency

and transitional services, as well as access to permanent appropriate housing, employment and health care.

**Paul Gardner** with **Mid-South Peace and Justice** and **Marian Bacon** with **Memphis Center for Independent Living** represent **Homeless Organizing for Power and Equality (HOPE)** brought testimony on Civil Rights Abuses Faced by People Experiencing Homelessness in Memphis. Examples of a human rights violations were reported. 92% of women experiencing homelessness have suffered severe physical and/or sexual assault in their lifetimes. Most people think that once you get off the streets and get housing or services, that you are out of the woods and finally safe but the sad fact are that there are predators in the system as well. People experiencing

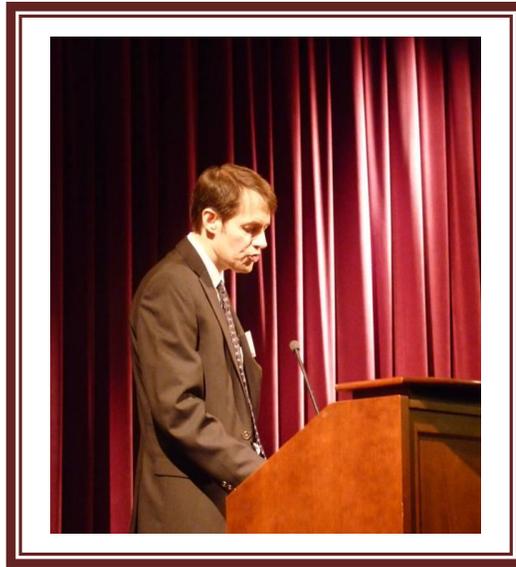
homelessness are criminalized in every way imaginable. HOPE wants to continue to push for greater oversight and transparency within our homeless services safety net. Every year HOPE lobbies our local city and county governments for improved funding of homelessness services and was involved in drafting the Ten Year Plan To End Homelessness, but they say that they are also going to be acting as a watchdog and work in concert with local agencies that are funded by taxpayer dollars to ensure that they are acting in a proper manner. HOPE recommendation policy makers and TN residents prioritize the abuses of human and civil rights toward the homeless.



**Samuel Lester** with **Nashville Homeless Organizing Coalition** brought testimony on the Criminalization of the Indigent and Unhoused. The Nashville Homeless Organizing Coalition wanted to call attention to how the legal system in Tennessee is being used in ways that violate the constitutional rights of its own citizens, unjustly treating our most vulnerable neighbors as criminals, and plunging them deeper into poverty, homelessness, and crisis. These laws and practices are ineffective, wasteful of taxpayer dollars, cruel, and unconstitutional. Some 57% report being harassed, cited, or arrested for just appearing homeless. Homelessness is a catch all phrase. The current system wastes taxpayer dollars by moving the unhoused from place to place and eventually to prison before starting the cycle over worse off than before. The Nashville Homeless Organizing Coalition provided individual examples and many recommendations. We urge the

Tennessee Human Rights Commission to condemn these cruel practices and work with Tennessee governments to help the unhoused.

Conservative states like Utah have discovered that it is a more just, more cost efficient, and more compassionate approach, and cities like Nashville are already experiencing success with their limited involvement through the How's Nashville campaign (a part of the successful nationwide 100,000 Homes Campaign). As a part of this, cities and the state should foster policies to increase the availability of low cost housing. If the police will work with homeless service providers, they will be increasingly freed to focus on real crime in their communities, help the homeless, and save the state money. We call for the police and prosecutors to cooperate with knowledgeable service providers to develop policing policies that would actually make significant strides in reducing homelessness, be constitutional, more humane, and cost effective. We urge the adoption of the Compassionate Assistance and Right to Exist act by the state legislature in the 2015 legislative session, legislation that sets clear standards of constitutional treatment for the indigent and unhoused, as well as those who seek to assist them.



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## **F. Human Rights Issue: Homelessness**

### **Homelessness Issues in the City of Knoxville**

#### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations. It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. But we still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

Another vulnerable population we serve is the homeless or those in danger of becoming homeless. I have convened a Mayor's Roundtable on Homelessness, consisting of many community partners, homeless service agencies and faith-based organizations.

We have produced a draft plan for a holistic, collaborative approach that focuses first on preventing homelessness, and then on providing emergency and transitional services, as well as access to permanent appropriate housing, employment and health care.

The plan was formally adopted by City Council in April. I included an additional \$200,000 in funding for homelessness services in the 2014-15 budget, bringing our total budget for those efforts to almost \$800,000.

Speaking of health care, I was pleased to join in March with the mayors of Memphis, Nashville and Chattanooga to encourage residents to learn about and enroll in health care under the Affordable Care Act. We jointly signed an op-ed column that was published by the major daily papers in our four cities.

With the help of incredible volunteers and co-sponsors, I held an Interfaith Breakfast to disseminate information to faith-based leaders about the ACA and how their members could get help in evaluating options and completing their enrollment applications.

On March 22, we held an Enrollment Fair at the Magnolia Avenue Campus of Pellissippi State Community College. This was the biggest enrollment event held in Knoxville, with 106 people seeking assistance.

It was exciting to talk to folks who were thrilled to get affordable health care coverage and so grateful for the help we could provide. It was also heartbreaking to see the tears of frustration and desperation from those who fell in the gap between TennCare and the ACA – those who will be left uncovered without Medicaid expansion.

I want to recognize Jackie Clay, a Project Manager in my office, and Jesse Mayshark, my Director of Communications, who joined with many partners to organize these events. Those partners included Get Covered America, Pellissippi State Community College, Cherokee Health Systems, Tennova, the Tennessee Health Care Campaign, Knoxville Area Project Access, Mt. Calvary Baptist Church, and many, many volunteers.

## **Civil Rights Abuses Faced by People Experiencing Homelessness**

***Paul Garner, Mid-South Peace & Justice Center, Marian Bacon, Memphis Center for Independent Living***

*Paul Garner, and his colleague Marian Bacon provided testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Mr. Garner and Ms. Bacon brought testimony regarding abuses facing individuals experiencing homelessness in Memphis. Mr. Garner and Ms. Bacon both represent a grassroots organization, Homeless Organizing for Power & Equality.*

When we think or speak about human rights violations, many of us recall images we have seen in other parts of the world, countries that we think of as having less “freedom” and “democracy” than we have here in the United States. Unfortunately, these issues are much closer to home, and abuses of civil and human rights occur daily, here in Memphis, Tennessee.

I am the organizing coordinator for Homeless Organizing for Power & Equality, a grassroots organization made up exclusively of men and women who have either formerly or are currently experiencing homelessness. We work every day, to advocate for the rights of our brothers and sisters on the streets, which are violated constantly as if it had come down from above as official policy.

We have heard about and experienced countless instances of police harassment. I have personally heard several accounts of people sleeping around government buildings downtown, being awaked by officers pouring dirt on their faces, or cracking them on the legs with billy clubs. We have heard of officers dropping off individuals across the bridge in West Memphis Arkansas. In one of these cases, a man was stripped of his shoes when he was dropped off and forced to walk back to Memphis, completely barefoot.

In November of 2012, members of HOPE, were attempting to leave a regular weekly meeting at the Manna House, a place of refuge for people experiencing homelessness and poverty. Two MPD squad cars made a U-turn and pulled up on the remaining eight members present. The officers harassed members and eventually issued citations for “obstructing a sidewalk” to three members. H.O.P.E. members have filed complaints with MPD and Internal affairs, only to be subjected to a process which took 9 months of following up only to get a one sentence statement in the mail saying our complaint was “sustained,” but no communication about what that even meant.

In October of 2013, The Manna House was once again targeted by officers for harassment of their homeless guests. This time, I was arrested simply for filming it. Officers were attempting to illegally enter the property, without a warrant, to search for someone, they believed to be there. They were not in hot pursuit, and were asked not to enter the property. They ignored these requests and when Ashley Moore began filming, they arrested him, and confiscated his phone.

As Ashley was being arrested, I began filming as well. I requested the officers name and badge number, which I was denied, and then also arrested and my phone confiscated as e"vidence" We filed complaints with Internal Affairs the very next day. It has now been almost SIX MONTHS, and we still have not received any notice about the status of our complaint.

These are just a few of the egregious violations of human rights faced by people experiencing homelessness.

In the summer of 2013, HOPE launched a direct action campaign against a local shelter/ service provider called the Beers Van Gogh Center of Excellence. The Beers Van Gogh Peer Center is a part of the Tennessee Mental Health Consumers Association and is supposed to provide housing, support and Medicaid services for individuals with mental illnesses in a peer to peer model. H.O.P.E. received numerous complaints from people experiencing homelessness and former Peer Center employees about instances of lewd and homophobic language and repeated unwanted sexual propositions from former employee, Herveille Williams.

Work on this issue began last summer when two members of H.O.P.E. shared their experiences of harassment by Williams with the group a weekly H.O.P.E. meeting.

"As I heard our members share their experiences I was stunned" says H.O.P.E. member Toni Whitfield," This situation with this staff person is out of control including offering one of our members \$20 to show him her breasts and telling her and others about the size of his penis and asking a woman if she wanted to be in a "three way" with him and his girlfriend."

Members of H.O.P.E. took immediate action by conducting street outreach to people experiencing homelessness to find other potential victims of harassment and sexual assault and launched a series of weekly protests outside of the Peer Center located at 669 Madison Ave. H.O.P.E. also partnered with the Memphis Public Interest Law Center to ensure that the rights of those stepping forward were protected.

"Play to Stay," is a slang term coined by H.O.P.E. members and refers to the rumored practice of staff at some local homeless service providers allegedly coercing sexual favors from female clients in exchange to gain access to services.

"Whenever there are allegations like this one, the community must take it seriously! 92% of women experiencing homelessness have suffered severe physical and/or sexual assault in their lifetimes. Most people think that once you get off the streets and get housing or services, that you are out of the woods and finally safe but the sad fact are that there are predators in the system as well. For some of us out there, it's only the beginning. This incident with Herveille is just the tip of the iceberg. This is much bigger than just one employee at one service provider." Says H.O.P.E. members and former Peer Center employee Marian Bacon

As the weekly protest and calls to action continued, the group was contacted by several additional former clients and staff members of the Peer Center, each one had similar experiences of harassment. In addition to the charges of sexual harassment the group also raised concerns about allegations of physical assault and other issues at the Beers Van Gogh. Members of H.O.P.E. spoke with the leadership of TMHCA in the pursuit of justice for the membership, but did not stop there. The group met with and filed official complaints with all appropriate regulatory agencies. This led to investigations being launched by Memphis Housing and Community Development, Tennessee Department of Mental Health, and HUD-TN and the Tennessee Bureau of Investigation.

Now that Williams has been terminated amid new allegations of continued sexual harassment, the group wants to continue to push for greater oversight and transparency within our homeless services safety net. Every year H.O.P.E lobbies our local city and county governments for improved funding of homelessness services and was involved in drafting the TEN YEAR PLAN TO END HOMELESSNESS, but they say that they are also going to be acting as a watchdog and work in concert with local agencies that are funded by taxpayer dollars to ensure that they are acting in a proper manner.

"We still live in a society where allegations of sexual harassment and assault are often swept under the rug and even women of means and wealth are not immune to this, so imagine how hard it must be for people who have no support system in place for the protection of their rights. That is what H.O.P.E. is for. The women and men who stepped forward and spoke out are truly courageous and we were proud to stand behind them, because it's not easy." Says H.O.P.E. member Kay Baker.

H.O.P.E. has also started a Women's Caucus within its organization. This is a place where women who are experiencing homelessness can discuss issues, plan actions and campaigns around issues distinctive to women. One of the upcoming projects centers around a self defense class for the members combined with plans for peer to peer counseling. This project is co-sponsored by the [Center for Research on Women](#) at the University of Memphis, Women's Caucus meets regularly for "Dinner and Discussion," out of which a core group of organizers has emerged to focus on the unique challenges faced by women experiencing homelessness.

Beyond all of this, people experiencing homelessness are criminalized in every way imaginable. When you live on the street, almost everything you do is a crime. You may face arrest, just trying to find a place to sleep, clean yourself, or use the rest room.

These problems continue to run rampant in Memphis, and across Tennessee. HOPE will continue to push for positive solutions to these issues, but until the plight of those without shelter is prioritized by our policy makers and TN residents who do have the privilege to be able to afford housing, these abuses of human and civil rights are inevitable and will continue. [Table Contents](#)

## **Criminalization of the Indigent and Unhoused**

### ***Samuel Lester, Nashville Homeless Organizing Coalition***

Members of the Commission, thank you for allowing us to present evidence of unconstitutional criminalization of the unhoused and indigent in Nashville. We represent the Nashville Homeless Organizing Coalition: some of us are formerly homeless, some currently are, others have never been, but we are united by the goals of advocating for the unhoused, working to get them housing, speaking up for their rights, and helping educate people about homelessness, its causes, and solutions. We are here to call attention to how the legal system in Tennessee is being used in ways that violate the constitutional rights of its own citizens, unjustly treating our most vulnerable neighbors as criminals, and plunging them deeper into poverty, homelessness, and crisis. These laws and practices are ineffective, wasteful of taxpayer dollars, cruel, and unconstitutional. Additionally, the rights of faith groups and other concerned citizens to help the most vulnerable have been interfered with. In our conclusion, we present some concrete steps that will help remedy these abuses, but we hope that the Tennessee Human Rights Commission will join us in condemning these laws and practices, will work to correct them, and demand a new, more just, more compassionate, and more constitutional approach that will help people rather than destroying lives.

### **I. The Constitutional Context: The Right to Life is the Right to Exist in Public**

The founders based our government on the recognition of certain inalienable rights: the rights to life, liberty, property, and the pursuit of happiness. No right is more clear or more dear than the right to life itself, and the right to life, to be meaningful, means the right to those activities that sustain life—the right to eat, to rest, to sleep, to engage in work, to secure one’s life-sustaining property (however small that may be), and the right to conscience, including to seek and receive assistance from faith based groups or others. Our most vulnerable neighbors, through economic or personal crisis, sometimes find themselves without support groups, mired in unemployment, challenged by medical and psychological problems, and without housing. But homelessness and poverty are not crimes. Despite the fact that studies have repeatedly shown that getting people back into housing and into supportive services is the most compassionate, effective, and cost efficient way to approach homelessness, cities instead often criminalize those in desperate straits. Under color of law, cities manufacture criminals where no real or significant crime has been committed. But criminalization not only betrays those rights our forefathers fought so hard to have recognized, it also wastes the taxpayer’s dollar in the short run, and in the long run, it intensifies and perpetuates poverty, multiplies fiscal costs many times over, and exacerbates human suffering and despair. Unjust criminalization is essentially depriving citizens of their liberty, property, and rights without due process of law or illegitimately under the color of law, but criminalization is also often a pretext for violations of other rights, such as the right to privacy in one’s personal effects, the rights against illegal search and seizure, and the right to compensation for property taken.

## II. The Unconstitutional Creation of Suspects and Criminals out of the Poor and Vulnerable



1. Michael Hutchison

**Citation Arrest**

**Obstructing a Passageway**

**T.C.A. 39-17-307**

**Misdemeanor C**

**Arrest Date:** September 2, 2012

**Arrest Time:** 11:45 a.m.

**Arrest Location:** 600 Church St. Nashville, TN 37219

(Church Street Park)

**Court Disposition:** Guilty

**Date Convicted:** January 7, 2013

**Court Costs Owed:** \$300.28

A few examples will help make clear how the current system deprives citizens of their rights and creates criminals out of otherwise law-abiding citizens. Michael Hutchison, for example, was sitting next to a bench in downtown Nashville speaking with a friend—all the other spots on the bench were full—when he was arrested for “obstructing a passageway.” Had Michael been able to pay for extensive legal services, it could have been shown that there was no passageway to obstruct where Michael was sitting, but Michael was cited and summoned to court, where he was found guilty and now owes \$300 in court costs. People on the street cannot afford to pay tickets, much less the court costs. But unpaid fines and court costs often lead to jail time. These events repeat themselves across the state thousands of times per year, essentially leading to imprisonment for debt for civil “crimes”—contrary to Article 1, section 18 of the Tennessee Constitution. While such laws can make people move on temporarily, they have no place to go, so they will only move to another location where they will be subject repeatedly to the same fines and jail time. Not only do these laws fail to disband the homeless, they push them further

into debt and depression, further ensuring that the unhoused will be unable to recover and will remain on the street.

In surveys done last summer and fall,<sup>79</sup> the Nashville Homeless Organizing Coalition found 3/4 of the unhoused population had been harassed, cited, or arrested for trying to rest. Moreover, the city of Nashville has removed some 29 benches from the downtown area recently, making it almost certain that if someone wants to rest, they will be subject to an obstruction of passage citation or arrest. Benches have been removed all over town at bus stops as well. Tourists are not subject to the same citations and arrests for resting, so in addition, the laws are being applied unequally—ironically, often giving preference to people who don't live in our state over care for our neighbors who are suffering from unemployment, poverty, and physical or mental illness. According to the Metro Nashville police accounts themselves, between 2004 and 2009, arrests for obstructing a passageway increased 500%; homeless persons comprised between 60 and 80 percent of those arrested for this alleged crime.<sup>80</sup>

Another example: for two years, Don Nash has been a patron of a local convenience store, going in each day to buy cigarettes and a Coke. Afterwards, he would sit and rest a bit—on this occasion he had been there about 15 minutes when he was cited for criminal trespassing and summoned to appear in court. 55% of those in our survey had been harassed for loitering, 24% cited, and 18% arrested—in all 60% were harassed, cited, or arrested for loitering.



<sup>79</sup> See Appendix I for the full survey results.

<sup>80</sup> Charles Strobel, "Summary Report of Committee on Police / Homeless Issues to the Metropolitan Homelessness Commission," Feb. 7, 2011, p. 4.

### 3. Don Nash

Citation Arrest

Criminal Trespass

T.C.A. 39-14-405

Misdemeanor C

Arrest Date: June 2, 2013

Arrest Time: 10:20 a.m.

Arrest Location: 1101 Broadway (Exxon Tiger Mart)

Court Disposition: Guilty (30 days suspended and never enter property again)

Date Convicted: June 20, 2013

Court Date: October 28 (Appealed to Higher Court)

According to statistics from the Metropolitan Nashville Police Department, in 2012, there were 1015 arrests for Criminal Trespass and fully 52% of them were of homeless people, and 1040 citations, 38% of which were homeless.<sup>81</sup>

#### **Holy Trinity Episcopal Church yard seen from the street**

Another example, Stacey was living out of his car and had parked his car legally outside of Holy Trinity Episcopal Church. His car was towed, ostensibly for being illegally parked, though his attorney was able to show clearly the car was parked legally and the judge ordered it released. But even before the case came before the judge, the police sold the vehicle, it was stripped, destroyed, and along with it all of Stacey's property including his wedding ring. Many people struggling with unemployment and bills are forced to give up their apartments and take to living out of their cars. With the loss of their car, people have limited ways to search or get to work, no place to store belongings, no protection from the elements, and no security for themselves from attack—they are reduced to literally living on the streets. In all nearly 1 in 4 of those surveyed were harassed, cited or arrested for sleeping in a vehicle.



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<sup>81</sup> *The Contributor*, Vol 7, no. 14 (July 11-31, 2013). The cases of Michael and Don are all drawn from interviews and court cases printed in this issue.

**If there is a meaningful “right to life,” the law must not criminalize it.**

David, Carl, and Steve (not their real names) have been living in a camp by the Cumberland. One is a Vet, and all three have been homeless for some time. Their camp is well organized. The men pride themselves on keeping a clean camp and having cleaned up garbage others left in the area. The camp features an American flag and homemade crosses made from fallen tree branches or found wood. Advocates are working to get them all into housing, but despite the camp being out of the way, police cited one and threatened to arrest them all for trespassing and to destroy the camp. They will not be able to afford the citation and court costs if arrested. Currently, the police appear to have relented while outreach workers work to get these men into housing (we hope the beginnings of a new policy),<sup>82</sup> but we have observed multiple camps around the city dispersed by police who typically destroy or dispose of tent, sleeping bag, and possessions without court order, taking property without just compensation. Often these are the last lifelines of people living on the edge. Anxiety and depression are multiplied many fold. In some cases, faith groups and others working with them have spent money to provide tents and tarps, and that money is now wasted and the efforts to get them off the streets complicated many times over. But the Mission is either full or does not welcome all persons who need shelter. Room in the Inn offers limited shelter. There are at least 4000 homeless on the streets in Nashville, but only 1500 shelter beds. These men and women have no choice but to go back on the streets, poorer, more mired in homelessness and frustration than before. They will find a new camp, and the cycle will start over again. In all, some 75% of those surveyed were harassed, cited, or arrested for sleeping.

Others report being harassed, cited, or arrested for receiving food (12%). If there is a constitutional right to life, surely it includes not only a right to rest, but a right to solicit and receive food where one cannot find a job or is unable to work.

In Nashville, 57% of the homeless are employed, engaging in some form of activity that brings in some income, though not enough for housing or to take care of their needs.<sup>83</sup> Yet Nashville also prevents people on the street from engaging in lawful businesses by requiring unnecessary and burdensome insurance or licensing requirements for activities that pose no real threat. The city of Brentwood has legislated *Contributor* vendors, who are unhoused or formerly unhoused, off street corners, though selling papers from street corners is a practice going back over 100 years.

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<sup>82</sup> We have observed many times where individual police officers act with compassion towards people on the street, but where policies encourage or require a less compassionate approach, compassion, cost-effectiveness, and justice are sometimes not well served.

<sup>83</sup> “Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America’s Cities,” Dec. 2013 (The United States Conference of Mayors), p. 68. <http://www.usmayors.org/pressreleases/uploads/2013/1210-report-HH.pdf>

Where one cannot find employment, no one should be prevented from asking for money whether to support themselves or their family, yet 42% of those polled reported being harassed, cited, or arrested for panhandling.

Some 57% report being harassed, cited, or arrested for just appearing homeless. Homelessness is a catch all phrase. Although the face of homelessness is often an older male, some 2,800 school children are homeless in Nashville (some 16,000 across the state), and families make up over 1 in 3 of the homeless and fully half of the homeless living in shelters.<sup>84</sup> The majority of the homeless are so only for short periods of time.<sup>85</sup> In Nashville, among unhoused adults, 30% are victims of domestic violence, 15% are veterans, 35% have severe mental illness, and 18% are physically disabled.<sup>86</sup> Just appearing homeless or poor and being on the street is not in itself a crime, yet it frequently results in being stopped, searched, and run through the computer for prior offenses. Appearing poor or homeless should not be a pretext for suspicion, nor does appearance of poverty provide probable cause, though it often provides a pretext for unconstitutional searches, citation, and arrest.

One of the most paradoxical effects of laws used against the unhoused is that they manufacture criminals no less than if we had invented some giant machine to feed our prison systems. These laws are unjust because they convert people suffering from economic hardship, domestic violence and abuse, post-traumatic stress disorder, physical ailments or mental illness, people who are just trying to survive as best they can on the streets or in shelters, into a class marked at first by a series of criminal misdemeanors, any of which people of means would hire an attorney to have dispelled. But because the unhoused lack resources, repeated criminal misdemeanors

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<sup>84</sup> 2013 point in time counts from *The 2013 Annual Homeless Assessment (AHAR) to Congress, Part 1: Point in Time Estimates of Homelessness*, The U.S. Department of Housing and Urban Development <https://www.onecpd.info/resources/documents/ahar-2013-part1.pdf>

<sup>85</sup> Dennis Culhane, professor of social policy at the University of Pennsylvania School of Social Policy and Practice and director of research for the National Center on Homelessness Among Veterans, writing in the Washington Post, notes “To the contrary, the most common length of time that someone is homeless is one or two days, and half the people who enter the homeless shelter system will leave within 30 days, never to return. . . . Long-term homelessness is relatively rare. According to the Department of Housing and Urban Development, about 2 million people in the United States were homeless at some point in 2009 (meaning they stayed overnight in a shelter or in a place not meant for human habitation). . . . Nearly all of the long-term homeless have tenuous family ties and some kind of disability, whether it is a drug or alcohol addiction, a mental illness, or a physical handicap. While they make up a small share of the homeless population, they are disproportionately costly to society: They consume nearly 60 percent of the resources spent on emergency and transitional shelter for adults, and they occupy hospitals and jails at high rates.” *The Washington Post*, July 11, 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/09/AR2010070902357.html>

<sup>86</sup> “Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America’s Cities,” Dec. 2013 (The United States Conference of Mayors), p. 68. <http://www.usmayors.org/pressreleases/uploads/2013/1210-report-HH.pdf>

often result in unpaid fines and court costs (how can they be paid when you have little income), jail time, aggregation into felonies. These legal costs sap money and energies needed just to survive. But moreover, by making homelessness worse, criminalization increases the personal costs of homelessness including physical and psychological problems, makes it impossible for the unhoused to get to work, care for their families, and it makes it all the more likely the homeless will remain homeless, exposing them to victimization and abuse, including rape, violent crime, and even death due to exposure, accident, illness, or murder. The short-term homeless become chronic homeless, and the chronic homeless are increasingly trapped.

### **III. The Cost to the Taxpayer of Unconstitutional Criminalization**

This unconstitutional, counterproductive, and unjust approach is costly to taxpayers as well. A Vanderbilt study reported that in Nashville in 2007, costs for arrests of the unhoused (not including idle patrolling) amounted to \$823,000 per year for policing, \$814,000 per year for court costs, and some \$881,000 per year in jail costs. These costs represent some \$2.5 million dollars per year. Nor do these costs reflect the costs of missed policing of serious crimes because the police are occupied with futile and unjust practices.<sup>87</sup>

But the sad and great irony is that spending these taxpayer dollars on criminalizing the unhoused does not eliminate homelessness; instead, it makes homelessness worse. Nor do these figures account for the increased medical and social service costs that result from prolonged homelessness. Studies have repeatedly shown that a “housing first” approach is the most cost effective and humane way to help people experiencing homelessness. The cost of housing per year plus a case manager is some \$14,000 per year, versus total costs of between \$35,000 and \$150,000 per year that come from combined unjust criminalization, emergency medical services, and social services.<sup>88</sup> In a survey of the homeless last spring in Nashville, among a population of

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<sup>87</sup> The Hidden Costs of Homelessness in Nashville: A Report to the Nashville Metro Homelessness Commission by Courte C.W. Voorhees, Scott R. Brown & Douglas D. Perkins (Vanderbilt University’s Center for Community Studies, 2009); download at <https://my.vanderbilt.edu/perkins/files/2011/09/Costs-of-Homelessness.Final-Report.doc>).

<sup>88</sup> These figures come from Philip Mangano, head of the U.S. Interagency Council on Homelessness under George W. Bush, and for a short time under Obama. “In cost study after cost study after cost study, in 70 cities, the cost of housing with services is less than them randomly ricocheting. For someone ricocheting through the system, the cost is \$35,000 to \$150,000 per person per year... One of the things we discovered is that the cost of housing with services combined ranged from \$12,000 to \$25,000 per year per person. You don’t need to be Suze Orman to figure this out. Every single study says exactly the same thing.” Cited in “Homeless Czar Outlines Action Plan to Get People off Streets: Philip Mangano Talks About Problems in Santa Barbara and Beyond” *Santa Barbara Independent*, February 21, 2014, interview by Nick Welsh (<http://www.independent.com/news/2014/feb/21/homeless-czar-outlines-action-plan-get-people-stre/>). As the Secretary of Housing and Urban Development, Shaun Donovan correctly noted in 2012. <http://www.politifact.com/truth-o-meter/statements/2012/mar/12/shaun-donovan/hud-secretary-says-homeless-person-costs-taxpayers/>

604 homeless persons, some 59% had “health conditions associated with high mortality risk,” and there were some 1,185 inpatient hospitalizations and 1,702 emergency room visits in the past year. The costs were estimated at some \$5,136,470 per year.<sup>89</sup> Many other studies elsewhere have confirmed these remarkable cost savings.<sup>90</sup>

Finally, not only are the unhoused unconstitutionally criminalized in a futile attempt to make the problem go away, but those who are actually working to help the homeless are interfered with and even criminalized. We have already mentioned the dollars wasted when sleeping bags, tents, and supplies contributed by churches, faith groups, and others are destroyed. But municipalities not infrequently try to stop the work of groups by passing “no feeding” ordinances or by passing laws that would unconstitutionally interfere with a church’s duty to provide shelter and sanctuary to those in need. In Nashville, for example, the city has sought to stop those without health certificates from handing out food to the homeless and to prevent the few churches willing to provide temporary shelter from doing so, in one case posting no parking signs on the street outside the church that were only removed after legal intervention.<sup>91</sup>

#### **IV. Concrete Steps to Improve the Situation**

We urge the Tennessee Human Rights Commission to condemn these unconstitutional, costly, and cruel practices and work to change the ways Tennessee governments handle problems relating to the unhoused. Municipalities must stop seeking to wish away problems by unjustly turning their poor and unhoused citizens into criminals. This approach does not work, wastes taxpayer dollars, and makes the problems worse, driving people further into poverty. While cities have increasingly turned to “broken windows policing” techniques, often ignoring the unconstitutional character of the means in hopes of attaining the ends of reduced crime, such policies backfire when dealing with homelessness. Repeated arrests of people who have no resources only increase the likelihood they will remain on the street. As mentioned above, the majority of the homeless are so only for short periods of time.<sup>92</sup> Yet criminalizing short-term homelessness only makes it more likely people will be trapped in the cycles of poverty,

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<sup>89</sup> 2013 Community Needs Evaluation, Metropolitan Social Services, published spring, 2014, p. 166.

<sup>90</sup> More recently, the “City of Albuquerque Heading Home Initiative Cost Study Report Phase 1,” Paul Guerin, Ph.D. and Alexandra Tonigan, Institute for Social Research University of New Mexico (prepared for the Mayor’s Office and The Department of Family and Community Services, City of Albuquerque) INSTITUTE FOR SOCIAL RESEARCH September 2013.

<sup>91</sup> For example, “Handing Out Food To Homeless Could Be Illegal” by Amanda Hara, News Channel 5 report, 12/16/09 (<http://www.newschannel5.com/story/11689625/handing-out-food-to-homeless-could-be-illegal>). “Neighbors look for solutions to church-based homeless camp” by James Nix, *Nashville City Paper*, Nov. 28, 2012 (<http://nashvillecitypaper.com/content/city-news/neighbors-look-solutions-church-based-homeless-camp>).

<sup>92</sup> Dennis Culhane, op. cit.

depression, and helplessness, ultimately driving them into long-term homelessness. And for the chronically homeless, repeated arrests become an expected problem, only one of the many traumas they face on a daily basis, and small in comparison to the possibility of dying from exposure, physical attack, starvation, or compounded health problems. Among the chronically homeless, the frequency of severe psychological disabilities and addiction is greater, so they may not be responding rationally to the supposed disincentives of policing to begin with. Even if they are, realistically, they have few options to being on the street. In dealing with the homeless, such policing techniques either fail entirely or actually increase the homelessness, magnifying the very problems they are intended to deal with. Instead of these counterproductive policies, we urge the following 3 steps to actually help both the unhoused and cities looking for just, workable, cost-effective solutions:

1) We urge that cities and the state pursue the “housing first” approach to dealing with homelessness. As noted above, it is a proven technique that gets people off the streets and into housing first, reducing and ending cycles of poverty and criminalization that destroy people’s lives, and at the same time, saving taxpayers’ money. Conservative states like Utah have discovered that it is a more just, more cost efficient, and more compassionate approach,<sup>93</sup> and cities like Nashville are already experiencing success with their limited involvement through the How’s Nashville campaign (a part of the successful nation wide 100,000 Homes Campaign).<sup>94</sup> As a part of this, cities and the state should foster policies to increase the availability of low cost housing.

2) We urge that cities and the state develop new policies for dealing with the unhoused that educate police forces and court systems on constitutional and cost effective solutions. The place to begin is the recognition that the current approach accomplishes nothing at great expense. The current system wastes taxpayer dollars by moving the unhoused from place to place and eventually to prison before starting the cycle over worse off than before. It unconstitutionally creates debtor’s prisons. Moreover, such policies are arbitrary in application, and so against due process of law. This is unjust, cruel, and self-defeating. We urge that the state and municipalities redirect their criminal justice systems to provide training and counseling to enable those leaving

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<sup>93</sup> “Housing First: Good news for the homeless this Christmas

In one US State, homelessness may be about to become history” by Joseph Carleton, *The Independent*, 12/23/13 (<http://www.independent.co.uk/voices/comment/housing-first-good-news-for-the-homeless-this-christmas-9020934.html>).

<sup>94</sup> “The Push to End Chronic Homelessness is Working” by David Bornstein in *The New York Times*, May 28, 2014 ([http://opinionator.blogs.nytimes.com/2014/05/28/the-push-to-end-chronic-homelessness-is-working/?\\_php=true&\\_type=blogs&\\_r=0](http://opinionator.blogs.nytimes.com/2014/05/28/the-push-to-end-chronic-homelessness-is-working/?_php=true&_type=blogs&_r=0)); see also <http://howsnashville.org/2014/02/11/60-minutes-featuring-nashville/>, <http://www.cbsnews.com/news/100000-homes-housing-homeless-saves-money/>, and <http://100khomes.org>.

the system to reenter society without being driven into homelessness, into new cycles of frequent citation and arrest, and potentially being driven out of desperation to more serious crimes. This cycle can be broken, but not by imposing weighty debts on those leaving prison, nor by mandating unnecessary obstacles to employment such as the check box on employment applications, particularly for compounded misdemeanors and non-violent crimes. The goal of imprisonment should be fostering self-sufficiency and developing skills, not feeding expensive prison systems. If the police will work with homeless service providers, they will be increasingly freed to focus on real crime in their communities, help the homeless, and save the state money. We call for the police and prosecutors to cooperate with knowledgeable service providers to develop policing policies that would actually make significant strides in reducing homelessness, be constitutional, more humane, and cost effective.

3) Finally, we urge the adoption of the Compassionate Assistance and Right to Exist act by the state legislature in the 2015 legislative session, legislation that sets clear standards of constitutional treatment for the indigent and unhoused, as well as those who seek to assist them. (See Appendix II).

It has been justly said that one can tell a great deal about a society from how it treats its least fortunate. Our state was founded, as was our country, with the understanding that we were fostering just laws limited by ideals enshrined in our constitutions, ideals that protect our rights. Yet without a right to rest, to sleep, to eat, and to exist in public, there is no real right to life, no real right to liberty or happiness. Without following through with the practical application of constitutional limitations to authority, our governments will be sorely judged by those to come. Without following through on ideals of compassion enshrined in all faiths and embraced by all of good conscience, we all risk being sorely judged in times to come. While there are no instant solutions, with patient development and application of cost effective, compassionate, and just policies, real improvements can be made. Such policies help turn despair into hope and help people reconstruct their lives, the only real way to make progress towards ending homelessness.

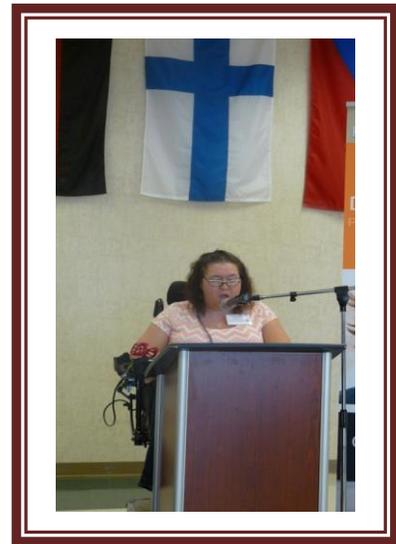
#### Appendices

- I. Criminalization Surveys: Results of Surveys Made of the Nashville, Tennessee Unhoused about Harassment, Citation, and Arrests for Acts of Existing in Public, done between July and October of 2013.
- II. The Compassionate Assistance and Right to Exist (CARE) Act, a bill before the Tennessee legislature, Spring 2014 Also at <http://www.capitol.tn.gov/Bills/108/Bill/HB2430.pdf>
- III. *The Contributor*, issue devoted to criminalization, July 11-31, 2013

## Summary of Human Rights Issue: Disability Rights

These testimonies cover the topic of the human rights issues of disability rights. Jean-Marie Lawrence, a Disability Rights Advocate discussed Rights of Individuals with Disabilities: A Global Perspective; June Zeitlin with the Leadership Conference on Civil and Human Rights spoke on Disability Rights; Martha Lafferty with the Disability Law and Advocacy Center of Tennessee spoke about the Existing Disability Discrimination; Mayor Madeline Rogero with the City of Knoxville discussed Disability Access Issues in the City of Knoxville, Deborah Hyde, a Parent Advocate, discussed Discrimination against Students with Intellectual Disabilities.

**Jean-Marie Lawrence**, a **Disability Rights Advocate** brought testimony on Rights of Individuals with Disabilities: A Global Perspective. As a world leader, the United States far exceeds most nations in the establishment of civil rights legislation for people with disabilities. Although some nations, such as Peru and India, have made significant efforts towards improving the rights of their citizens with disabilities, the same cannot be said of others. Overall, the current state of affairs for people with disabilities worldwide is abhorrent at best. The recommendation is U.S. ratification of the CRPD. It would provide for the ability to influence other nations to take action towards upholding the law. The CRPD applies the same human and civil rights standards, which exist in the U.S. through the ADA, to other nations. While some of the countries which have adopted the treaty have begun developing legislation to improve the lives of people with disabilities, others are still struggling. The U.S. is in a position of power and should take this opportunity to offer our assistance and expertise.



### **June Zeitlin with the Leadership Conference on Civil & Human Rights** brought testimony on Disability Rights. The

Convention on the Rights of Persons with Disabilities (CRPD) has been ratified by 141 countries. It was negotiated by the George W. Bush administration and signed by President Obama in 2009. And though the treaty secured a majority of votes in 2012 in the U.S. Senate, it fell short of the necessary two-thirds votes required for ratification. The CRPD was inspired by and embodies the bedrock American ideals that form the basis of the Americans with Disabilities Act (ADA) — nondiscrimination, equality, accessibility, and respect for the inherent dignity of all persons, including persons with disabilities. Unfortunately, Senator Corker

announced his opposition to the treaty just before Congress adjourned in December. We need his support to advance this human rights treaty for people with disabilities. Tennessee has a higher than average percentage of people with disabilities. Leadership Conference on Civil and Human

Rights believe that by ratifying the CRPD, Leadership Conference on Civil & Human Rights will continue our bipartisan tradition of advancing human rights globally. At the same time, Leadership Conference on Civil & Human Rights will reaffirm our respect for those Americans disabled through war and conflict and other causes. Ratification will allow for advancing civil and human rights of people with disabilities around the world. The Leadership Conference on Civil & Human Rights needs the help of the people of Tennessee.

**Martha Lafferty** with the **Disability Law and Advocacy Center of Tennessee** brought testimony on the Existing Disability Discrimination. Discrimination removes the opportunity for society to fully benefit from the participation and contributions of people with disabilities. It is impossible for a person with a disability to enrich a company, an apartment complex, a business service, or a government program if they cannot get in the door or are turned away after they do. The recommendation begins with understanding the impact of disability discrimination on everyone by including disability when discussing civil rights issues, and empowering individuals to advocate for themselves, providing education on where to look for help on the occasions that self-advocacy fails. The Disability Law and Advocacy Center of Tennessee recommend consistently inviting people with disabilities to be part of all discussions about disability rights issues. Widespread education and awareness to gain an understanding of people with disabilities and their rights should be instituted.



**Mayor Madeline Rogero** with the **City of Knoxville** brought testimony on Disability Access Issues in the City of Knoxville. Visit ability is an important issue in homes and living spaces that are built or renovated in the City of Knoxville. The recommendation is to raise awareness to a level where accessible design considerations are made on the front end, rather than on the back end after a problem arises.

**Deborah Hyde, a Parent Advocate,** brought testimony on Discrimination against Students with Intellectual Disabilities in Chattanooga. Per the Tennessee Department of Education, there are almost 113,000 students with disabilities in the state of Tennessee. Of those students approximately 6.5% are students with Intellectual Disabilities. Each year public schools in the state of Tennessee segregate students with Intellectual Disabilities away from non-disabled peers and deny them access to the state-approved general education curriculum that is available to all other public school students. Hamilton County Schools here in Chattanooga and Knox County Schools in Knoxville segregate more than 80% of students with Intellectual Disabilities from the regular education classroom, denying them interaction with non-disabled peers, denying them access to the general education curriculum and denying them any educational programming that gives them a chance to earn a high school diploma. The recommendation is to have high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and be prepared to lead productive and independent adult lives, to the maximum extent possible as noted in the 2004 Reauthorization of the Individuals with Disabilities Education Improvement Act.



## **G. Human Rights Issue: Disability Rights**

### **Rights of Individuals with Disabilities: A Global Perspective**

#### ***Jean-Marie Lawrence, Disability Rights Advocate***

*Jean-Marie Lawrence, a Disability Rights Advocate, provided testimony at the Chattanooga Hearing on the Status of Human Rights on February 24, 2014. Ms. Lawrence brought testimony regarding the United States' involvement in the current state of disability rights on a global level.*

Originally, I planned on coming here today to give testimony concerning the accessibility of international travel and study abroad for Americans with disabilities. According to the current statistics, one in eight U.S. jobs depends on travel, and 97% of students who study abroad find employment within twelve months after graduation. As a student six years ago, I joined a group of more than thirty from the University of Tennessee at Chattanooga on a research trip to the South Pacific. For two weeks, we traveled to Fiji, New Zealand, Australia, and Hawaii researching disability access, including physical, attitudinal, and cultural barriers. While this trip was one of the best experiences of my life, it was not without challenges. It opened my eyes to a world beyond the security of my own. I have Muscular Dystrophy and have used a wheelchair for most of my life. While there is still much work to be done in the United States, I live a luxuriously accessible life compared to millions of people with disabilities in other countries.

I shudder at the thought that individuals with disabilities are unable to travel because so many countries remain inaccessible. It is even harder for me to consider the daily limitations for those citizens with disabilities who live in counties without curb-cuts, without ramps, without elevators. Without the right to access the same places and do the same things that their friends and family can. More gruesome still, is the knowledge that countless others are being abused, raped, neglected, and denied equal access to health care and civil rights because of their disability. In an effort to stand in opposition of such disregard for human rights, 141 countries have ratified the Convention on the Rights of Persons with Disabilities (CRPD). Yet the United States, a leader in civil rights for people with disabilities, is not on the list. In fact, several U.S. Senators, including those from the State of Tennessee, oppose ratification.

#### **The Current State of Affairs**

As a world leader, the United States far exceeds most nations in the establishment of civil rights legislation for people with disabilities. Although some nations, such as Peru and India, have made significant efforts towards improving the rights of their citizens with disabilities, the same cannot be said of others. Overall, the current state of affairs for people with disabilities worldwide is abhorrent at best. In September 2013, the International Task Force of the Consortium for Citizens with Disabilities published a report *Neglected and Abused Abroad: A Look at the Severe Mistreatment of Individuals with Disabilities Around the World and How the*

U.S. Can Help. Contents of the report are referred to within this testimony, recognizing the abhorrent conditions for people with disabilities globally.

In Ghana, people with mental disabilities are being imprisoned in psychiatric hospitals masquerading as “healing centers”, where they are subjected to electroshock therapy and chained inside cells in an attempt to “cure” them (International Task Force of the Consortium for Citizens with Disabilities, 2013). Similarly, in Turkey, it is common for electroconvulsive therapy to be used on individuals without any form of anesthesia, muscle relaxant, or oxygenation (2013). A ten-year-old girl with a disability in Kenya was raped, but the case thrown out of court because sign language interpreters were unavailable (2013). Recent reports by Disability Rights International found that persons with disabilities in Mexico and Paraguay were being abused and neglected, left sitting in their own waste (2013).

In 1980, Russia refused to host the Paralympics, on the grounds that they had no citizens with disabilities (International Task Force of the Consortium for Citizens with Disabilities, 2013). Even today, although the country is now prepared to welcome visitors and athletes with disabilities during the 2014 Winter Olympics and Paralympics, Russia is far from accessible. Many people with disabilities are still unable to leave their own homes, let alone access public buildings and transportation (2013). Police in Rwanda abused a man with a mental disability so severely his arms were amputated from infections caused by restraints (2013). In Serbia, people with disabilities are chained to beds labeled by type of disability rather than their name, lying in darkness (2013). Aside from blatant discrimination against people with disabilities, these countries have one thing in common – they all ratified the CRPD.

### **Where Do We Come In?**

The reality is that non-executing agreements, such as CRPD, cannot be policed by the United Nations, nor enforced in a court of law. In fact, while most countries ratify such treaties, much of these statements fail to translate into policy or program development and implementation. As previously observed, several countries who ratified CRPD are failing to take action towards self-enforcement. Such failures are due as much to lack of resources as they are to social and cultural values. This is exactly where the United States can be most valuable.

Like many countries today, there was a time when the United States failed to ensure and uphold the rights of people with disabilities. Before the early disability rights laws of the 70s and 80s (Rehabilitation Act in 1973, Developmental Disabilities Assistance and Bill of Rights Act in 1975, and the Civil Rights of Institutionalized Persons Act in 1980), and the 1999 U.S. Supreme Court ruling in *Olmstead v. L.C.* (527 U.S. 581), thousands of individuals with disabilities were wrongfully institutionalized in filthy conditions. Since then, the Americans with Disabilities Act of 1990, and the Amendments Act of 2008, work to ensure equal treatment of Americans with disabilities. In Tennessee, the Tennessee Disability Coalition, which began as an informal adhoc group in 1984, continues to work towards improving the lives of Tennesseans with disabilities.

Today, the U.S. is the world standard in disability rights legislation. In many ways, the U.S. is the foremost leader in providing for, and protecting, the rights of its citizens, legal residents, and foreign tourists with disabilities. But we can no longer ignore the fact that even as we move forward, people with disabilities in other countries continue to be mistreated and abused while their governments either fail or refuse to intervene.

U.S. ratification of the CRPD would provide for the ability to influence other nations to take action towards upholding the law. The CRPD applies the same human and civil rights standards which exist in the U.S. through the ADA, to other nations. While some of the countries which have adopted the treaty have begun developing legislation to improve the lives of people with disabilities, others are still struggling. The U.S. is in a position of power and should take this opportunity to offer our assistance and expertise.

Last year, the CRPD failed to be ratified by six votes. This past December, Senator Corker, ranking member of the Senate Foreign Relations Committee, along with Senator Lamar Alexander, refused to continue discussing the legislation. Not only does failure to ratify CRPD deny Americans with disabilities the freedom to travel without fear, it is effectively turning our backs on millions of people with disabilities worldwide.

In 1987, Justin Dart stood before Congress and said “an inflexible federal system, like the society it represents, still contains a significant portion of individuals who have not yet overcome obsolete, paternalistic attitudes toward disability...”. When the Americans with Disabilities Act was signed on July 26, 1990, it was the culmination of decades of work by disability advocates. We must now acknowledge the rights of our international community. If the United State fails to ratify the CRPD, the words spoken by Dart more than 20 years ago will ring true once more.

## **References**

International Task Force of the Consortium for Citizens with Disabilities (September, 2013).  
Neglected and abused abroad: A look at the severe mistreatment of individuals with disabilities around the world and how the U.S. can help.

## **Disability Rights**

### ***June Zeitlin, Leadership Conference of Civil & Human Rights***

*June Zeitlin with the Leadership Conference on Civil & Human Rights, brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Zeitlin brought several human rights issues to the Commission's attention related to Tennessee and the United States of America. Ms. Zeitlin covered voting rights, criminal justice, education and disability rights. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues. The Leadership Conference on Civil & Human Rights consists of more than 200 national organizations representing persons of color, women, children, persons with disabilities, organized labor, seniors, gays and lesbians, and many faith-based groups.*

I am June Zeitlin, director of human rights policy at The Leadership Conference on Civil and Human Rights, the nation's oldest and most diverse coalition of civil and human rights organizations, and The Leadership Conference Education Fund. Several of the organizations participating in today's hearing are state and local affiliates of our leading members, including the NAACP, the National Urban League and the National Council on Independent Living (NCIL). I want to recognize the outstanding work of the Tennessee Commission on Human Rights, and particularly this unprecedented effort to hold hearings around the state to get the input of local, state and national organizations on the state of human rights in Tennessee. The Leadership Conference is honored to be here to provide a national framework for these critical human rights issues and how they relate to the human rights challenges faced by Tennessee today.

Founded in 1950, The Leadership Conference seeks to further the goal of equality under the law through legislative advocacy and public education. We seek to build an America as good as its ideals. The Leadership Conference consists of more than 200 national organizations representing persons of color, women, children, persons with disabilities, organized labor, seniors, gays and lesbians, and many faith-based groups. The Leadership Conference has worked to pass landmark federal legislation to protect the civil and human rights of all Americans, including laws to ban discrimination on the basis of race, national origin, sex, age and disability. Some of the most notable are:

- the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- the Civil Rights Acts of 1957, 1960, and 1964;
- the Voting Rights Act of 1965 and subsequent reauthorizations;
- the Fair Housing Act of 1968;
- Title IX of the Education Amendments of 1972;
- the Americans With Disabilities Act and ADA Amendments Act passed in 2008;
- the Lilly Ledbetter Fair Pay Act of 2009;
- the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009; and
- the Violence Against Women Act Authorization of 2013.

The Leadership Conference Education Fund, The Leadership Conference's sister organization, builds public will for federal policies that promote and protect the civil and human rights of all persons in the United States through initiatives grounded in the belief that an informed public is more likely to support effective human rights and social justice policies.

As someone from out of the state, I must acknowledge at the outset the historic moment of being in Memphis shortly after we as a nation celebrated the holiday honoring Rev. Dr. Martin Luther King Jr., who gave his life in this very city advocating for the 1,300 striking sanitation workers of AFSCME Local 1733. Dr. King understood the importance of linking the struggle for African-American civil rights in the American South with the struggles throughout the African diaspora. He knew that civil rights were human rights. And he spoke in eloquent moral terms about the struggle.

Today, nearly 46 years later, we still face huge challenges to advancing civil and human rights for all Americans. Much as there was resistance to King's efforts, there is significant resistance to nearly any policy or law that would make America more just and more equitable – particularly in Washington, D.C. You are all no doubt familiar with the gridlock in the aptly named “do nothing” Congress. While our national legislature continues to succumb to partisan obstruction and paralysis, the economic and social needs of most Americans are more pressing than ever. The top 1 percent of earners in America earn more than 19 percent of the nation's household income. The top 10 percent earns more than 48 percent—nearly half—of the nation's household income. The unemployment rate for African Americans is nearly twice the national average; for young people it's nearly three times the national average.

Tennessee overall has an average unemployment rate of 7.8 percent<sup>95</sup>, which is higher than the national average. People of color, two-thirds of whom are African American, make up approximately 20 percent of the state's population. Yet, on average, they made up 18.6 percent of the state's unemployed citizens last year. In 2012, the poverty rate in Tennessee was 17.9 percent, which was almost 3 percent higher than the national average.<sup>96</sup>

Unfortunately, there remains an inconsistency between the ideals the nation professes and the reality of its practices. While it is true that U.S. laws and policies are comparatively advanced in protecting civil rights, the gaps in U.S. law and policy as they relate to the protection of universal human rights recognized by the Universal Declaration of Human Rights (UDHR) is striking, especially in the areas of racial discrimination and economic inequality. The U.S. government has fallen short of fully implementing its obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the two major human rights conventions that the U.S. has ratified. And the United States has yet to ratify the Convention on the Elimination of All Forms of

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<sup>95</sup> “December Unemployment Rate Decreases to 7.8 Percent.” Tennessee Department of Labor & Workforce Development. January 23, 2014. Retrieved from <https://news.tn.gov/node/11921>

<sup>96</sup> “Restoring Shared Prosperity” Half in Ten. Retrieved from <http://halfinteneducation.org/indicators/?y=2013&state=TN>

Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD), the need for which I will highlight later in my presentation.

In our work on national policy, we are very conscious that bipartisan support is essential for achieving success. While one party may be able to block action, it takes two parties to advance social change. Recently, we have begun to make some progress in this regard. Examples include the recent budget agreement adopted with support from both parties. And looking back over the past year, we have the adoption of a bill reauthorizing the Violence Against Women Act, which was signed into law, and also the adoption in the Senate of a comprehensive immigration reform bill. And just two weeks ago, we saw the bipartisan introduction of new voting rights legislation that embodies a forward-looking set of protections that work together to ensure an effective response to racial discrimination in voting in every part of the country.

But these examples of progress are not mere coincidences. Nor did they come easily. That is why my colleague, Anjali Thakur-Mittal, and I made the decision to come to Memphis for this hearing today. The case for advancing human rights and civil rights here in Tennessee and for the entire nation is clear. Lifting up those who are excluded or stuck at the bottom benefits us all. But achieving this requires us all to work together. We face many challenges to advancing the cause of human rights and perfecting our union. Today, I would urge all of us—whether we are civil and human rights advocates, public servants, or members of the Tennessee congressional delegation, which includes some very important members of the House and Senate, to rededicate ourselves to finding common ground to reach solutions that benefit the people in Tennessee and around the country.

Today, I want to highlight a few areas—including voting rights, education, criminal justice and the rights of persons with disabilities—where such an inclusive and bipartisan approach can lead to real change that will improve people’s lives.

#### Disability Rights.

I would like to turn to a very critical issue that is important to the people of Tennessee, the entire country as well as disabled people all around the world -- that is the Convention on the Rights of Persons with Disabilities, better known as CRPD. I know that representatives of one of our member organizations, NCIL, will also be testifying here about the treaty, which is aimed at eliminating discrimination against people with disabilities around the world. I want to share a national perspective with you on the importance of U.S. ratification of this treaty and the special role that the people of Tennessee can play in advancing this treaty.

The Leadership Conference and The Education Fund have a long history of working to advance the rights of people with disabilities, helping to lead the fight to pass legislation containing strong disability protections, such as the Rehabilitation Act, the Individuals with Disabilities Education Act, the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008. The ADA Amendments Act overturned several Supreme Court decisions that reduced protections for certain people with disabilities – including people with diabetes, epilepsy, heart disease, mental disabilities, and cancer – who were originally intended to be covered by the ADA. We helped mobilize a diverse and passionately

committed coalition of organizations—including a true partnership between the civil and human rights community and the business community, which was a key to this success.

The CRPD was inspired by and embodies the bedrock American ideals that form the basis of the Americans with Disabilities Act (ADA) — nondiscrimination, equality, accessibility, and respect for the inherent dignity of all persons, including persons with disabilities. This nondiscrimination treaty seeks to ensure that countries around the globe provide people with disabilities with the same rights as everyone else so that they can live full, satisfying and productive lives.

U.S. ratification will benefit millions of Americans, particularly those veterans, business leaders, scientists, students and other Americans with disabilities who seek to live, work or travel abroad. According to the latest census data, 12.2 percent of all Americans have some type of disability.<sup>97</sup> According to the U.S. Census Bureau’s 2011 American Community Survey One-Year Estimates, American Indians/Alaskan Natives experience the highest rate of disability at 16.3 percent; African Americans at 14 percent; Non-Hispanic Whites at 13.2 percent; Native Hawaiian and Other Pacific Islander alone at 9.5 percent; Hispanic or Latino (of any race) at 8.5 percent; and Asian alone at 6.5 percent. In addition, women experience a rate of disability at 12.4 percent and men at 12 percent. Furthermore, persons 65 years or older experience the highest rate of disability at 35.9 percent; persons 18 to 64 years at 10.1 percent; persons 5 to 17 years at 5.3 percent; and persons under 5 years at 0.8 percent.<sup>98</sup> It is estimated that four out of 10 American travelers or their companions have disabilities, yet they still face barriers and discrimination abroad.

The CRPD has been ratified by 141 countries<sup>99</sup>. It was negotiated by the George W. Bush administration and signed by President Obama in 2009. And though the treaty secured a majority of votes in 2012 in the U.S. Senate, it fell short of the necessary two-thirds votes required for ratification.

Advancing the rights of persons with disabilities has always enjoyed bipartisan support in the United States. A broad coalition of disability organizations, including the Tennessee Coalition on Disabilities, veterans organizations including some very active veterans here in Tennessee, civil and human rights organizations, like The Leadership Conference, the NAACP and Amnesty International to name just a few, have been working together in Washington but backed up by hundreds of local groups like those here in Tennessee, to seek ratification by the Senate. The Senate Foreign Relations Committee held two very extensive hearings last fall so that all the legal issues related to the treaty could be discussed

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<sup>97</sup> 2012 American Community Survey 1-Year Estimates. U.S. Census Bureau. Retrieved from [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_DP02&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_DP02&prodType=table)

<sup>98</sup> Disability Characteristics. 2012 American Community Survey 1-Year Estimates. U.S. Census Bureau. Retrieved from [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_S1810&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_S1810&prodType=table)

<sup>99</sup> United Nations Enable. Retrieved from <http://www.un.org/disabilities/>

and diverse viewpoints were solicited. The conclusion from the experts at the hearings was that the particular legal concerns raised could be addressed.

Many of us involved in this effort to strengthen U.S. global leadership to ensure that persons with disabilities are not discriminated against and further support Americans with disabilities—veterans, students, professionals who travel abroad for business, education or other reasons—hoped the Senate would act quickly to ratify the treaty early this year. But along the way, we have run into a serious road block and that is why your voice here in Tennessee is so important.

You have two senior and very important senators who will vote on this treaty. In addition, Senator Bob Corker is now the ranking minority member on the Foreign Relations Committee, which has to approve the treaty for ratification before the full Senate can vote. Unfortunately, Senator Corker announced his opposition to the treaty just before Congress adjourned in December. We need his support to advance this human rights treaty for people with disabilities. Tennessee has a higher than average percentage of people with disabilities. As constituents, your voices are very important. In fact, we cannot get this done without you.

The Leadership Conference is committed to ensuring that our country maintains its leadership role in promoting the rights and dignity of all people with disabilities. We have much experience—through the ADA, our technology, and our creative know-how—to share with the rest of the world. And as was the case with the ADA Amendments Act of 2008, the CRPD is supported by a broad group of disability, veterans, and civil and human rights organizations as well as by prominent members of the business community. We believe that by ratifying the CRPD, we will continue our bipartisan tradition of advancing human rights globally. At the same time, we will reaffirm our respect for those Americans disabled through war and conflict and other causes. Simply put, ratification will allow us to stand with the rest of the world in advancing the civil and human rights of people with disabilities around the world. We need the help of the people of Tennessee and appreciate this opportunity to participate in today's hearing and thank you for including us.

Thank you for your leadership on this critical issue.

## **Existing Disability Discrimination**

### ***Martha Lafferty, Disability Law & Advocacy Center of Tennessee***

*Martha Lafferty, Legal Director at the Disability Law & Advocacy Center of Tennessee (DLAC), provided testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Ms. Lafferty brought testimony regarding the discrimination faced by Tennesseans with disabilities. DLAC is a private nonprofit agency which works to end discrimination and protect the civil rights of people with disabilities.*

I'm Martha Lafferty. I'm the Legal Director at Disability Law & Advocacy Center of Tennessee. DLAC is Tennessee's federally mandated Protection & Advocacy system. DLAC provides legal services across the State of Tennessee and focuses on issues that fall under three primary areas of work—those are freedom from harm, freedom from discrimination, and freedom to participate in the community. During fiscal year 2013, DLAC was contacted by 2,367 individuals seeking help with or information and referrals for their disability related issues. We provided information and referral services to 1,972 of those callers and opened cases to directly assist 395 clients with disabilities. A majority of DLAC's cases fall in the area of disability discrimination.

I'm here today to talk about discrimination against Tennesseans with disabilities. What is a disability? Today I'll be talking about disability as defined by the Americans with Disabilities Act. The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities. A few examples of major life activities are walking, seeing, hearing, and thinking. So, the ADA definition is fairly broad, isn't it? Given that, it is not surprising that there are approximately 57 million people with disabilities in the United States including approximately 1 million people with disabilities in Tennessee. In fact, people with disabilities are the largest minority in the United States.

Freedom from discrimination is a human right of all including those with disabilities. For people with disabilities, freedom from discrimination is also a civil right guaranteed by the Americans with Disabilities Act, the Rehabilitation Act of 1973, the federal Fair Housing Act, the Tennessee Human Rights Act, the Tennessee Disability Act, and similar laws. Like other types of discrimination, disability discrimination hurts our entire society, not just people with disabilities. Discrimination stigmatizes and limits people with disabilities. Discrimination removes the opportunity for society to fully benefit from the participation and contributions of people with disabilities. It is impossible for a person with a disability to enrich a company, an apartment complex, a business service, or a government program if they cannot get in the door or are turned away after they do.

One of the first steps in addressing disability discrimination must be to help others understand the damaging impact disability discrimination has on everyone. We can do that by regularly including disability when discussing civil rights issues. We can do that by using appropriate and respectful language when talking with people with disabilities and when talking about disability rights issues. We can use person first language which focusses on the person not the disability—for example, by saying “people with disabilities,” “a person who has mental illness....” We can

address disability discrimination by making sure that people with disabilities are not only empowered to advocate for themselves but also know where to look for help on the occasions that self-advocacy fails. We can address this systemic problem by consistently inviting people with disabilities to be part of all discussions about disability rights issues.

By and large, Tennessee is not known for being a leader on disability rights issues. In fact, it is unfortunately more often the case that our state is an example of what not do in the area of disability rights. For example, it was not that long ago we were known as the state that makes people with disabilities crawl to court. One of our clients was forced to crawl up steps to attend his court hearing. Another, who is a court reporter, was repeatedly carried upstairs in her wheelchair in order to do her job. Since people with disabilities should be able to have meaningful access to court, I worked with co-counsel to represent these clients and four other individuals with mobility disabilities in a case called Lane versus Tennessee. That case was against the State of Tennessee and 25 Tennessee counties and was resolved by entry of historic settlement agreements that required widespread changes. As a result of those settlements the majority of the 25 county defendants made physical accessibility changes to their courthouses. The others made program changes. As helpful as all those changes have been, the change that has had the most impact on people with disabilities (mobility and otherwise) has been the development of a Tennessee Judicial Branch ADA Policy. Thanks to that policy and related procedures and forms, Tennessee is now a model for other states on the issue of access to justice for people with disabilities. And yet people who are deaf regularly experience refusals and delays when they request that our courts provide sign language interpreters.

Given the prevalence of disability discrimination in Tennessee and the number of calls about discrimination we get at DLAC, I can't share details about all disability discrimination occurrences with you today. So, I'm going to highlight the primary kinds of discrimination DLAC is currently working to resolve.

- People with disabilities who use service dogs are being turned away from multiple businesses or told to leave their dogs at home in order to participate in the programs and services of those businesses. Those businesses include hotels, restaurants, medical offices, homeless shelters, and private housing providers. This barrier is being encountered by people with different types of disabilities including those who are blind, those who have mobility disabilities, and those who have a mental illness.
- People who are deaf are experiencing communication discrimination in multiple settings. Many doctors and hospitals across Tennessee routinely fail to provide sign language interpreters to deaf patients and deaf family members of patients when interpreters are necessary to ensure effective communication. This happens even when those medical providers are attempting to discuss complex and/or lengthy information including medical history, diagnosis, medical tests, and prognosis. People who are deaf are also experiencing problems making phone calls to businesses and government programs. People who are deaf make phone calls using a relay service. Some business and government programs refuse to accept those calls. People who are deaf and hard of

hearing are also unable to access public information such as televised and internet streamed Tennessee General Assembly sessions because our legislature does not provide closed captioning for those sessions.

- Colleges are often failing to provide accessible materials to students with disabilities impacting communication and learning, especially those who are blind or have vision disabilities. This is particularly the case regarding electronic instructional materials.
- People with disabilities impacting mobility often experience difficulty finding accessible parking spaces. Some businesses simply don't provide accessible parking at all. Those that do often do not provide a sufficient number of spaces. In other instances, the spaces are not really accessible because they are not big enough or do not have an access aisle.
- People with mobility disabilities regularly experience architectural barriers which prevent them from entering businesses, using restrooms, and accessing government programs including polling places. Lack of ramps, elevators, widened doorways or simply the failure to move a program or service to an accessible location still keep people with mobility disabilities from moving freely about the world and enjoying business and government services on an equal basis with those without disabilities.
- People with disabilities routinely experience employment discrimination due to their disability. This creates barriers to obtaining and maintaining employment. Despite being the largest minority in the United States, people with disabilities are the most underemployed group in this country. In fact, only 28% of Tennesseans with disabilities are employed. Most of this employment discrimination results from employers refusing to make reasonable accommodations necessary due to disability such as providing sign language interpreters or other communication aids, allowing a job coach, providing rest breaks, or providing time off for medical appointments.

These are only examples of the primary kinds of disability discrimination currently happening in Tennessee. When people with disabilities experience discrimination in our state, there are several possible ways to address that discrimination. Generally, DLAC is able to help our clients informally resolve their issues by negotiating with their adversaries. Informal resolution is usually a quicker solution than other options and typically leads to better results. For discrimination issues which cannot be resolved informally or that are inappropriate for informal resolution, we help our clients file administrative complaints with federal agencies or lawsuits in court. However, it is often the case that the federal agencies and courts are so backlogged that it takes years to reach resolutions if they are ever reached at all. Fortunately, for disability discrimination in housing and limited instances of disability discrimination in employment settings, we also have the option of filing with the Tennessee Human Rights Commission. Typically filing cases with THRC results in a quicker resolution than filing with federal agencies or courts. So, it would be extremely helpful if filing a complaint with THRC were also an option for disability discrimination complaints against businesses and state and local government entities. It would also be extremely helpful if filing a complaint with THRC were an option for employment discrimination cases involving failure to grant reasonable accommodations which is

the case for most employment discrimination issues we handle. Expanding THRC's authority to accept these types of cases would provide another meaningful avenue for addressing disability discrimination issues in Tennessee.

Through our agency's work addressing disability rights issues like those I've discussed today, we have learned time and again that in most instances those who discriminate against people with disabilities are not bad people with evil intent. Instead, those who discriminate usually simply don't understand people with disabilities or their legal rights. So, the biggest barrier to addressing disability rights issues in Tennessee is the lack of widespread education and training about these issues. DLAC and our collaborators do what we can but we do not have the resources to reach everyone who needs to learn about these issues. DLAC welcomes the opportunity to work with the Tennessee Human Rights Commission and other stakeholders to educate government entities, businesses, housing providers, employers, and members of the public about people with disabilities and their civil rights. By working collaboratively, we can send a clear message that Tennessee will no longer tolerate disability discrimination.

## **Disability Access in the City of Knoxville**

### ***Mayor Madeline Rogero, City of Knoxville***

*Mayor Madeline Rogero, from the City of Knoxville, brought testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Mayor Rogero brought several human rights issues to the Commission's attention related to the Knoxville community. Mayor Rogero covered fair housing, equal employment, disability access, immigration, homelessness, law enforcement and LGBT issues. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues statewide.*

President John F. Kennedy stated that “The rights of every man are diminished when the rights of one man are threatened.”

So your job is not about protecting just one group of people or a few groups of people. It is about ensuring that all of us – as residents of Knoxville and Tennessee – live in a state in which no one's rights are diminished and where all people are respected and given opportunities to take care of themselves and their families, particularly as it relates to housing, employment, transportation and other public accommodations. It is about making sure that all people can participate fully in the life of our community.

In Knoxville, we have made progress in many ways toward becoming a community that is open and welcoming to everybody. We still see continuing challenges in many areas, and I value the support of THRC as we work together to address those.

Our ADA Coordinator, Stephanie Cook, provides guidance on disability access to all departments within my administration, and also to local residents and businesses seeking assistance. Stephanie staffs the Mayor's Council on Disability Issues, which, I am pleased to say, is celebrating its 30<sup>th</sup> year. The Council serves as an advisory group to provide direction and guidance to the Mayor and City Council in matters concerning persons with disabilities.

For the past two years, Stephanie and other partners have organized the East Tennessee Accessibility Symposium, to showcase solutions and innovations in accessible design for both private and public spaces. We have had great support from the Knoxville Chapter of the Construction Specifications Institute, as well as many local contractors and vendors who are interested in meeting the design needs of people with disabilities.

Visit ability is an important issue. Homes and living spaces that are built or renovated using various City of Knoxville housing program funds are required to meet visit ability standards, which mean that they are built with accessible entrances, hallways and bathrooms.

I recently served on Governor Haslam's Task Force on Aging. One of the goals of our task force was to develop recommendations for creating livable communities for our growing senior population. Clearly as our population ages, access will be an issue for more and more people.

Our goal at the City of Knoxville is to raise awareness to a level where accessible design considerations are made on the front end, rather than on the back end after a problem arises.

On disability access, as in other human rights areas, we don't want to do just what we have to do, because of federal or state law. We want to do what we ought to do. And we appreciate THRC's support of that mission.

## **Discrimination against Students with Intellectual Disabilities**

### ***Deborah Hyde, Parent Advocate***

*Deborah Hyde, a parent advocate, provided testimony at the Chattanooga Hearing on the Status of Human Rights on March 24, 2014. Ms. Hyde brought testimony regarding the discrimination within Tennessee public schools facing students with intellectual disabilities.*

In 1975 Congress enacted the Education for All Handicapped Children Act (Public Law 94-142), to support states and localities in protecting the rights of, meeting the individual needs of, and improving the developmental and educational outcomes of infants, toddlers, children, and youth with disabilities. In 1970 before this legislation was enacted only 20% of students with disabilities—1 in 5 school-aged children with disabilities—were permitted in public schools. After 40 years of strengthening what is now known as the Individuals with Disabilities Education Act, or IDEA, the state of Tennessee has made virtually no progress in the educational opportunities and outcomes of students with Intellectual Disabilities.

### **Tennessee Placement Statistics**

Per the Tennessee Department of Education, there are almost 113,000 students with disabilities in the state of Tennessee. Of those students approximately 6.5% are students with Intellectual Disabilities. Each year public schools in the state of Tennessee segregate students with Intellectual Disabilities away from non-disabled peers and deny them access to the state-approved general education curriculum that is available to all other public school students. Of the 72,000 students with disabilities who are in the regular education setting 80% or more of each day only 1.4% are students with Intellectual Disabilities. Of the students with disabilities that Tennessee public schools segregate, 33% of them are students with Intellectual Disabilities. This is twice the segregation rate of students in all other disability categories except students with multiple disabilities! In other words, students with Intellectual Disabilities are only 6.5% of the total students with any disability in Tennessee public schools but represent 33% of students who are segregated from non-disabled peers in settings where they are denied access to the state-approved general education curriculum. Hamilton County Schools here in Chattanooga and Knox County Schools in Knoxville segregate more than 80% of students with Intellectual Disabilities from the regular education classroom, denying them interaction with non-disabled peers, denying them access to the general education curriculum and denying them any educational programming that gives them a chance to earn a high school diploma. This segregation of 80%+ of students with Intellectual Disabilities is almost twice that of the national average of 48% of students of Intellectual Disabilities in segregated settings.

### **How is this discrimination allowed to continue? There are three main reasons.**

First, the Tennessee Department of Education turns a blind eye to this discrimination. It aggregates data from all Tennessee school systems, hiding the disproportionality of school systems with high rates of segregation of students with the specific disability classification of

Intellectual Disability. While it admits that many of Tennessee's largest school systems segregate students with Intellectual Disabilities at twice the rate of the national average, it claims that the decisions that lead to segregation are based solely on the students' individual needs. Which of these students do not require an education that leads to "further education, employment and independent living"?! In reality there is a virtually 0% probability that this segregation is based on individual decisions. A simple statistical test called a p-value of probability proves that the probability of segregating students with Intellectual Disability at twice the rate of the national average while making individualized decisions based on individual student "needs" is in fact almost 0%. It simply is not possible. However, if the Tennessee Department of Education admits that certain school systems have an unspoken policy of segregating all students with Intellectual Disability from the regular education classroom and away from non-disabled peers it will have to require these school systems to change.

The second reason that discrimination against students with Intellectual Disabilities continues in the state of Tennessee is because the principals at individual schools have ultimate control over their schools. If they want to move students with Intellectual Disabilities out of their school, they can. If they don't want to hire teachers who have training and experience in providing inclusive education to students with Intellectual Disabilities in the regular education classroom, they don't have to. If a principal doesn't want a teacher to provide a student with the supports he or she needs to allow the student to progress the way the teacher knows the student can, the principal tells the teacher to stop. And even if these actions violate the federal Individuals with Disabilities Education Act and/or the Americans with Disabilities Act, they can get away with it, because the central administration of the school system will support them.

Why? Because of the third reason that the state of Tennessee continues to discriminate against students with Intellectual Disabilities: The school systems know that the only recourse parents of students with disabilities have is to file suit against the school system. That's it. There is no objective agency with knowledge and experience in implementing the educational requirements of the Individuals with Disabilities Education Act that parents can turn to. None of the agencies in Tennessee that support families of children with Intellectual and Developmental Disabilities actually intervenes in educational issues when there is a question of whether the school system's practices are illegal. In the state of Tennessee less than one IDEA Due Process case is heard each year, simply because it is too difficult and too expensive for the average family to fight a school system. Hamilton County Schools alone has a \$5.5 million legal fund to fight parents who might file suit trying to get a real education for their child with a disability. The school systems know that they have complete control over all of the students' records and all of the students' outcomes and possess multi-million funds of tax-payer money to fight parents, so there is no motivation to follow the law.

## **Why should this matter to you and other citizens of the state of Tennessee?**

In 2013 the Tennessee state legislature documented that approximately 31,000 students age out of Tennessee high schools with no diploma and no skills that allow them to seek “further education, employment and independent living.” Of those 31,000 students approximately half are students with disabilities placed in segregated school settings with no real educational expectations. Twenty-five-percent are students with Intellectual Disabilities. This means that over 7,300 individuals with Intellectual Disabilities may now be dependents of the state who will need food assistance, housing assistance, transportation, job skills training and medical assistance—for fifty years or more.

If the 7,300 students with Intellectual Disabilities in Tennessee were placed in another state with inclusion rates closer to the national average, over 3,500 of these exact same students would be educated with non-disabled peers and have access to educational programming that allows them to earn a high school diploma. These 3,500 individuals could graduate and go on to attend any of the 26 supported post-secondary college programs in the country. They would have equal opportunity for “further education, employment and independent living” that was guaranteed to them almost forty years ago by federal law.

## **I have a Dream . . .**

The latest reauthorization of the Individuals with Disabilities Education Improvement Act of 2004 begins with the following Findings of Congress:

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities . . . Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to—(i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and (ii) be prepared to lead productive and independent adult lives, to the maximum extent possible.”

This is what all parents want for their children. This is what all states want for its citizens. This is the “equal opportunity” guaranteed to ALL students—including students with disabilities AND students with Intellectual Disabilities. What will it take for the state of Tennessee to stop discriminating against its students with Intellectual Disabilities?

## **Appendices**

Placement of Students with Intellectual Disabilities in Tennessee public schools

Statistical Analysis of Knox County and Hamilton County Placement Statistics

Reauthorization of the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004: Congressional Findings

## Summary of Human Rights Issue of Education

These testimonies cover the topic of human rights issues in education. June Zeitlin with the Leadership Conference on Civil & Human Rights discussed Education Disparities; Tomeka Hart with Memphis Talent Dividend reported on Disparities in School Discipline Policies & Practices; Amy Sosinski with UT College of Law Education Practicum spoke on Racial Disparities in School Discipline; Shakya Cherry-Donaldson with the Children’s Defense Fund spoke about the Cradle to Prison Pipeline; and James Mapp with the Chattanooga-Hamilton County Branch of the NAACP discussed Disparities in Education.



**June Zeitlin** with the **Leadership Conference on Civil & Human Rights** brought testimony on Education Disparities. When you unpack the data by race and socioeconomic status, students of color and low-income students are underperforming even the already depressed state averages. For example, in fourth grade reading, 56 percent of African American, 49 percent of Hispanic, and 48 percent of students eligible for the national school lunch program score below basic, compared with 25 percent of White students. Nationally, African Americans and other students of color as well as students with disabilities are more likely than White students to be suspended from school for infractions. Black students account for 94 percent of out-of-school suspensions and 95 percent of expulsions but only represent 85 percent of the

student population. In fact, Black students are the only student group who are overrepresented in any form of exclusionary discipline in Memphis. The Leadership Conference of Civil & Human Rights released a report, “Still Segregated: How Race and Poverty Stymie the Right to Education,” with the Human Rights Committee in Geneva addressing the failure of the United States to meet its obligations under the ICCPR. In 2013, Tennessee finally scored comparably with the national average on the National Assessment of Educational Progress (NAEP) assessment, and for many subjects and grades this was the first time in nearly two decades. The federal government recently issued new guidance for school districts that emphasizes creating a healthier learning environment and keeping students in school. This is particularly important here in Memphis, where, according to the most recent Civil Rights Data Collection (CRDC).

**Tomeka Hart** with **Memphis Talent Dividend** brought testimony on Disparities in School Discipline Policies & Practices. Nationally, only 19% of black women and 16% of black men have attained a bachelor’s degree, compared to 28% of white women and 30% of white men. In Memphis, 18% of black women and 11% of black men have bachelor’s degrees or higher. Memphis school system has ineffective discipline practices that result in suspensions and expulsions from school—resulting in students missing more days of school, further negatively impacting their academic achievement. The



recommendation is to create positive climates and focus on prevention by engaging all students in the educational process and by implementing interventions to support the behavior and emotional needs of students; develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors; ensure fairness, equity, and continuous improvement by regularly evaluating policies and practices to ensure all students are treated fairly.



**Amy Sosinski with UT College of Law Education Practicum** brought testimony on Racial Disparities in School Discipline. Harsher and more frequent discipline are given based on race. Children are pushed out of school by exclusionary discipline policies or, worse, referred to the court system by schools, where they become trapped in a seemingly endless cycle of court dates, probation orders, and possible jail time. On January 8, 2014, the Department of Education and Department of Justice jointly announced the issuance of “Guidance Documents” regarding school discipline. To read more about the report, visit <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>. The recommendation is to use of the

report specifically the Opening letter and Appendix, provide cultural and child development training of all school staff, including school resource officers, ensures that reactions to student behavior are appropriate and fair, and exclusionary discipline used as a last resort, and even then only when accompanied by robust due process protections.

**Shakya Cherry-Donaldson with the Children’s Defense Fund** brought testimony regarding Cradle to Prison Pipeline. The *Cradle to Prison Pipeline* is a trajectory that leads to marginalized lives, imprisonment and often premature death. The crisis leaves an African American boy born in 2001 with a one-in-three chance of going to prison in his lifetime, a Latino boy a one-in-six risk of the same fate, and a White boy a one-in-17 chance. An African American girl born in 2001 has a one-in-17 chance of going to prison in her lifetime, a Latina girl born that year a one-in-45 risk, and a White girl a one-in-111 chance of the same fate. There is a national trend of mass incarceration that currently locks up 1 in every 100 Americans or 2.3 million people, with another 7 million people under the control of the criminal justice system through probation and parole. The United States of America does not provide a level playing field for all children and our nation does not value and protect all children’s lives equally. The cradle-to school-to-prison pipeline is fueled by racial disparities, pervasive poverty, inadequate health and mental health care, gaps in early childhood development, disparate educational opportunities, chronic abuse and neglect, and overburdened and ineffective juvenile justice systems. The recommendation begins with treating our young people with dignity and trying to deal with some of the socio-emotional and learning difficulties they may have. School-by-school and district-by-district data on in-school and out-of-school suspensions and expulsions, the reasons for these actions and their impact on students are key to developing an effective response to zero tolerance policies. School discipline codes should end out-of-school



suspensions and expulsions for nonviolent offenses. Meaningful alternatives to suspensions and expulsions for nonviolent offenses should. More time, attention and resources must be devoted individually and collectively to the causes of the disruptive student behaviors. Principals and teachers currently have too much discretion in deciding who should be suspended or expelled. Students and their parents must be notified of their rights and procedures in advance and when a child is suspended. A periodic external review of disciplinary policies and practices and their impact on children of different ages, races, ethnicities and with various disabilities can help to ensure they are applied appropriately and fairly.



**James Mapp** with the **Chattanooga-Hamilton County Branch of the NAACP** brought testimony on the Disparities in Education in the Chattanooga- Hamilton County area. The problem lays in Hamilton County student’s access to schools. Discrimination must be addressed. If you look south of Martin Luther King and the river on the west and the Georgia line on the south, you will find that some of the worse conditions still exist. Money set aside for education should be utilized effectively and efficiently. Segregation in America has affected the children today. The recommendation is to recognize that this is not a black problem but it is a problem for all of us. Chattanooga-Hamilton must contend against the existing reputation by improving the school system.

## **H. Human Rights Issue: Education**

### **Educational Disparities**

#### ***June Zeitlin, Leadership Conference of Civil & Human Rights***

*June Zeitlin with the Leadership Conference on Civil & Human Rights, brought testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Zeitlin brought several human rights issues to the Commission's attention related to Tennessee and the United States of America. Ms. Zeitlin covered voting rights, criminal justice, education and disability rights. For the purpose of this report, her testimony has been included by issue to contribute to the larger analysis of these issues. The Leadership Conference on Civil & Human Rights consists of more than 200 national organizations representing persons of color, women, children, persons with disabilities, organized labor, seniors, gays and lesbians, and many faith-based groups.*

I am June Zeitlin, director of human rights policy at The Leadership Conference on Civil and Human Rights, the nation's oldest and most diverse coalition of civil and human rights organizations, and The Leadership Conference Education Fund. Several of the organizations participating in today's hearing are state and local affiliates of our leading members, including the NAACP, the National Urban League and the National Council on Independent Living (NCIL). I want to recognize the outstanding work of the Tennessee Commission on Human Rights, and particularly this unprecedented effort to hold hearings around the state to get the input of local, state and national organizations on the state of human rights in Tennessee. The Leadership Conference is honored to be here to provide a national framework for these critical human rights issues and how they relate to the human rights challenges faced by Tennessee today.

Founded in 1950, The Leadership Conference seeks to further the goal of equality under the law through legislative advocacy and public education. We seek to build an America as good as its ideals. The Leadership Conference consists of more than 200 national organizations representing persons of color, women, children, persons with disabilities, organized labor, seniors, gays and lesbians, and many faith-based groups. The Leadership Conference has worked to pass landmark federal legislation to protect the civil and human rights of all Americans, including laws to ban discrimination on the basis of race, national origin, sex, age and disability. Some of the most notable are:

- the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- the Civil Rights Acts of 1957, 1960, and 1964;
- the Voting Rights Act of 1965 and subsequent reauthorizations;
- the Fair Housing Act of 1968;
- Title IX of the Education Amendments of 1972;
- the Americans With Disabilities Act and ADA Amendments Act passed in 2008;
- the Lilly Ledbetter Fair Pay Act of 2009;
- the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009; and
- the Violence Against Women Act Authorization of 2013.

The Leadership Conference Education Fund, The Leadership Conference's sister organization, builds public will for federal policies that promote and protect the civil and human rights of all persons in the United States through initiatives grounded in the belief that an informed public is more likely to support effective human rights and social justice policies.

As someone from out of the state, I must acknowledge at the outset the historic moment of being in Memphis shortly after we as a nation celebrated the holiday honoring Rev. Dr. Martin Luther King Jr., who gave his life in this very city advocating for the 1,300 striking sanitation workers of AFSCME Local 1733. Dr. King understood the importance of linking the struggle for African-American civil rights in the American South with the struggles throughout the African diaspora. He knew that civil rights were human rights. And he spoke in eloquent moral terms about the struggle.

Today, nearly 46 years later, we still face huge challenges to advancing civil and human rights for all Americans. Much as there was resistance to King's efforts, there is significant resistance to nearly any policy or law that would make America more just and more equitable – particularly in Washington, D.C. You are all no doubt familiar with the gridlock in the aptly named “do nothing” Congress. While our national legislature continues to succumb to partisan obstruction and paralysis, the economic and social needs of most Americans are more pressing than ever. The top 1 percent of earners in America earn more than 19 percent of the nation's household income. The top 10 percent earns more than 48 percent—nearly half—of the nation's household income. The unemployment rate for African Americans is nearly twice the national average; for young people it's nearly three times the national average.

Tennessee overall has an average unemployment rate of 7.8 percent<sup>100</sup>, which is higher than the national average. People of color, two-thirds of whom are African American, make up approximately 20 percent of the state's population. Yet, on average, they made up 18.6 percent of the state's unemployed citizens last year. In 2012, the poverty rate in Tennessee was 17.9 percent, which was almost 3 percent higher than the national average.<sup>101</sup>

Unfortunately, there remains an inconsistency between the ideals the nation professes and the reality of its practices. While it is true that U.S. laws and policies are comparatively advanced in protecting civil rights, the gaps in U.S. law and policy as they relate to the protection of universal human rights recognized by the Universal Declaration of Human Rights (UDHR) is striking, especially in the areas of racial discrimination and economic inequality. The U.S. government has fallen short of fully implementing its obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the two major human rights conventions that the U.S. has ratified. And the United States has yet to ratify the Convention on the Elimination of All Forms of

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<sup>100</sup> “December Unemployment Rate Decreases to 7.8 Percent.” Tennessee Department of Labor & Workforce Development. January 23, 2014. Retrieved from <https://news.tn.gov/node/11921>

<sup>101</sup> “Restoring Shared Prosperity” Half in Ten. Retrieved from <http://halfinteneducation.org/indicators/?y=2013&state=TN>

Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD), the need for which I will highlight later in my presentation.

In our work on national policy, we are very conscious that bipartisan support is essential for achieving success. While one party may be able to block action, it takes two parties to advance social change. Recently, we have begun to make some progress in this regard. Examples include the recent budget agreement adopted with support from both parties. And looking back over the past year, we have the adoption of a bill reauthorizing the Violence Against Women Act, which was signed into law, and also the adoption in the Senate of a comprehensive immigration reform bill. And just two weeks ago, we saw the bipartisan introduction of new voting rights legislation that embodies a forward-looking set of protections that work together to ensure an effective response to racial discrimination in voting in every part of the country.

But these examples of progress are not mere coincidences. Nor did they come easily. That is why my colleague, Anjali Thakur-Mittal, and I made the decision to come to Memphis for this hearing today. The case for advancing human rights and civil rights here in Tennessee and for the entire nation is clear. Lifting up those who are excluded or stuck at the bottom benefits us all. But achieving this requires us all to work together. We face many challenges to advancing the cause of human rights and perfecting our union. Today, I would urge all of us—whether we are civil and human rights advocates, public servants, or members of the Tennessee congressional delegation, which includes some very important members of the House and Senate, to rededicate ourselves to finding common ground to reach solutions that benefit the people in Tennessee and around the country.

Today, I want to highlight a few areas—including voting rights, education, criminal justice and the rights of persons with disabilities—where such an inclusive and bipartisan approach can lead to real change that will improve people’s lives.

### Education

The Leadership Conference and The Education Fund have a strong commitment to educational equity and to addressing persistent inequalities -- both in the quality of education and in school discipline policies -- that are experienced by African-Americans and other students of color as well as by students with disabilities. We recently filed a report titled, “Still Segregated: How Race and Poverty Stymie the Right to Education,”<sup>102</sup> with the Human Rights Committee in Geneva addressing the failure of the United States to meet its obligations under the ICCPR. In 2013, Tennessee finally scored comparably with the national average on the National Assessment of Educational Progress (NAEP) assessment, and for many subjects and grades this was the first time in nearly two decades. However, when you unpack the data by race and socioeconomic status, students of color and low-income students are underperforming even the already depressed state averages. For example, in fourth grade reading, 56 percent of African American, 49 percent of

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<sup>102</sup>“Still Segregated: How Race and Poverty Stymie the Right to Education.” Shadow Report of The Leadership Conference Education Fund on behalf of The Leadership Conference on Civil and Human Rights Retrieved from <http://www.civilrights.org/publications/reports/still-segregated/still-segregated-how-race.html>

Hispanic, and 48 percent of students eligible for the national school lunch program score below basic, compared with 25 percent of White students.<sup>103</sup>

We know that nationally African Americans and other students of color as well as students with disabilities are more likely than White students to be suspended from school for infractions. The federal government recently issued new guidance for school districts that emphasizes creating a healthier learning environment and keeping students in school. This is particularly important here in Memphis, where, according to the most recent Civil Rights Data Collection (CRDC), Black students account for 94 percent of out-of-school suspensions and 95 percent of expulsions but only represent 85 percent of the student population. In fact, Black students are the only student group who are overrepresented in any form of exclusionary discipline in Memphis.<sup>104</sup> Obviously, when you are out of school you are not learning and this also contributes to the achievement gap.

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<sup>103</sup> “The Nation’s Report Card.” National Center for Education Statistics. Institute of Education Sciences. Retrieved from <http://nces.ed.gov/nationsreportcard/states/>

<sup>104</sup> U.S. Department of Education. Civil Rights Data Collection. LEA Summary of Selected Facts, Memphis City Schools. Memphis, TN. Retrieved from <http://ocrdata.ed.gov/Page?t=d&eid=30185&syk=5&pid=119>

## **Disparities in School Discipline Policies & Practices**

### ***Tomeka Hart, Memphis Talent Dividend***

*Tomeka Hart, Co-Chair of the Memphis Talent Dividend, provided testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Hart brought testimony regarding the racial disparities present in Tennessee school discipline policies and practices. Memphis Talent Dividend is a collaborative of 80+ community partners focused on increasing the post-secondary attainment rate for the Memphis metro area.*

Thank you for the opportunity to testify before the Commission on the State of Human Rights in Tennessee. As the agency that enforces the Tennessee Human Rights Act and the Tennessee Disability Act, you play an important role in ensuring people are treated fairly and that they have legal redress when not. Thank you for traveling across our great state to hear from the people about the issues that could negatively impact the rights and lives of Tennesseans.

The Memphis Talent Dividend is embarking on a new initiative focused on African American male achievement. Nationally, only 19% of black women and 16% of black men have attained a bachelors degree, compared to 28% of white women and 30% of white men. In Memphis, 18% of black women and 11% of black men have bachelor's degrees or higher.

There are many factors that contribute to this low college attainment level, including low academic achievement of students of color on the secondary level and high dropout/low graduation rates of students of color.

Further, there are many factors that contribute to the low achievement levels and low graduation rates of students—including ineffective discipline practices that result in suspensions and expulsions from school—resulting in students missing more days of school, further negatively impacting their academic achievement.

January 8, 2014 the Federal Departments of Justice and Education released the report--*Guiding Principles: A Resource Guide for Improving School Climate and Discipline*. The guidelines were produced in response to the Office of Civil Rights' findings that indicated disparities in discipline existed between students of color and white students

According to the findings:

- African American students three times as likely as white students to be expelled or suspended
- Black students comprise 16% of the students in the nation, but make up 35% of students suspended once and 44% of students with multiple suspensions – they make up 36% of expelled students
- 50% of students who were arrested or had contact with law enforcement were Latino or African American

It is important to note that the Office of Civil Rights found that research suggests that the disparities are not the result of students of color behaving worse than or misbehaving more frequently than white students—making this issue a legitimate human and civil rights concern

The Tennessee data are similar to the national data. According to the Tennessee Department of Education’s Report Card:

- African Americans comprise 24% of TN student population; white students are 66%
- 18.8% of African American students suspended---2% expelled
- 4% of White students suspended ---.1% expelled

That amounts to more than four (4) times the suspensions and 20 times the expulsions – it’s worth repeating that the Federal Office of Civil Rights has found that research indicates the disparities are not a result of students of color behaving worse than or misbehaving more frequently than white students—it would be worth determining if the same holds true for Tennessee. When analyzing various school systems within our state, you find similar disparities—African American students facing suspensions and expulsions at rates far greater than the rates of white students. We need to get to the bottom of this!

There seems to be a correlation with ineffective suspension and expulsion practices and educational related problems including low academic achievement and attainment, continued behavior problems, high dropout rates and contact with the juvenile or criminal justice systems.

The Department of Justice and the Department of Education and a number of civil rights organizations credit inequitable application of school districts’ discipline policies and practices, and the presence of zero tolerance policies, to the disparities in treatment of students of colors and their white peers.

Certainly school districts have to provide for safe and orderly schools. Districts need to be careful that their policies and practices do so, without the consequences of unfair treatment of any students. In response to the data showing disparities in their discipline, some school districts across the country have worked with organization like the Advancement Project and the Children’s Defense Fund to change their policies and practices, resulting in reductions of suspension and expulsions. Tennessee data indicate that our districts should review their policies and practices for the same results.

Under Tennessee law, districts are allowed to suspend students for almost any behavior including truancy, violation of rules, and “any other conduct prejudicial to good order”. Should we really be suspending students—the result of which is missing more days of school—because they miss days of school? Does the language of “for violation of rules” or “any other conduct prejudicial to good order” provide districts and schools with too much power to suspend or expel students? Who really benefits when students are excluded from school attendance?

The results of the inequity in discipline practices feed into what has been called the school to prison pipeline. According to the Advancement Project, a multi-racial civil rights organization created to develop and inspire community-based solutions for addressing and eradicating inequitable policies, more than 3 million children are suspended out of school each year.

Students who are suspended are often unsupervised—which can lead to them engaging in further misbehavior that can lead to more trouble, including contact with the juvenile or criminal justice system. Often, suspended students do not receive any education during the time of their suspension—that includes academic education and education on how to improve their behavior and/or deal with their emotions. We have to question the effectiveness of suspensions—what are students to learn from the experience; how will their behavior be rehabilitated if they are not receiving the care and instruction of the professional educators in the system; what is the impact on their academic achievement and how is it beneficial to the students? To the system? To the community? To the state?

In addition to suspensions, often discipline practices result in students being referred to law enforcement. Needless to say, this raises a whole other set of problems for students, including the troubling disproportionate minority contact issue. Studies show that students of color are disproportionately referred to law enforcement, and a 2012 investigation by the Department of Justice found that the Shelby County Juvenile Court System discriminated against African American children, by failing to provide the constitutionally required due process, disproportionately referring them to the adult criminal justice system, and failing to protect them from self-incrimination, among other findings.

Students who get into school yard fights, and who commit other non-violent incidents, such as insubordination should not be referred to the police, resulting in them getting caught in a never ending cycle of contact with the criminal justice system. What happened to those incidents of misbehavior being handled by the school administration?

We can and must do better! There are solutions!

In *Guiding Principles: A Resource Guide for Improving School Climate and Discipline* the Departments of Justice and Education have developed three guiding principles for addressing the inequity issues related to discipline:

- 1. Create positive climates and focus on prevention by engaging all students in the educational process and by implementing interventions to support the behavior and emotional needs of students*

With the economic strains districts face, the first budget cuts are usually the support staff needed to work with the teachers—including professional counselors, behavior interventionists, family resource staff, etc. Under a positive behavior discipline system, these staff members are key to supplementing the academic education of students and supporting families in working with schools to effectively provide students with behavior and emotional education. We need to equip districts and schools with the resources needed to fully serve students.

2. *Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors*

As a former classroom teacher I know the challenges teachers face. Often, teacher prep programs fail to train teachers on effective classroom management techniques. We need to equip prep programs and districts with the resources needed to ensure teachers and staff have the proper training and professional development in this area, including the cultural competency to effectively teach students of diverse racial and socio-economic backgrounds.

3. *Ensure fairness, equity, and continuous improvement by regularly evaluating policies and practices to ensure all students are treated fairly*

The disparities in discipline should spark a need to study what is happening in Tennessee schools, ensuring we are meeting our civil rights obligations to all students. At the least, this Commission should determine whether the data on discipline is actually reviewed in a way that helps ascertain whether systems are ensuring that all students are treated fairly, and determine what systems/practices are in place to address the disparities caused by unfair treatment.

As for the disproportionate contact with law enforcement, the Advancement Project's proposed guidelines include only referring students to law enforcement for:

- “Fights involving serious bodily harm, or any fights which necessitate medical treatment for any of the participants;
- Other serious violent offenses, such as robbery, arson, or sexual assault;
- Use or possession of dangerous weapons, such as knives, guns, or brass knuckles. Other items which could be used as weapons shall only result in police intervention if a clear intention to use the item as a weapon can be established.
- The sale of illegal drugs or alcohol.
- Offenses designated as requiring a referral to law enforcement per school district board policy.”

The Shelby County Schools SHAPE program is a great example of how school districts and law enforcement can and should work together to decrease the number of students referred to the juvenile/criminal justice system.

We know and agree that districts must be empowered to maintain safe schools—schools where children come to learn and get a great education. Districts should be equipped with the power and resources needed to do so, but must be mindful of the consequences—intentional or otherwise—of ineffective, overly broad policies that make it all too easy for schools to suspend or expel students.

Districts should be required to constantly review their practices and results thereof, and challenged to address them where disparities between the treatment of students of color and white students clearly exist. I hope this Commission will encourage the legislature and school districts to review the new federal guidelines and use them to ensure we are treating all students fairly. Organizations like the Urban League, the NAACP, the Advancement Project and the Children's Defense Fund are great resources for working within communities to reach solutions.

We want all students to thrive; we want them all to get a great education; we want to place them all in the school to career pipeline. As long as we continue with ineffective policies that unnecessarily exclude students from school, we in fact are placing some in the school to prison pipeline. That is not good for students, for families, for schools, for communities or for our state.

Again, thank you for this opportunity to address you today and I look forward to the day where we have worked to end the inequity and where we treat all students with the fairness they deserve.

## **Racial Disparities in School Discipline**

***Amy Sosinski, UT College of Law Education Practicum***

*Amy Sosinski, a student at the UT College of Law, Education Practicum, provided testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Ms. Sosinski brought testimony regarding the racial disparities present in Knoxville school discipline policies and practices.*

Disparity in the application of school discipline is a persisting human and civil rights issue in Tennessee. For example, in 2006-07, a special community task force in Knoxville, Tennessee found that school “[d]iscipline is not applied equitably and consistently in Knox County Schools.”<sup>105</sup> The task force analyzed suspension data from the 2004-05 school year, which showed that African American students<sup>106</sup> were three times more likely to be suspended than their White peers.<sup>107</sup> One particularly problematic practice that the task force identified was the use of vague categories such as “conduct prejudicial to good order” that gave teachers and administrators wide discretion with little guidance on which offenses merited suspension. To reduce the glaring disparity in school discipline, the task force recommended that Knox County provide cultural competency training to educators and further define “conduct prejudicial to good order.” Despite these recommendations, the suspension rates for 2012-13 show that the same degree of disparity persists today.<sup>108</sup>

Disparate school discipline is not an isolated local problem. According to statewide data released by the Tennessee Department of Education, African American students are almost five times as likely to be suspended as White students, despite being outnumbered 2.75 to 1 in the classroom.<sup>109</sup> The United States Department of Education’s Office of Civil Rights Data Collection found that nationwide, in 2011-12, African American students made up 15% of the student population surveyed; however, they made up 35% of students suspended one time during the year and 44% of students suspended twice. Of students arrested in school or referred to law enforcement, 50% were African American or Hispanic. In general, the survey found harsher and more frequent discipline based on race.

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<sup>105</sup> Racial Disparity in School Discipline Task Force, *Final Report*, 5. March 12, 2007.

<sup>106</sup> Racial disparity in school discipline is not confined to African American students, nor is disparity in school discipline confined to race. However, to keep this paper manageable in length for the reader, we will limit the scope of our discussion to racial disparity affecting African American students.

<sup>107</sup> The suspension rate for White students was 4.9%, whereas the rate for African American students was 15.4%. To put this figure in context, White students outnumbered African American students 5.6:1. State of Tennessee Department of Education, *Knox County Report Card 2004-05*, available at <http://www.k-12.state.tn.us/rptcrd05/system.asp>

<sup>108</sup> The suspension rate for White students was 6.2% and African American students 18.5%. State of Tennessee Department of Education, *Knox County Report Card 2013*, available at <http://www.state.tn.us/education/reportcard/2013.shtml>

<sup>109</sup> Id. In 2012-13, the suspension rate for White students was 3.8% and African American students 18.8%.

The Universal Declaration of Human Rights, ratified in 1948, established, “Everyone has the right to education.”<sup>110</sup> Sixty-six years later, it is accepted that access to education is crucial to the exercise of all human rights and, indeed, succeeding in life.<sup>111</sup> A quality education yields an informed citizenry, cognizant of its rights and active in issues that affect it. Access to education alone, however, is meaningless without additional guarantees of nondiscrimination.

On January 8, 2014, the Department of Education and the Department of Justice jointly announced the issuance of “Guidance Documents” regarding school discipline.<sup>112</sup> The documents recognize that school discipline is a singularly important civil rights issue. This landmark publication not only details the disparate impact of current discipline practices on various groups of minority students, but also contains alternative models of intervention as a roadmap for school districts. It does not change any part of the law, but instead announces a new era in the enforcement of existing nondiscrimination laws by the federal government.

Traditionally, student misbehavior was handled at the school level. Largely in response to the 1994 Gun Free Schools Act, passed in an effort to stem the then-perceived increase of gang and drug activity in schools, the rhetoric used to describe disciplinary practices became increasingly militarized; new, harsher discipline policies were implemented.<sup>113</sup> As a result, metal detectors, zero-tolerance policies, and police presence in schools became commonplace; infractions that once resulted in a stern lecture from the principal and a call home lead to suspensions, expulsions, and arrests. Ironically, the overall number of youth accused of committing delinquency offenses has dropped significantly over the past decade. As fewer crimes were committed on the street, attention shifted to behavior in schools.

Contrary to its original purpose, the “war” surrounding school discipline has not reduced or eliminated behavioral problems, many of which can be attributed to mental and emotional disabilities.<sup>114</sup> Instead, children are pushed out of school by exclusionary discipline policies or,

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<sup>110</sup> United Nations General Assembly. *The Universal Declaration of Human Rights, Article 26*. New York, December 10, 1948.

<sup>111</sup> *Brown v. Board of Education*, 347 U.S. 483, 493 (1954) (“In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.”); *see also* United Nations Educational, Scientific and Cultural Organization (UNESCO), “The Right to Education,” available at <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/> (“Education is a fundamental human right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important development benefits.”)

<sup>112</sup> U.S Department of Education, “School Climate and Discipline,” <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

<sup>113</sup> Nancy A. Heitzeg, “Education Or Incarceration: Zero Tolerance Policies And The School To Prison Pipeline.” *Forum on Public Policy* 1, 8-9 (2009).

<sup>114</sup> Stephanie Davis, et al., “Screening for Emotional and Behavioral Disorders.” *National Association of Secondary School Principals, Principal Leadership* (May 2011) 12-13 (“[Externalizing] behaviors as getting out of one’s seat, provoking peers, acting aggressive, and refusing to stay on task occur frequently in students with [Emotional Behavioral Disorder (EBD)], and those behaviors often require the teacher’s attention or disciplinary actions. Students with EBD tend to have high numbers of office referrals for behavioral offenses.”); *see also* Bowman-

worse, referred to the court system by schools, where they become trapped in a seemingly endless cycle of court dates, probation orders, and possible jail time.<sup>115</sup> The problem of the “school-to-prison pipeline” has captured national attention and become the subject of numerous studies, culminating in the development of the most recent federal Guidance Documents.<sup>116</sup>

To understand the rationale behind the Guidance Documents, it is crucial to explore the negative impact of prevailing discipline practices on students.<sup>117</sup> According to a 2012 survey of Florida students, a student who was suspended once in the 9<sup>th</sup> grade was 25% less likely to graduate high school. Another longitudinal study of Texas students<sup>118</sup> found that between 7<sup>th</sup> and 12<sup>th</sup> grades nearly a third of students would receive out of school suspension. The vast majority of these suspensions (97%) were discretionary; that is, they were not mandated by state law, but rather determined by school personnel.

Mandatory suspension and expulsion rates were proportionate among racial groups; in contrast, when the decision became discretionary, dramatic disparities emerged. For example, 59% of white male students who were disciplined were disciplined for discretionary violations, as compared to 83% of African American males and 74% of Hispanic males. Almost a third of students who were disciplined repeated a grade at least once. Students who were suspended or expelled were three times more likely to be involved with the court system the following year.

The Guidance Documents adopt an approach to discipline that is well grounded in civil rights jurisprudence and supported by solid studies and expert advocacy groups. While there are multiple parts of the guidance package, including a compendium of available resources and a state-by-state analysis of discipline, the most significant sections are the Dear Colleague Letter and Appendix. The Dear Colleague letter details the statutes—Title IV and VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Part B of the Individuals with Disabilities Education Act, among others— that prohibit discrimination because of race, sex, and disability. It then lists the finding of the Civil Rights Data Collection that dramatic racial disparities exist in

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Perrott, et al., “Patterns and Predictors of Disciplinary Exclusion Over Time : An Analysis of the SEELS National Data Set.” *Journal of Emotional and Behavioral Disorders* 21(2) 83.

<sup>115</sup> Id. at 11, citing The Advancement Project (2005).

<sup>116</sup> See, e.g. America Tonight, “The school to prison pipeline: By the numbers,” January 23, 2014, *available at* <http://america.aljazeera.com/watch/shows/america-tonight/america-tonight-blog/2014/1/23/school-to-prisonpipelineblackstudents.html>; Texas Appleseed, “The Texas School-to-Prison Pipeline,” *available at* [http://www.texasappleseed.net/index.php?option=com\\_docman&task=doc\\_download&gid=986&Itemid=](http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=986&Itemid=)

<sup>117</sup> A comprehensive review of the literature on this subject could easily fill its own book, so we will confine our analysis to a couple of salient examples.

<sup>118</sup> Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice*, JUSTICE CENTER (July 2011), *available at* <http://justicecenter.csg.org/resources/juveniles>.

school discipline that cannot be explained by more frequent misbehavior by certain groups, as discussed above.

The letter continues to identify two potential types of unlawful discrimination. The first, different treatment, is rarely obvious on its face. The treatment of students of color is more subtle. Different treatment occurs when a policy, neutral on its face, is administered in a discriminatory way—for example, when similarly situated students are given different punishments. Proving this pattern is difficult; it requires the collection and dissemination of data that often is overlooked by school systems.

The second type of unlawful discrimination is disparate impact—when a neutral policy, evenly applied, unintentionally results in a disparity in outcome for certain groups. When considering whether sanctions are appropriate, the Department of Education and the Department of Justice will consider whether the policy is necessary to accomplish a legitimate educational goal, and whether alternative methods would furnish a less disparate means of attaining that goal.

In both types of unlawful discrimination, the agencies seek an explanation from the schools and determine whether that reason is legitimate, as opposed to a pretext. Most notably, the letter debunks the notion that there can be no discrimination without intent—the agencies make clear that just because disparate impact is non-intentional, it does not follow that schools may do nothing to address the situation.

The Appendix to the Dear Colleague Letter provides broad guidelines for schools and districts about discipline and organization, along with specific examples of steps they might take to reduce the existing disparities. Some of the major themes touched on by the Appendix are:

1. The phasing out of exclusionary punishments like suspension and expulsion, especially as a response to truancy, zero tolerance policies for minor infractions like possessing a cell phone, and corporal punishment.
2. The replacement of subjective or vague offenses, like “insubordination,” with specific and objective standards for behavior.
3. Intensive training for all school personnel, for the first time including school resource officers, on cultural competency and age-appropriate interventions.
4. Clear communication of roles and procedures among school staff, including when it is appropriate for school resource officers to intervene.
5. Collaboration with the community in the development of discipline policies and the creation of a welcoming, positive school environment.
6. Individualized, tiered, and positive supports and interventions for students exhibiting problem behaviors.
7. Increased role of support staff like school counselors, nurses, psychologists, and social workers to provide mental health and social services to students in need.

Given the grim reality of racial disparity in school discipline in Tennessee, policy makers, legislators, and school officials alike should be reevaluating both discipline policies in place and the theory underpinning those policies. Fortunately, the national dialogue on this issue is rich with evidence-based alternatives, including instituting positive behavioral interventions and supports (PBIS) and restorative justice programs.

PBIS<sup>119</sup> usually involves instituting a three-tiered support system for students—the first tier utilizes techniques appropriate for all students, such as a teacher explaining behavior expectations to students and implementing a positive reinforcement system for good behavior. The second tier is implemented when a particular student does not respond to the first tier, for example, by breaking a rule repeatedly; this could merit specific instruction on expected behavior with the student, combined with daily assessment by both the student (“Was I respectful today?”) and teacher.

Only about 15% of students demonstrate a need for second tier supports. Opportunities for praise and “getting it right” are created by the teacher, rather than focusing on slipups and bad moments. The third tier is reserved for only the most serious offenders, estimated at 5% of students. When a student exhibits a pattern of infractions that are disruptive, dangerous, or result in being excluded from the classroom, a Behavioral Support Team comprised of people who know the student best—classroom teachers, parents, and behavioral specialists if possible—compose a battery of positive interventions for that particular student. The goal is to identify the causes of the problem behavior and resolve them.

This process is accomplished through collecting data (observation of the student’s behaviors and personal circumstances), performing functional behavior assessments, and examining the student’s record. The behavioral support team then drafts a behavioral support plan with input from the student, which includes ways that the student’s environment can be changed to minimize opportunities for problem behavior, positive reinforcement and consequences, and a crisis plan if a major problem arises. An example of successful PBIS policies is Baltimore City Public Schools. This large urban system saw a 58% drop in suspensions between the 2006-07 school year, after which the discipline policy was revised, and the 2009-10 school year.<sup>120</sup>

Restorative justice works hand-in-hand with PBIS; it focuses on addressing the harms inflicted by problem behavior, identifying the underlying causes of behavior, and using a cooperative effort to rectify harms and mend relationships. In Oakland, California, for example, some

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<sup>119</sup> For an excellent resource on PBIS, including a basic explanation of this system and the three-tiered approach, see the Technical Assistance Center on Positive Behavioral Interventions and Supports, <http://www.pbis.org/>

<sup>120</sup> Fix School Discipline, “Highlight: Baltimore City Public Schools’ School Discipline Reform Efforts.” Available at <http://www.fixschooldiscipline.org/toolkit/educators/baltimore/#>

schools have restorative justice coordinators who conduct regular “rap sessions” with at risk students.<sup>121</sup> By creating trusting relationships between students, their peers, and adults in the school, students who might otherwise act out their emotions have a positive outlet to talk through feelings and difficult situations outside of school.

Finally, the guidance documents track the themes of Dignity in Schools’ Model Code on Education and Dignity, last revised in October 2013. The major human rights goals of the Model Code include:

- Setting forth a vision for learning environments that support every young person in reaching their full potential and treat students with dignity and respect;
- Shaping a positive message for combating school pushout that shifts practices away from punishing and excluding children toward policies that meet students’ needs;
- Calling for school systems to guarantee the right of students, parents, and all members of the school community to participate in school decision making; and
- Uniting people through the common message that human rights are universal and apply to all people.<sup>122</sup>

To implement these goals, in regard to discipline, the Model Code focuses on approaches that guarantee equitable administration of policies developed at the most basic level— between schools and school districts, parents, students, and any person who has a stake in the education of the community’s children. Cultural and child development training of all school staff, including school resource officers, ensures that reactions to student behavior are appropriate and fair. Exclusionary discipline is acceptable only as a last resort, and even then only when accompanied by robust due process protections.

Few dispute that the goal of public education is to prepare children from every background for a full life. Exclusionary discipline policies are not only counterintuitive, they also deprive the children most in need of support of the tools necessary to reach their full potential. This is an urgent civil and human rights issue that Tennessee and the nation must face head on.

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<sup>121</sup> The New York Times, “Opening Up, Students Transform a Vicious Circle.” April 3, 2013. Available at <http://www.nytimes.com/2013/04/04/education/restorative-justice-programs-take-root-in-schools.html>

<sup>122</sup> Dignity in Schools, “A Model Code on Education and Dignity” 5, October 2013. Available at [http://www.dignityinschools.org/files/Model\\_Code\\_2013.pdf](http://www.dignityinschools.org/files/Model_Code_2013.pdf).

## **Cradle to Prison Pipeline**

### ***Shakya Cherry-Donaldson, Children's Defense Fund***

*Shakya Cherry-Donaldson, Community Organizer for the Nashville Children's Defense Fund, provided testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Ms. Cherry-Donaldson brought testimony regarding the cradle to prison pipeline. The CDF established a Nashville office in January 2013, creating a local organizing team that has been listening to students and families, to congregations and teachers, to identify the feeder systems of the Cradle to Prison Pipeline® crisis, and to work to create alternatives.*

The Children's Defense Fund's top priority is to dismantle what we call America's Cradle to Prison Pipeline® crisis that leaves an African American boy born in 2001 with a one-in-three chance of going to prison in his lifetime, a Latino boy a one-in-six risk of the same fate, and a White boy a one-in-17 chance. An African American girl born in 2001 has a one-in-17 chance of going to prison in her lifetime, a Latina girl born that year a one-in-45 risk, and a White girl a one-in-111 chance of the same fate. And this is part of the national trend of mass incarceration that currently locks up 1 in every 100 Americans or 2.3 million people, with another 7 million people under the control of the criminal justice system through probation and parole.

The *Cradle to Prison Pipeline* is a trajectory that leads to marginalized lives, imprisonment and often premature death. The United States of America does not provide a level playing field for all children and our nation does not value and protect all children's lives equally. The cradle-to-school-to-prison pipeline is fueled by racial disparities, pervasive poverty, inadequate health and mental health care, gaps in early childhood development, disparate educational opportunities, chronic abuse and neglect, and overburdened and ineffective juvenile justice systems. Failures of our child serving systems, especially when coupled with race and poverty, increase the likelihood of children entering the pipeline to prison.

I would like to tell you about Emmanuel, a young man I have had the honor to meet. Emmanuel and he is a rising junior in high school and he has worked alongside the team, often sharing his experience with the cradle to prison pipeline. It is important to discuss how easily young people are pulled into this pipeline and how frequently all of us are complicit with this system. Emmanuel showed signs of brightness early on and was chosen to attend a private elementary school here in Nashville. In the second grade a white female classmate accused him of inappropriately touching her and without a hearing or discussion, the school expelled Emmanuel for the remainder of the school year. Traumatized and embarrassed Emmanuel returned to public school the following fall and began to get into trouble – he felt that he was being punished for being smart. Every year, when Emmanuel started school, he was required to sign a behavior contract that made it clear that if he was written up for three minor infractions – wearing a hat in school, talking back to an adult, using a cell phone – he would be expelled.

Emmanuel continued to lose respect for school and place his own education at jeopardy. It wasn't until a mentor in middle school was able to work with Emmanuel on not only an academic level, but a social-emotional one that he was able to catch up and attend high school. This is where I first met him a little over a year ago, when he was a freshman. He was looked at as a troublemaker, but my colleague Damien Durr saw something powerful inside of him and has taken great interest in his development. Emmanuel's journey is still in progress and I predict great things for this young man, but his story highlights one of the easiest ways for young people to get caught up in the pipeline to incarceration and that is through school push out.

The U.S. Department of Education for Civil Rights released a national report March of this year that showed the discriminatory nature of school discipline policies. Highlights from the report include the following:

- black students are suspended and expelled at a rate three times greater than white students;
- on average, 5% of white students are suspended, compared to 16% of black students;
- black students represent 16% of student enrollment, 27% of students referred to law enforcement, and 31% of students subjected to a school-related arrest;
- white students represent 51% of students enrolled, 41% of referrals to law enforcement, and 39% of those subjected to school-related arrests;
- black students represent 16% of student enrollment, 27% of students referred to law enforcement, and 31% of students subjected to a school-related arrest;
- In comparison, white students represent 51% of students enrolled, 41% of referrals to law enforcement, and 39% of those subjected to school-related arrests. (U.S. Department of Education, 2014)

Just to recap, children who are identified as black are more likely to be suspended or expelled, arrested for the school related infractions, and are being targeted at an early age as troublemakers. All of this being highlighted on the eve of the 60<sup>th</sup> anniversary of United States' Supreme Court decision that separate is not equal in Brown vs. Board of Education. Well today there are more segregated and inequitable school districts in this country than there were in 1954.

One of the main causes for the current level of inequitable school discipline, if not the root cause, is federal zero tolerance policies. They are essentially one strike and you're out policies as in pertains to young people in school. Zero tolerance school discipline policies are a key feeder system into the pipeline to prison and play a significant role in fueling the dropout crisis, which adds to the odds already stacked against children. Zero tolerance policies establish a mandatory or predetermined punishment for certain behaviors without taking into consideration the situational context. They have increased the use of expulsion and suspension disciplinary practices for minor offenses such as tardiness. These policies assume that the immediate removal of disruptive students will deter others from similar behavior and improve classroom

harmony.

First enacted on January 25, 1994, the Improving America's School act was signed into law, aiming to positively affect the education process, increase the effectiveness of various programs, and strengthen safety. One particularly pertinent aspect of this act was the call for drug and violence free campuses by the year 2000 (Improving America's School Act, 1994; Koselke, 2010). This goal was given means with the passage of The Gun Free School Act later that year on October 20, 1994, placing zero tolerance policy center stage at the federal level. Signed into law by then President Bill Clinton, the act mandated that any institution receiving federal funds must adopt policy to expel any student bringing a firearm onto school grounds for an entire calendar year (Dunn, 2002; The Gun Free School Act, 1994). With funding being limited for all school systems, this meant a nearly complete acceptance of the Gun Free School Act, and with it, zero tolerance policy. The main goal set by the Improving America's School act was "drug and violence free campuses by the year 2000," but as we all know that was a lofty goal at best, that never came to fruition.

Taking it a step further, the national media coverage surrounding the 1999 Columbine mass school shooting led to the Gun Free School Act of 1994, which was once only intended for firearm regulation, becoming applicable to all sorts of weapons and actions, from knives and brass knuckles to drug paraphernalia and alcohol. Each school district took it upon itself to interpret the federal standards behind the zero tolerance legislation, and many choose to increase applicable offenses to include much more than weapons. Schools began expelling and suspending youth for fighting, making threats, use of drugs and alcohol, and even cursing (Skiba and Rausch 2006). In addition to stricter rules, the judicial system was invited inside of school buildings by creating school safety officers, named school resource officers in Nashville. These officers are allowed to write summonses, hand out tickets, and even arrest students inside of school buildings for infractions that used to be handled by the school administration. In the state of Tennessee and many other states, truancy has been criminalized and can cause a child to face time in a juvenile facility, which inevitably would cause them to miss even more school. Instead of finding out why the child is not in school, we punish them by pushing them out of school, a policy that makes no sense, and that results in the criminalization of young people.

So just to recap, zero tolerance policies are federal, but every state can alter them slightly such as in the case of Tennessee where assaulting any school staff is also a zero tolerance offense. Each school district has the autonomy to write their own disciplinary code that may add even more infractions under the zero tolerance umbrella. This is wholly problematic – the greatest indicator of a child raising themselves above the poverty line in their lifetime is earning a high school diploma; an estimated 1.3 million high school students drop-out every year, many after becoming completely dejected from the revolving door of discipline infractions, and this costs the United States 319 billion dollars in lost earning potential.

More importantly this is happening in our most vulnerable communities and puts young people of color, particularly, at risk to end up behind bars. The statistical probability for a young male of color spending a portion of his adult life in the prison industrial system is raised to 50% once he is frequently suspended or expelled from school. Also there is no data or research that shows that putting young people out under these zero tolerance policies causes schools to become safer or that other students are deterred from doing the same behavior.

In terms of resource allocation, Davidson County spends an average of \$8,600 per student per school year, but the state of Tennessee spends about \$68,000 to house a juvenile offender per year in a state run facility. Instead of treating our young people with dignity and trying to deal with some of the socio-emotional and learning difficulties they may have, we are finding ways to put them out of the safest place for them, school. But the buck is eventually passed because if they are not in school the likelihood of hitting the streets is even greater until they are eventually housed in an institution. Where would you rather your tax dollars go?

Daniel J. Losen, the director of the Center for Civil Rights Remedies at UCLA, sums it up by saying "All schools see a wide range of adolescent misbehavior, but school responses vary dramatically. Some schools see an educational mission in teaching appropriate behavior and are successful at improving behavior without resorting to suspension and expulsion. Discipline has become a management strategy for schools pressured by financial constraints, high concentrations of struggling students, substantial numbers of transient teachers/long-term substitutes and severe accountability mandates," (Losen, 19, 2011)

After extensive research, the Nashville team has been working tirelessly to create partnerships and have substantive conversations with students, parents, educators, pastors, politicians, and administrators around how we expose school push-out is a problem and creating a sustainable alternatives. I have included a model created by the Children's Defense Fund outlining how we can engage from an individual to political level to make schools safe and equitable places for our youth, and cause a severe disruption to the Cradle to Prison Pipeline.

We would urge the Tennessee Human Rights Commission to consider these basic principles, as outlined by the Children's Defense Fund in our testimony during the Hearing on Ending the School-to-Prison Pipeline:

- **School-by-school and district-by-district data on in-school and out-of-school suspensions and expulsions, the reasons for these actions and their impact on students are key to developing an effective response to zero tolerance policies.** The data should reflect how the discipline policies are being applied and their impact on

students. Data should be broken down by race, ethnicity, socioeconomic status and other student characteristics.

- **School discipline codes should end out-of-school suspensions and expulsions for nonviolent offenses.** Children should no longer be suspended or expelled for offenses that used to result in a trip to the principal's office.
- **Meaningful alternatives to suspensions and expulsions** for nonviolent offenses should be provided for teachers and other staff. Teachers need further training in classroom management and the support of their superiors when disciplinary decisions are to be made. Teachers need cultural competence training to understand and address the behavior of all children.
- **More time, attention and resources must be devoted individually and collectively to the causes of the disruptive student behaviors.** Evidence-based and promising practices should be implemented to improve the learning environment.
- **Principals and teachers currently have too much discretion in deciding who should be suspended or expelled.** Further guidance and support is needed to ensure these policies are applied appropriately and fairly.
  
- **Students and their parents must be notified of their rights and procedures in advance and when a child is suspended.** No child should be suspended or expelled and removed from the school without a parent first being notified.
- **A periodic external review of disciplinary policies and practices and their impact on children of different ages, races, ethnicities and with various disabilities can help to ensure they are applied appropriately and fairly.**

The Children's Defense Fund recognizes that to introduce positive, preventive, supportive discipline systems in all schools and to successfully change school climates, all stakeholders must work together to reverse the trend toward zero tolerance policies that promote harsh discipline and funnel children into the school-to-prison pipeline.

### **Some Suggestions on How to Engage in Disrupting the Pipeline**

A full list of resources and ideas can be found at [childrensdefense.org](http://childrensdefense.org)

#### **Individuals**

- Mentor a child.
- Volunteer at an after-school program for youth.
- Vote in every election and advocate for children.
- Volunteer with children who are homeless or in foster care.
- Organize a forum on incarcerated youth and the funding disparities between prisons and education in our nation.



## **Families**

- Establish and maintain a supportive home learning environment.
- Offer tutoring and homework help to your children or younger siblings.
- Talk and actively listen to children within your extended family.
- Show affection, love and respect to your child every day.

## **Communities**

- Institute a "Cradle Roll" within your faith-based institution or community, linking every child to a permanent, caring family member or adult mentor who can keep them on track and get them back on track if and when they stray.
- Promote learning by starting an after-school program for children.
- Ensure that at least one caring community member attends every public school student suspension meeting or court hearing.
- Encourage families to spend quality time together by hosting a movie or game night at your church.
- Start a support group for single parent or kinship care families.
- Prepare care packages of new clothes, personal toiletries and/or a welcome gift for children placed into foster care homes.

## **Organizations**

- Create and distribute a calendar of free family-friendly community events.
- Start a parent education program to familiarize parents about conflict resolution in the home and how to advocate for their children.
- Encourage alternatives to incarceration such as restitution, community service, electronic monitoring, drug rehabilitation treatment or placement in a "staff secure" (but not locked) community corrections facility.
- Work to ensure that counseling, social services, education, and health and mental health services are provided to at-risk youth.

## **Government Agencies**

- Bring other elected officials and leaders together to gain first-hand awareness of the status of your local children; demonstrate what is working and what is not.
- Ensure children in foster care and detention receive quality treatment to address their mental, behavioral and emotional needs.
- Establish policies that emphasize prevention and rehabilitation to keep children out of or rescue them from the Pipeline.
- Expand "second chance" programs for high school dropouts, ex-offenders and at-risk youth to secure GEDs, job training and employment.
- Reduce repeat offender rates by focusing on treatment- and family-oriented approaches.
- Organize state and local leadership councils or committees to create strategic plans to address the learning and developmental needs of children

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## **Disparities in Education**

### ***James Mapp, Chattanooga-Hamilton County Branch of the NAACP***

I don't know whether you picked up the paper<sup>123</sup> here yesterday, you probably saw where the school board has plans for 140 million dollars in expenditures on new structures. Two years ago, we had another 140 million dollars set up for allocations and prior to that we approximate some 300 million dollars in new construction, but there is a catch to this. For example, Signal Mountain and East Hamilton Schools got perhaps 100 million dollars each. About 26% of students come from surrounding areas for Signal Mountain which is similar to East Hamilton. The problem lays in Hamilton County student's access to schools. Discrimination must be addressed.

It began in 1960 when the oldest active running desegregation suit in the country to which I was a player, was dismissed by Judge R. A. Edgar. A great harm has been done, after the suit was ended in 1986, Judge R. A. Edgar demanded only one thing, present me with a crime with 53% white student and 47% black students in all schools. It was virtually impossible. Our goal was and we petitioned to have 47% of black teachers in black schools. The court rejected and we have going down ever since.

Presently, we have a board member here who can verify that there are 33,000 teaching positions and only 8.7% are black and it is going down.

This old school (Howard High school) up into the 80s had put out more earned PhD across the country than any private or public school in this area. It has fallen on hard times. If you look south of Martin Luther King and the river on the west and the Georgia line on the south, you will find that some of the worse conditions still exist.

Now, there is has been a problem at the middle school since 1959, the action of the school board was to send some junior high school students to school at night. The parents rose up and the NAACP joined them and was able to defeat them and get them to get a junior high school building.

Surveys indicate that a junior high was the most needed. Research shows that in 1909, 14 million was set aside and nothing was done but what happened when all of the middle schools were closed those kids were sent to a 54 year old abandoned elementary school. Certainly, the school did not accommodate these students. They were there for a year and then sent to several schools. There is still no plan to give neighborhood elementary or middle schools. Furthermore, the area is full of crime. Additionally, this is a crucial age for students.

Back in the olden days, at the age of 15, black and white were separated. The separation has affected our kids today.

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<sup>123</sup> <http://timesfreepress.com/news/2014/feb/22/school-board-oks-building-projects/>

I think we have to recognize that this not a black problem but it is a problem for all of us. Our reputation goes out and this is a poor school system in their eyes.

Currently, this is the most racist city in the state. In 1960, we were looked upon as one of the most prosperous states. In 1969, we were voted one of the all American cities in employment and education. Every avenue we pulled together and now we are doing just the opposite.

Other points are;

- At one time we had 122 black police out of 439. I suspect that there are less than 50 out of 489. Now, the sheriff's department has 185 sworn officers. Of that 185, they have 14 black sworn officers.
- No preparation was done for the moving and the closure of housing developments like Spencer McCoy with 596 units and Parks Arm with 240 units.

I am trying to get you to see how bad things are here. And I think this might indicative of what is happening throughout the state.

## Summary of Violence against Women and Other Crimes

These testimonies cover the topic of violence against women across Tennessee. Much of the information presented in this section is from the 2014 follow up report by the Tennessee Bureau of Investigation (TBI) 2011 study and the 2013 expansion of the 2006 report released by the Tennessee Economic Council on Women. Jerry Redmon with Second Life Chattanooga discussed Human Trafficking and Residential Recovery Needs; Deborah Clubb with Memphis Area Women's Council reported on Violence Against Women; Commissioner Amy Broyles with Knox County Commission spoke on Violence Against Women; Patricia Shea with YWCA of Middle Tennessee spoke about the Violence Against Women Epidemic; and Phyllis Qualls-Brooks with the Tennessee Economic Council on Women discussed the Economic Impact of Violence Against Women. Recently, the Tennessee Bureau of Investigation launched a human trafficking campaign to raise awareness to address the human rights issue of human trafficking. To read more, visit <http://www.ITHasToStop.com>. To read the full report from the Tennessee Economic Council on Violence against Women, visit <http://www.tennesseewomen.org/2013vawreport.pdf>.



**Jerry Redmon with Second Life Chattanooga** brought testimony regarding Violence Against Women. After mentioning data in the 2014 TBI report on Human Trafficking, information was presented on the needs of those victimized by human trafficking. Services to address the needs are limited as reported in the National Survey of Residential Programs for Victims of Sex Trafficking and Tennessee does not have residentially-based long-term recovery program exclusively for survivors of sex trafficking. The recommendations are to provide awareness, continue the collaborative approach initiated in Tennessee, and make victims the highest priority by providing services and

resources.

**Deborah Clubb with Memphis Area Women's Council** brought testimony regarding Violence against Women. Violence hits women every day- economically, physically, and sexually. Women are injured when paid wages lower than men and are more likely to be poor. The Lily Ledbetter Fair Pay Act gives employees time to file against employers for unfair wages. Laws are only as good as their enforcement. The EEOC needs more staff and more resources so they can follow up on wage discrimination complaints. Related state agencies must be equally strong and intent. A stronger EEOC and state agencies that increase penalties and improve work conditions, convene partners, and build strategies that improve the community overall. A study undertaken by the Women's Council and the University of Memphis Center for Research on Women and the finding indicate hostile environments in schools. Nine out of 10 girls and 8 out of 10 boys reporting at least one experience with sexual harassment in school. Almost 5 in 10 girls had sexual remarks



made about their gender. Three in 10 girls were almost forced to have sex at school. Girls forced to have sex: 6 percent. Due to the abuse, many girls reported, they did not talk much in class, had to avoid someone who bothered them, were late to class, found it hard to study, or changed their seat in class to get away from someone. Intimate Partner Violence is the leading cause of injury to women, which is more than car accidents, muggings, and rape combined, as reported by national and international health organizations. Memphis Police Department has 13 investigators to work on Domestic Violence cases. We need more victim advocates. We can and must talk together across agencies and advocate groups to assess attitudes, approach, tools, and capacity to collaborate to help victims and punish rapist. We learned that the Shelby County District Attorney spends more than \$2 million to prosecute sex crimes and domestic violence plus \$370,000 for sequestration of jurors and Memphis Police Department spent more than \$7.6 million working on DV cases alone in 2012. The Women's Council works on the issues of sexual harassment, rape, equal wages, and domestic violence day to day, it is possible to break out pieces to convene partners and to build strategies that do in fact improve our community.



**Commissioner Amy Broyles with Knox County Commission**

presented testimony on the Violence against Women. The information is from two sources, the Equity, Literacy, Independence, Opportunity, and Stability project from 2011 and the 2013 Tennessee Economic Council on Violence against Women (TECW) Report. Tennesseans pay a heavy cost for violence against women, through law enforcement and county jails, our judicial system, children services medical and mental health services, social service providers, and also in loss of workplace productivity, private enterprise, and wages. Women who suffer physical abuse spend 42% more on healthcare than non-abused women, which ultimately, even causes insurance

premiums to rise as a result of successive cohorts of thousands of women experiencing high-care utilization lasting 10-15 years following their victimization. The majority of this expense is manifested in tax dollars and healthcare payments, but other expenditures such as charity, lost wages, workplace expenses, and inefficiencies played significant roles as well. Of the many things that were revealed in the TECW's research, the following four items I think are the most prominent: First, is that domestic violence is not a family matter with limited impact on the wellbeing of others outside the family unit. It is, in fact, one of the most debilitating and prevalent crimes in our society and it perpetually extract costs, both immediate and long-term from every single one of us. Second, prostitution is not a profession that is willingly chosen. It is a suffering of last resort that desperate women and children are forced into, or fall back on to survive. Third, it's in the best interest of all Tennesseans to recognize that a child should not be born into a unique likelihood of rape, abuse, or violation because of gender. Lastly, our state's capability to respond to these crimes is increasingly capable with law enforcement, courts, and social service providers, but prevention methods are nearly non-existent. Financial literacy, job skills development, and confidence building are just a few of the services of which survivors are in critical need. State and local efforts should be made to develop comprehensive recovery resources, for survivors who are working to rebuild their lives. Counseling program providers and government agencies should collaborate in an effort to develop effective program content that addresses the root cause of coercion and abuse. Current procedural terminology or CPT, put in

place by the American Medical Association would be one method to establish a coherent usable system. Health care officials and social service providers and other advocates should collaborate in efforts to encourage the adoption of CPT coding relevant to violent crime against women. Efforts should be made at the local and state level to promote the awareness of sex trafficking among proprietors of hotels, motels, and apartment complexes. Legislation should be considered at the state level that would permit authorities to detain victims under the age of 18 for a period of 14 days or more. These are frequently referred to as “safe harbor provisions” and it would permit advocates an opportunity to begin addressing the needs of the victims who would otherwise have as little as a day of being taken off the streets. In Knox Co., we have a Family Justice Center which is basically a one-stop shop for women seeking assistance to remove themselves and any children they may have from an abusive or predatory situation. The TCEW also applauds the work being done by the Tennessee Bureau of Investigation and the Tennessee General Assembly to pass legislation that will be critical to the state's fight against trafficking and the work that the TBI is doing to train more than 5,200 first responders in what they’re calling “first identifiers” across the state to better identify and respond to human trafficking. As county commissioner here in Knox, we’re working with our law department to form a task force that will begin to address locally some of these issues particularly those around addiction and the victims of violence against women. Having attended some of those hearings across the state, that the issue of violence, no one really knew how serious it really was-in particularly, the human trafficking, so it is something that we all need to pay attention to. There are a lot of parents who have to divide up their time as a couple, where one works during the day and one works at night because even on two incomes they can’t afford, decent childcare while they’re working. And that puts a tremendous strain on families, which can lead to instances of abuse and victimization.

**Patricia Shea** with **YWCA of Middle Tennessee** brought testimony regarding the Violence Against Women Epidemic. Nearly half of all the violent crimes committed in Davidson County are related to domestic violence. Fifty-one-point-four percent (51.4%) of all crimes in Tennessee are domestic violence. This is an increase over the previous year. Tennessee ranks 6<sup>th</sup> in the nation for the rate at which women are killed by men. In Davidson County in 2013, the Metro Police Department responded to more than 26,300 domestic violence calls, which is one call every 20 minutes. In his 51<sup>st</sup> annual State of Metro address two weeks ago, Nashville Mayor Karl Dean singled out domestic violence as — “One area of our criminal justice system where we know we need to do better.” Task Force recommendations are moving forward to fix issues and assist survivors. These include a Victim Resource Center, ten new advocate positions and a special docket to prosecute offenders. The YWCA has launched an Engaging Men initiative to change a culture where women are perceived as objects, where women are thought to have less value and where women are treated as property. The YWCA invites the men in our community to be a part of the culture change. We have the opportunity to TEACH young boys about gender equality and the value of girls and women. We have the opportunity to make a difference. We have to join together as a community to stop this epidemic, this human rights violation and make Nashville the safest city for women and girls.



Our girls deserve to be safe in their schools, safe when they go off to college, safe in the workplace and safe in their homes. Many source were provided and are located at the end of the testimony.



**Phyllis Qualls-Brooks** with the **Tennessee Economic Council on Women** brought testimony regarding the Economic Impact of Violence Against Women by providing information from the 2013 Tennessee Economic Council on Violence against Women Report. In Tennessee and throughout the world, women face a unique and troubling set of threats that are not only physically, socially and emotionally impairing, but also have a dramatic impact on their ability to participate wholly in our economy. The subtotal from our findings on reported crimes is \$886,171,950. Violence against women has reached epidemic proportions and is the largest human rights issue facing us in Nashville, in Tennessee and in the United States today. The recommendation offered in the 2013 Tennessee Economic Council on Violence against Women Report are education & prevention, community awareness, trafficking

rehabilitation, collaboration & best practices, faith-based outreach, and individual advocacy. To read the report, visit [http://www.tn.gov/sos/ecw/20131023\\_domestic\\_violence.pdf](http://www.tn.gov/sos/ecw/20131023_domestic_violence.pdf).

## **I. Human Rights Issue: Violence Against Women & Other Crimes**

### **Human Trafficking & Residential Recovery Needs**

#### ***Jerry Redmon, Second Life Chattanooga***

*Jerry Redmon, Managing Senior Partner of Second Life of Chattanooga, provided testimony at the Chattanooga Hearing on the Status of Human Rights on February 24, 2014. Mr. Redmon brought testimony regarding the need for residential recovery services for victims of human trafficking. Second Life of Chattanooga is a non-profit organization dedicated to creating awareness, advocacy and collaborative action on the issue of sex trafficking as it exists in Chattanooga, Hamilton County and Southeast Tennessee.*

Thank you for the privilege of offering testimony in today's hearing. Second Life of Chattanooga is a non-profit organization dedicated to creating awareness, advocacy and collaborative action on the issue of sex trafficking as it exists in Chattanooga, Hamilton County and Southeast Tennessee. In addition, well before Second Life was incorporated as an actual organization, those of us who founded it were working with other like-minded organizations in order to coordinate recovery services for victims of sex trafficking in our area. However, we recognized that our coordinated efforts were still not sufficient to meet all the needs of local and area sex trafficking victims. Meeting those needs both sufficiently and effectively is why I am testifying before you today.

In order to ensure that we are clear about the issue to which I am referring, please allow me to offer this definition of trafficking. According to the United States Department of Justice guidelines, sex trafficking constitutes the use of force, fraud or coercion in order to induce someone to commit a commercial sex act. Anytime the commercial sex act involves a minor, even if the minor engages in the sex act willingly, it is still an instance of trafficking.

The issue of human trafficking in all its forms is a very hot topic currently. The past decade has seen a growing recognition of the problem of human trafficking in the United States. Sex trafficking has been found throughout our nation in rural, suburban and urban settings. Tennessee is a leading state in both the recognition of the issue, as well as creating a collaborative response to it.

In 2011, the Tennessee Bureau of Investigation (more commonly referred to as the TBI), in conjunction with Vanderbilt University's Peabody College, released the first human trafficking study of its kind in the U.S. The *Tennessee Human Sex Trafficking and Its Impact on Children and Youth 2011* report measured the problem of sex trafficking in our state on a county-by-county basis for the years 2009 and 2010. The results of this study found that 78 of the 95 counties in Tennessee reported at least one case of adult sex trafficking for the period. This means that 85% of all Tennessee counties reported at least one case of an adult being sexually trafficked in the reporting period.

The same study showed that 68 of the 95 counties in Tennessee reported at least one case of a minor being trafficked for sex in the reporting period. This means that 68% of all counties in Tennessee had occurrences of children being trafficked for sex during the 2009-2010 period.

Hamilton County was one of four Tennessee counties reporting over 100 cases of adult trafficking during the reporting period. In addition, over 25 cases of minors being trafficked were reported by Hamilton County for that same period.

On Wednesday of last week the TBI released a follow-up report to the 2011 study. This new study shows how trafficking in our state is just as likely to present in smaller-populated areas as it is in large-population centers. However, no matter whether the setting is rural, suburban or urban, every area of our state is subject to the presence of trafficking. This new study also shows that while some complained that the 2011 study over-inflated the number of reported trafficking cases in our state, we are actually more likely to be under-reporting the instances of trafficking in Tennessee.

Having referenced the presence of trafficking in both our state and immediate area, I will now turn to what those who have been victimized by this crime need once they have been rescued from their traffickers. Frankly, what trafficking survivors need upon rescue is everything. I realize that I am pointing out the obvious when I say this, but being trafficked is extremely hard on victims. Along with the sexual trauma forced on these individuals, they also experience sleep deprivation, beatings, forced tattooings or brandings, lack of proper nutrition or medical care, forced drug use and terrible psychological scarring. If a trafficking victim is not rescued, the average lifespan of that victim from the time they are first trafficked has been found to be less than seven years.

This means that once rescued, the list of services that survivors require in order to begin the process of recovery and building a new life for themselves is extensive. A list of those recovery services includes:

- Trauma-informed mental health services (these services will be needed on a long-term basis)
- Trauma-informed medical services
- Dental care
- Nutritional care and instruction on how to create lifelong good nutritional habits
- Legal services (this is due to the fact that quite often trafficking victims have been placed in situations by their traffickers that have caused the victims to be arrested)
- Addiction counseling (traffickers will often force drug use on their victims, or victims will use drugs as a way to deal with the trauma of being trafficked)

- Language skills
- Accessing various government assistance services for which the survivor may qualify
- Parenting classes
- Child custody counseling and services
- Educational services and placement
- Job skills training
- Job placement services
- Overall life skills training (budgeting, how to maintain a clean, orderly home, securing or renewing one's driver's license, filing one's income tax return, etc.)

The delivery of the above-described services has been found to be best accomplished in a long-term residential recovery setting. Best practices nationally show that these recovery programs should be offered over an 18-24 month timeframe, with additional aftercare services of up to at least one year for graduates of the recovery program being made available.

Unfortunately, the availability of such services in our nation is limited. The 2013 *National Survey of Residential Programs for Victims of Sex Trafficking*<sup>124</sup> reports that currently there are 33 residentially-based recovery programs in the U.S. for victims of sex trafficking. These programs offer a total of 682 beds, 371 of which are in California alone.

Currently, Tennessee does not have a residentially-based long-term recovery program exclusively for survivors of sex trafficking. However, we at Second Life of Chattanooga are in the process of developing such a recovery center here in our area that will offer all of the services I have previously outlined. This will all be done in a residential setting. Although we are still up to a year away from opening this center, the due diligence necessary to developing the center is well underway.

My purpose in coming to you today with this information is to highlight the following needs in our state and here in Chattanooga:

- Given the prevalence of trafficking in every section of our state, it is vital that every resource available be used to overcome the continued lack of awareness on the part of many in our state about trafficking and its presence in Tennessee
- Tennessee is a leading state in terms of its collaborative approach to dealing with human trafficking. Strengthening that collaborative approach is vital if we are going to turn the tide of trafficking in our state.
- The highest priority must be given to the victims of trafficking in Tennessee. To not do

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<sup>124</sup> Reichert, J. & Sylwestrzak, A. (2013) *National Survey Residential Programs for Victims of Sex Trafficking*, Chicago, IL: The Illinois Criminal Justice Information Authority

so is an indictment on who we are as Tennesseans. As I have already described, the services and resources these survivors need are vast and expensive. However, we must ask ourselves what do we cost our society not only economically, but also in terms of our own humanity, if we do not do everything that we can in order to give the survivors an opportunity to recover their own humanity and live the kind of lives each of us in this room hope to live ourselves.

Thank you for the opportunity to appear before you today and speak about not only the problems we face regarding sex trafficking in our local area and throughout our state, but also about the solutions available to us regarding this crime if we will act swiftly, efficiently and collaboratively. Second Life of Chattanooga wishes to thank the Tennessee Human Rights Commission for holding these hearings across our state and for its commitment to the defense of human rights for all Tennesseans.

## **Violence Against Women in Tennessee & Memphis**

### ***Deborah Clubb, Memphis Area Women's Council***

*Deborah Clubb from the Memphis Area Women's Council, provided testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Ms. Clubb brought testimony regarding man ways violence against women is impacting Memphis and identified problems or gaps within current services addressing victims of domestic violence.*

Good morning. On behalf of the board of the Memphis Area Women's Council and all the women of Tennessee, let me thank you for holding these hearings. It is gratifying to see our state Human Rights Commission taking time and effort to cross the state to hear the voices of concerned citizens about a range of crucial issues.

I am here today to speak up and out for women and particularly, specifically on the epidemic of violence against women and girls. Violence hits women every day – economic violence and physical and sexual violence.

On the job – we are injured when we are paid wages lower than men who are doing the same work with the same training and experience. Women are paid less than men in every age group and across all education levels. Women continue to be more likely to be poor. And if they are poor, they are likely to have responsibility – alone – for housing, feeding and clothing children. This economic violence should not be tolerated. It is against the law to pay unequal wages. Wage discrimination is illegal. And yet thousands of companies – thousands of employers – knowingly pay women less, every day. Companies are breaking the law every day.

Occasionally a brave group of women, such as those who work for Wal-Mart, go to court. Occasionally a brave woman such as Lily Ledbetter goes to court to demand that these employment crimes – this economic violence – stop. The Lily Ledbetter Fair Pay Act gives employees time to file against employers for unfair wages. WOMEN must use that right. And governments must provide enough staff and resources to investigate and charge and CHANGE companies. Laws are only as good as their enforcement. The Equal Employment Opportunity Commission needs more staff and more resources so they can follow up on wage discrimination complaints. Related state agencies must be equally strong and intent.

A stronger EEOC could also increase penalties and improve work conditions related to sexual harassment in the workplace. Despite laws on the books and decades of corporate “training sessions” and compliance officers – we regularly hear horror stories about how women are treated at work. They are touched, they are leered at, they are called names and taunted, they are raped.

The situation is just as dangerous and damaging for our girls in their schools. A study undertaken by the Women's Council and the University of Memphis Center for Research on Women surveyed more than 600 students – girls and boys – in public and private schools. We asked students to tell us what they had experienced at school ranging from sexual rumors to being touched, grabbed, and pinched to being forced into sex. These unwelcome sexual overtures create what the law calls a hostile environment.

- Nine out of 10 girls and eight of 10 boys reported that they had experienced sexual harassment at least once at school.
- More than 7 in 10 girls said sexual things were said to them at school or their body parts were stared at.
- More than 5 in 10 girls had offensive things said about their body or how they looked or were asked out repeatedly even after saying “no”
- Almost 5 in 10 girls had sexual remarks made about their gender.
- Four in 10 girls were cornered, leaned over, stroked, given other unwanted sexual attention or bugged by someone persistently trying to have romantic or sexual relations.
- Three in 10 were kissed or hugged when they did not want it.
- Three in 10 girls were almost forced to have sex at school.
- Girls forced to have sex: 6 percent

Because of this abuse - MANY girls reported that they did not talk as much in class, had to avoid someone who bothered them, were late to class, found it hard to study or changed their seat in class to get away from someone. SOME girls found it hard to pay attention because of the harassment or had to change their group of friends. Sexual harassment is against the law. Including at school.

Schools at every level thru colleges should be required to create and disseminate clear rules about what is against the law, who students can tell if abuse happens and what the punishment will be for those who do it.

Another category of violence - Intimate Partner Violence - is the leading cause of injury to women- more than car accidents, muggings, and rapes combined – as reported by national and international health organizations. We are talking here about “loved ones” battering and injuring and sometimes killing other “loved ones” – with fists, belts, lamps, fireplace logs, tire irons, chains, vehicles, skillet, pistols, shotguns.

In Tennessee the crime is still called domestic violence and it actually refers to persons in relationship as a household – so it can be boy- or girl-friends, roommates, uncles and nephews, grandsons and grandmothers as well as husbands and wives.

Under Tennessee law domestic violence is physical injury or attempting to inflict physical injury on an adult or minor, or putting them in fear of physical harm and it includes harm to or fear of

harm to their animals. Tennessee law also includes victims of stalking and sexual assault later on in the statute. Stalking includes harassment, contact without consent, following a person, showing up at her or his house/job, calling, leaving items on their property etc.

Domestic violence is about power and control – one person’s need and determination to dominate another person. So it can be physical and sexual – and it can also be verbal, emotional and financial abuse. Batterers – most are men and 30, 40 years ago they were called wife beaters - batterers typically start during the dating and early period of a relationship with intense interest and the need to know where the woman or girl is at all times. Many women interpret that as proof of his love and many don’t recognize it as controlling until they fail to fulfill his need to know and control – and then he begins to yell, scream, curse and possibly hit. But then he buys flowers or jewelry or tickets to a show, promises it will never happen again – and the cycle begins again. With the ability now to track people using their cell phones, cases of stalking are increasing and it’s becoming harder to break free from abusers.

We work with women who survived horrific shootings by men they had broken up with and even 10, 15 years later they still feel unsafe. They see him drive down their street or catch a glimpse of him passing by where they shop. Sometimes they phone police because of long-term Orders of Protection forbidding him from being near – but there is little police can do.

We know women who have lost jobs because the batterer phoned the company 500, 600 times in one morning, wrecking the workday. An uncompassionate or uninformed employer combined with an obsessive batterer equals no hope for employment for some women.

Typically that batterer’s need to control intensifies and so does the mistreatment and abuse – the heartfelt apology, the reunion, a period of calm and then the next attack. Believe me I know some of you are thinking “why doesn’t she just leave? Why do women – and sometimes men – put up with this? I wouldn’t let anyone do that to me!”

Understand that most of the time, by the time physical violence begins, the abuser has so dominated her life that she is cut off from her family and friends, isolated, feeling that she has no one to turn to who can help her. Even if she is employed, he controls all money so she also believes that she can’t take her children and leave, rent an apartment and take care of everything on her own. Her self-esteem, her idea of herself, has been shredded by ongoing verbal abuse, belittling and demeaning words spoken viciously during terrifying physical assaults. And this is the person who must make a plan to rescue herself and her children!

Every 9 seconds in the United States, a woman is assaulted or beaten. Violence against women tears women down emotionally and mentally, batters and breaks women’s bodies and teaches children that vicious behavior is okay in relationships.

In Memphis last year, our police department handled 15,041 domestic violence assaults. That's the physical assaults, the episodes that can most easily escalate to the domestic homicides that regularly shock our community. Last year 25 Memphians were killed by someone who was supposed to love them, someone in their family.

On a day in November, the front page of The Commercial Appeal bore two murder stories – two female teachers killed by men they had chosen to leave. One smothered and then burned his wife. The other shot her to death and then shot himself.

The 15,041 number does not include other crimes committed by batterers – vandalism, intimidation, harassment, burglary and stalking. It also does not count those who live in hells of constant demeaning verbal and emotional abuse. People who should love and protect each other instead are beating, kicking, strangling, raping, and cutting. 15,041 --that is an average every day, seven days a week, of more than 40 cases in Memphis last year. Our suburban cities and our Sheriff also responded to these kinds of calls – as do sheriffs and police in every community in Tennessee.

Memphis Police Department has 13 investigators to work on Domestic Violence cases. We are very appreciative of that specialized unit but I'll let you do that math on their workload. The district attorney general has 10 attorneys to prosecute Domestic Violence cases. Only 400 or so typically make it all the way through the court to jail time -- and the cycle continues.

15,041 brutal attacks reported. Who knows how many not reported? And who knows how many children witnessing that violence, learning that violence is the way grownups deal with life?

Scientists now can look at MRI scans of babies' brains and see the impact of trauma and chaos. Thanks to the remarkable Urban Child Institute here in Memphis, we know that scientists have documented the damage that is done when children ages 0-3 live in violence and then go to school – where they cannot concentrate, where they are hyper-vigilant and easily angered, where they lack ordinary social skills for dealing with other people.

If a woman fears for her life, the lives of her children, and needs to literally hide from her abuser, she needs an emergency shelter. The YWCA of Greater Memphis operates our only emergency shelter – and they have room for 28 women and children. 15,041 assault cases. 28 beds. Do we need some community change around shelter capacity, priorities and funding? Yes we do.

15,041 assault cases. Maybe 5 victim advocates among local service agencies to help navigate the court system. Do we need more victim advocates? Yes we need more support throughout the

criminal justice system so that more abusers are held accountable and so that victims get all the support they need to stay away from that abuser and start a new productive life.

It's a very sad statistic that I hear very often - that a domestic violence victim leaves an average of 7 times before she stays away. That's proof of the powerful dynamic in these troubled relationships. We must have patience and understanding throughout the system in order to make every encounter with victims as encouraging and empowering as possible.

Ashley Scott was a young teacher in Bartlett who endured physical abuse, didn't tell, didn't take her colleagues' advice on how to get help. And her husband killed her at home at Thanksgiving time, 2006. Taffi Crawford was a young nurse who had left her abusive firefighter husband. She had left! He went to the parking lot of the hospital where she worked and shot her to death. Karen Thomas, Heather Palumbo-Jones and Amy Lange – teachers killed by husbands or former husbands last year – and I apologize for not naming all the women killed.

This happens to all kinds of women – and is perpetrated by all kinds of men. Tragically, we know from our conversations with survivors that many never call police or other agencies, ashamed of their situation, afraid he will lose his job or too defeated to believe anyone can help. A close look at the population being arrested, charged and appearing each day in our General Sessions domestic violence court tells the story: 80 to 90 percent are African-American. This disparity is telling, when we know from conversations, focus groups and news reports that MANY others are battered and never call police.

We regularly read reports of police and firefighters being arrested for assaulting wives and girlfriends. Most recently a Memphis firefighter faced charges after a fight with his wife. He grabbed her ankles and dragged her through the house. She showed police the abrasions on her back. He continues to serve on full duty with the fire department.

This is not a problem only of the very poor or the unemployed or uneducated. We have to address it from across the community and for everyone in the community. Batterers must be held accountable. Men must become more engaged in prevention efforts. Employers must “recognize, respond and refer” to connect needy employees to community resources and must partner with community groups to increase resources and fill gaps.

Legal officials often say that we cannot arrest our way out of domestic violence. This violence won't be solved by laws or policies or courts alone. All of us must become involved in outreach, awareness, linking the suffering to community resources and strengthening those resources so that all who are battered and the children living through it can become safe and free.

And then, in Memphis, we are just beginning to address another aspect of violence against women – a backlog of 12,164 aging rape kits dating back 25 or more years. Most of those have not been tested. They are evidence that was taken from the bodies of rape survivors but was never used in pursuit of rapists. These forensic kits were not sent to a lab for testing that could identify, confirm or clear alleged assailants. They were not tested for DNA and were not entered into the national DNA database.

Local officials have conceded that the material was not recorded and documented in climate-controlled appropriate storage. Sexual assault kits were found in multiple locations – not organized and filed within the purview of the “evidence room.” The first big task for the Memphis Police Department was to assign personnel to organize the kits, track down case numbers and victim information, and simply to find all the pieces of evidence that belonged together so that a real count could be made.

The Women’s Council has applauded the Memphis Police Department and Mayor Wharton for stepping up to reveal this backlog and undertake to test all kits and resolve never to let it happen again. But still there is outrage. What if this were evidence related to 12,000 shootings of men or 12,000 violent bank robberies or 12,000 carjackings that included assaults? Would it have been stored haphazardly and ignored – for decades?

Most sexual assault victims are female. The crimes typically have no witnesses. The victim/survivor recounts her story at the moment of greatest trauma and then again and again over several days. As her trauma reduces and brain function and memory return – so do details of the event that sometimes are used against her by police investigators. She can be accused of “changing her story.” Due to the lack of skillful sex crimes investigation, most accused rapists are never charged.

Police here and elsewhere struggle with determining – in their words – is she a “true victim?” These words speak volumes about the attitude of skepticism that greets a rape survivor when police respond.

We can be outraged by this failure of our justice system – but outrage does no good unless that energy becomes action for change.

We must have a new community conversation about rape. We must assess the system that responds to rape – from 911 dispatch to patrol, investigation, prosecution, courts and probation – and rape crisis services. We can and must talk together across agencies and advocate groups to assess attitudes, approach, tools and capacity to collaborate to help victims and punish rapists.

In 2012, the Tennessee Economic Council for Women held its own series of hearings across the state, one in each of the nine economic development districts. The topic was the economic

impact of violence against women – domestic violence, trafficking, sexual assault. The Women’s Council organized the hearing for Shelby, Tipton, Fayette and Lauderdale counties in June.

We learned that the Shelby County District Attorney spends more than \$2 million to prosecute sex crimes and domestic violence plus \$370,000 for sequestration of jurors. We heard that the Memphis Police Department spent more than \$7.6 million working on DV cases alone in 2012. Sheriffs and courts and public defenders and probation offices – the criminal justice system (and we as taxpayers) spend millions of dollars across the state as we try to help families, women, men and children with the scourge of relationship violence.

The overall cost in the state was put at more than \$886 billion.

Intimate Partner Violence is the leading cause of injury to women- more than car accidents, muggings, and rapes combined. A phrase has become popular: Women’s rights are human rights. But what does that mean in the day-to-day life of women in Memphis and Shelby County, in Tennessee? Broadly and simply - it means that men and women should be treated the same in all aspects of life.

Women are to be free from discrimination and assured “equal access to, and equal opportunities in, political and public life as well as education, health and employment.” ([www.UNFPA.org](http://www.UNFPA.org), “CEDAW: The International Bill of Rights for Women”) Safety and justice are crucial elements for a society where equal and full access to opportunity can be achieved.

Safety and justice are lacking for women in Memphis and Shelby County and indeed across Tennessee. Violence against women is at epidemic levels at school, at home, at work and in community. The response by law enforcement and the criminal justice system is inadequate. Social services for victims and survivors are limited. Prevailing community attitudes disbelieve victims – disbelieve women – and fail to hold batterers and rapists accountable.

Sexual harassment and rape. Equal wages. Domestic violence. When you get all the way down to the root of what we’re dealing with, it’s the age-old problem of violence against women, women being treated as objects who have no value beyond their physical usefulness, women being treated as property instead of persons, women being considered less.

Around the world, gender-based violence kills and disables as many women between the ages of 15 and 44 as cancer. More often than not, perpetrators go unpunished. Tennessee should want to do better.

As the Women’s Council works on these issues day to day, it is possible to break out pieces and to convene partners and to build strategies that do in fact improve our community – for all of us.

We again thank the Tennessee Human Rights Commission for this hearing today that will focus attention on these urgent matters - and for your decades of work to bring justice and equity to all in our state.

## **Violence Against Women**

### ***Commissioner Amy Broyles, Knox County Commission***

*Commissioner Amy Broyles from the Knox County Commission provided testimony at the Knoxville Hearing on the Status of Human Rights on March 25, 2014. Commissioner Broyles brought testimony regarding violence against women and its economic impact in Tennessee.*

I would like to thank the Tennessee Human Rights Commission for holding these hearings across the state and for giving me the opportunity to present testimony today on violence against women in Tennessee.

Now, the information that I'm presenting to you today is drawn from two sources provided by the Tennessee Economic Council on Women.

One is the ELIOS project, which was compiled in 2011, and ELIOS stands for: economic Equity, Literacy, Independence, Opportunity, and Stability.

And, as indicators of social and economic well-being for Tennessee's women it is the standard by which programs and activities of the Economic Council on Women are measured.

The second is the TECW's 2013 study, The Economic Impact of Violence Against Women.

And I have all of the commission Members, a copy of the full report as well as the executive summary, and everything I have to say today has been pulled from the pages of these documents, so they're just going to serve as my written testimony.

In this 2013 study that I mentioned, violent acts against Tennessee women were shown to be so prevalent and so damaging that they likely cost regular Tennesseans \$886,171,950 or more annually. The majority of this expense is manifested in tax dollars and healthcare payments, but other expenditures such as charity, lost wages, workplace expenses, and inefficiencies played significant roles as well.

Additionally, while the TCE the TECW could not provide an exact estimate, it appears that domestic and sexual violence committed against women likely influenced the needs of the children who received the majority of the Department of Children Services' operational spending, which itself totals almost \$530 million dollars a year.

So Tennesseans pay a heavy cost for violence against women, through law enforcement and county jails, our judicial system, children services medical and mental health services, social service providers, and also in loss of workplace productivity, private enterprise, and wages.

Women who suffer physical abuse spend 42% more on healthcare than non-abused women, which, ultimately, even causes insurance premiums to rise as a result of successive cohorts of thousands of women experiencing high-care utilization lasting 10-15 years following their victimization.

More shocking than this annual cost to the community, which, in truth, exceeds more than 1 billion dollars per year--can you imagine what the state of Tennessee could do with an extra billion dollars a year?

More shocking than that is the comprehensive and devastating impact that these crimes have on women and girls in Tennessee. Some costs are simply too difficult, if not impossible, to ascertain. Such as the opportunity cost of these crimes, as in the unknown achievement of women whose healthy lives have been jeopardized by violence. Included with these findings in this report are details about domestic violence, sex trafficking, and sexual assault in Tennessee, and recommendations to strengthen education and prevention efforts. The results have staggering implications for Tennessee, and most especially for its women and girls.

Tennessee consistently ranks the highest in the nation in the number of women killed by men. Estimated to target women in 70-80% of cases and measuring in excess of 82,000 incidents annually in this state domestic and sexual violence foster dependency and isolation, they derail careers, and educations, and personal development and their effects create a global cost to the community by dealing significant, immediate damage, and then immense, lasting trauma to 1 in 3 Tennessee women in their lifetime.

Of the many things that were revealed in the TECW's research, the following four items I think are the most prominent:

First, is that domestic violence is not a family matter with limited impact on the wellbeing of others outside the family unit. It is, in fact, one of the most debilitating and prevalent crimes in our society and it perpetually extract costs, both immediate and long-term from every single one of us. Domestic violence is the #1 cause of injury to women and the Tennessee Bureau of Investigation reports that more than half of all crimes against persons in Tennessee are domestic violence crimes. It's also the most underreported crime, as research suggests that only 1 out of every 4 acts of domestic violence against women are actually reported. Women are also at greater risk than men for stalking, and the number of women reporting this kind of intimidation and victimization continues to rise. Among all the women that I know, and know well enough to discuss these topics, every single one has experienced some form of sexual harassment, intimidation, assault, or abuse. It seems almost to be a universal female experience.

Second, prostitution is not a profession that is willingly chosen. It is a suffering of last resort that desperate women and children are forced into, or fall back on to survive. It is a heinous form of modern slavery perpetrated by predatory traffickers and reckless purchasers of forced sex. Prostitution challenges the humanity of the individuals and culture of the community.

Third, it's in the best interest of all Tennesseans to recognize that a child should not be born into a unique likelihood of rape, abuse, or violation because of gender. Crimes that victimize women in such tremendous volume and specificity have compounding effects on our society and economy and by derailing the lives of so many; they serve to impede an entire gender's collective ability to achieve its full socioeconomic potential.

And lastly, our state's capability to respond to these crimes is increasingly capable with law enforcement, courts, and social service providers growing both in strength and sophistication

each year. But prevention methods are nearly non-existent. There are many recommendations for prevention of violence against women, including education, recovery-oriented funding, control-oriented offender counseling, healthcare identification, community awareness, trafficking rehabilitation, and collaboration between public, private, and even faith-based outreach.

Breaking the insidious cycle of domestic and sexual violence, which is passed from parent to child by abuse either experienced or witnessed, must be a foremost mission of Tennessee's combined resources. Educational programs that discuss healthy and unhealthy relationships, gender or non-gender roles, and promote individual health in spite of victimization, must be created and funded on a large scale. Efforts should be directed towards early intervention, reaching children in the community and in grade school. Programs should continue throughout high school and college where possible, addressing issues such as date rape. Applicants should encourage our state administration to consider how best to involve the Tennessee Department of Education, the Board of Regents, and the Higher Education Commission, in ongoing efforts to fight these crimes. While conducting their research, the TECW discovered that schools actually tend not to be aware of Orders of Protection and how they might impact a parent's permission to make contact with the student. Localities and school officials should have in place a method by which such information can be shared in a timely manner.

Financial literacy, job skills development, and confidence building are just a few of the services of which survivors are in critical need. State and local efforts should be made to develop comprehensive recovery resources, for survivors who are working to rebuild their lives.

Research indicates that domestic violence is a crime rate in control.

And as a result, existing prevention and rehabilitation efforts that are directed at offenders tend to be directed towards anger management. They simply, just seem to have a lot of rate of success. Counseling program providers and government agencies should collaborate in an effort to develop effective program content that addresses the root cause of coercion and abuse. Insufficient administrative policies and lack of adequate means to document domestic violence related injuries puts medical providers at a disadvantage when they DO identify a violent incident because the healthcare industry does not have a coherent way to receive or retrieve that information, so it gets lost.

Current procedural terminology or CPT, put in place by the American Medical Association would be one method to establish a coherent usable system. Health care officials and social service providers and other advocates should collaborate in efforts to encourage the adoption of CPT coding relevant to violent crime against women. Consistency and staff response can also contribute to the identification of abuse victims. And healthcare and other service providers should consider ways in which staffing can be consistent.

Efforts should be made at the local and state level to promote the awareness of sex trafficking among proprietors of hotels, motels, and apartment complexes. State and local officials, advocates and service providers can develop multilingual outreach materials to bolster awareness about domestic and sexual violence. And additional consideration should be given to tailoring the outreach specifically to urban, suburban and rural audiences.

Distrust of authorities, addiction and other factors that contribute to minor sex trafficking victims' desire to return to the trafficker, our primary challenges to prosecution of these sex traffickers, and also to the rehabilitation of the victims. Legislation should be considered at the state level that would permit authorities to detain victims under the age of 18 for a period of 14 days or more. These are frequently referred to as "safe harbor provisions" and it would permit advocates an opportunity to begin addressing the needs of the victims who would otherwise have as little as a day of being taken off the streets.

Demand for sex is the primary enabler in the commercial sex market. Following the recent passage of laws to significantly increase the penalty for purchasing sex acts, especially from a minor, there still remains a need to interrupt a purchaser's willingness to make that risk for purchasing sex again. Advocates can work with the state and local governments to collaborate to that possibly within the framework of the Trafficking Coordination and Service Delivery Plan that they're already putting into place.

In Knox Co., we have a Family Justice Center which is basically a one-stop shop for women seeking assistance to remove themselves and any children they may have from an abusive or predatory situation. The TCEW applauds and supports these centers but cautions against the possible public perception that they can replace existing service networks. Presently there's a feeling that hundreds of victims across the state are thought to be trend away or underserved due to shortages of resources. The TCEW also applauds the work being done by the Tennessee Bureau of Investigation and the Tennessee General Assembly to pass legislation that will be critical to the state's fight against trafficking and the work that the TBI is doing to train more than 5,200 first responders in what they're calling "first identifiers" across the state to better identify and respond to human trafficking.

Both locally and at the state level law enforcement officials, medical and mental care providers, social service providers, educators, insurance providers, government officials, members of private enterprise, participants in the legal system and others should work together to establish regular meetings in which community needs related to domestic and sexual violence can be identified and prevention and response and recovery efforts can be established.

In my role as county commissioner here in Knox, we're working with our law department to form a task force that will begin to address locally some of these issues particularly those around addiction and the victims of violence against women.

I want you to know that everyone can have access to the report if you go on the council's website: it's tennesseewomen.org and the report is there. And I can say that it was amazing having attended some of those hearings across the state, that the issue of violence, no one really knew how serious it really was-in particularly, the human trafficking, so it is something that we all need to pay attention to. Thank you.

One question is "in general can you talk about the sort of daycare... the different types of daycare services that are available for working moms?"

I can partially answer it but I can get more information and forward it on to the commission. That is actually one area where I can feel like we're really lacking is in affordable childcare for parents who work. There are a lot of parents who have to divide up their time as a couple, where one works during the day and one works at night because even on two incomes they can't afford, decent childcare while they're working.

And that puts a tremendous strain on families, which can lead to instances of abuse and victimization. That is one area where we really need to be doing better. Particularly as, single parents may be entering the workforce without proper skills, they need childcare, not just for work, but also for the education process. That is definitely an issue.

## **Violence Against Women Epidemic**

### ***Patricia Shea, YWCA of Middle Tennessee***

*Patricia Shea, Executive Director of the YWCA of Middle Tennessee, provided testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Ms. Shea brought testimony regarding the epidemic of violence against women in Tennessee.*

On Monday, August 19<sup>th</sup>, the safety, security and confidential location of the YWCA's Weaver Domestic Violence Center were shattered. Two individuals had arrived in the middle of the morning and began pounding on the doors. What did they want? They were demanding that our shelter staff hand over a woman and her child who had come to us a few days earlier seeking safety and security.

We quickly realized that this woman who had sought refuge with us was the former girlfriend of a Nashville gang member. The man and woman who were banging on the doors were sent there to bring back their gang leader's property—our client and her child. Both were huddled in a closet with a caseworker, far away as they could from the front doors. They were scared...they were intimidated.

That day, there were 49 other women and children in the shelter...each and every one of them were put at risk. Each and every one of them had already fled violent homes to seek shelter with us.

This situation is a microcosm of what is happening not only in Nashville, but also across Tennessee, throughout our country and around the world. Violence against women has reached epidemic proportions and is the largest human rights issue facing us in Nashville, in Tennessee and in the United States today.

Here are some of the facts:

- One in four women in the U.S. will be a victim in her lifetime.
- An estimated 1.3 million women are victims of physical assault by an intimate partner each year.
- One in six women will be victims of rape or sexual assault – and 44% of these will be girls under the age of 18.
- Every 90 seconds in the U.S., a woman is sexually assaulted.
- An estimated 17,500 women and children are trafficked into the U.S. annually for sexual exploitation or forced labor.
- Minors who are trafficking victims are sold 10 to 15 times a day, six days a week. That means that each victim is “used” 9,360 to 14,040 times a year.
- The average age of a girl trafficked for sex in the US is 13-years old.
- More than 50% of girls report experiencing sexual harassment in school.

- Domestic violence or partner violence is the leading cause of injury to women between the ages of 15 and 44.
- Domestic Violence results in more than 18.5 million mental health care visits each year.
- 85% of domestic violence victims are WOMEN.
- Most cases of domestic violence are never reported to police.

This epidemic affects individuals in every community, regardless of age, economic status, race, religion, nationality or educational background.

I know I am preaching to the choir, but Human Rights are based on the principle of respect for the individual. They are the rights to which everyone is entitled – no matter who they are or where they live – simply because they are alive. Violence against women is a violation of women’s human rights. It persists because, for centuries, women have been thought to have less value as men, they have been treated as objects and they have been treated as property of men. The use of fear and intimidation that was happening at the Weaver Center on August 19<sup>th</sup> paints a vivid picture of one woman’s human rights violation. ... fear, intimidation, power, control, inequality.

Last week, the Tennessee Bureau of Investigations released its latest *Crime in Tennessee Report* for 2013. It showed that most major crimes in our state are going down. That’s great news.

However, the crime of domestic violence is not dropping.

- Fifty-one-point-four percent (51.4%) of all crimes in Tennessee are domestic violence. This is an increase over the previous year.
- Tennessee ranks 6<sup>th</sup> in the nation for the rate at which women are killed by men.
- In Davidson County in 2013, the Metro Police Department responded to more than 26,300 domestic violence calls. That’s one call every 20 minutes.

In his 51<sup>st</sup> annual State of Metro address two weeks ago, Nashville Mayor Karl Dean singled out domestic violence as — “One area of our criminal justice system where we know we need to do better.” That’s because nearly half of all the violent crimes committed in Davidson County are related to domestic violence.

Mayor Dean’s administration spent two years studying the problem and developing solutions. I’m pleased that many Task Force recommendations are moving forward to fix issues and assist survivors. These include a Victim Resource Center, ten new advocate positions and a special docket to prosecute offenders.

Again, this is great news. And the YWCA will continue to provide services to survivors, but it is time that we begin to focus on prevention. It is ONLY through prevention that we will break the cycle of power and control and reduce violence.

Men use violence to control women, to diminish their value and self-worth. It devastates lives and fractures families and communities. We see this day in and day out at the 51-bed Weaver Domestic Violence Center. The women who come to us are some of the most courageous I have ever met—often arriving in a hospital gown with nothing but her purse, or a plastic sack of clothes a few diapers for her children. The violence against the women who seek safety at the YWCA’s Weaver Center—and the hundreds, even thousands who suffer silently in our community—is the direct result of the perceived inequality between men and women. Simply put – in today’s world, women are not seen as equal. We are not seen as having the same value as men in our society.

The YWCA has launched an Engaging Men initiative to change a culture where women are perceived as objects, where women are thought to have less value and where women are treated as property.

We are inviting the men in our community to be a part of this culture change.

Last August, TBI Mark Gwyn told a crowd of 300 people at the YWCA’s first Engaging Men event QUOTE: “The only way to prevent violence is to start with those people who have the potential to become abusers. In short, men have to become men. We’re the ones who are committing the majority of these crimes. We’re the only ones that can stop it.”

I truly believe Director Gwyn’s words—we need MEN to stop this epidemic. Working with men, the YWCA is rolling out prevention initiatives to change attitudes and behaviors of men and boys that lead to and perpetuate men’s violence against women. Last month, 300 coaches and athletic leaders gathered for “A Call to Coaches,” which addressed the important role they play in developing young men of character and reducing violence against women and girls.

After the event, I received an e-mail from a Metro Middle School teacher and coach. Here’s what it said:

“I’m really struggling with how to handle many of the situations that I am faced with regarding the way a large number of our male students continue to treat our female students.” These are children who are 10, 11, 12 and 13 years old!

The man who closed our program shared his own personal story of violence against women. Chris Sanders is a retired Tennessee Titan and now a faculty member at MBA. He talked about walking into his home as an 8<sup>th</sup> grade boy and being greeted by his sister’s screams. She was being abused by her boyfriend. Sanders said he told the boyfriend “You don’t know how to treat a woman!” ...and the abusive boyfriend replied “Nobody ever taught me.”

Today, we have the opportunity to TEACH young boys about gender equality and the value of girls and women. We have the opportunity to make a difference. We have to join together as a community to stop this epidemic, this human rights violation and make Nashville the safest city for women and girls. Our girls deserve to be safe in their schools, safe when they go off to college, safe in the workplace and safe in their homes.

The YWCA's Weaver Center is a safe place for women to stay after they've become a victim of violence, and it stayed safe on that day back in August. I'm proud to say, our staff quickly moved into action and called our friends at the Metro Nashville Police Department. With the help of the police, the young woman and her child were taken to the bus station and headed out of town to start a new life in another city. That's a happy ending.

But we're still waiting for that happy ending in Nigeria, where nearly 300 girls are STILL missing, kidnapped from their school by a radical group. I will leave you with one question... Why did it take nearly three weeks for the world to pay attention?

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<http://www.polarisproject.org/human-trafficking/sex-trafficking-in-the-us>

***Mayor Karl Dean State of Metro Address***

[http://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/Speeches/140430\\_speech\\_StateOfMetro.pdf](http://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/Speeches/140430_speech_StateOfMetro.pdf)

***Sexual Assault Center***

<http://www.sacenter.org/News-Room/Statistics/>

## **Economic Impact of Violence Against Women**

### ***Phyllis Qualls-Brooks, Tennessee Economic Council on Women***

*Phyllis Qualls-Brooks, Executive Director of the Tennessee Economic Council on Women, provided testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Ms. Qualls-Brooks brought testimony regarding the economic impact of violence against women in Tennessee. The Tennessee Economic Council on Women, created in 1998, serves as an economic advocate for women with a purpose to research, advocate and conduct outreach.*

The most recent research from the Tennessee Economic Council on Women extends the report released in 2006 on domestic violence. The 2013 report [http://www.tn.gov/sos/ecw/20131023\\_domestic\\_violence.pdf](http://www.tn.gov/sos/ecw/20131023_domestic_violence.pdf) focused on domestic violence, sexual assault and human sex trafficking...resulting in the economic impact of violence against women in Tennessee. The results were and are astounding.

This report revealed that violence is a thief. In much the same way that a robust education can open minds to new opportunities and unprecedented achievement, violence closes doors and cripples the human ability to grow and innovate. At the hands of a stranger, and even more often a loved one, women in Tennessee are being coerced, intimidated, battered and assaulted in alarming numbers. In recent years, Tennessee has regularly ranked among the worst in the country when counting the number of women murdered by men, and estimates indicate that one in three women will experience domestic or sexual violence in their lifetime.

Crimes like domestic violence, human sex trafficking and sexual assault have a lasting impact on a victim's ability to earn for herself, to provide for her family, to live a healthy pain-free life, and to reach her full potential in her community. The reality of this hardship is personal and immeasurable, but the way in which violence can derail a woman's ability to excel, or to more fully contribute to her community, has ramifications that extend deeply into each of our lives.

The chief goal of this study is to explore the costs that we incur under the current low-budget, response-oriented approach to these crimes, and to highlight the potential return on investment that a robust push for prevention could bring by weakening the generational cycle of violence that feeds this suffering.

In Tennessee and throughout the world, women face a unique and troubling set of threats that are not only physically, socially and emotionally impairing, but also have a dramatic impact on their ability to participate wholly in our economy. The suffering of the victims of crimes like domestic violence, human sex trafficking and sexual assault is incalculable, and this study's aim is not to diminish the significance of this suffering. Instead, its purpose is to more fully grasp the myriad costs of these crimes, to better understand the fullness with which they impact every member of our communities, and to more effectively combat them.

## **Methodology**

We held public hearings, participated in focus groups and conducted statewide surveys.

## **Partnerships**

We had significant partners with this project throughout the state. In the Nashville area, they included the YWCA of Nashville & Middle Tennessee, Belmont University, various departments with the city of Nashville including the police department and several health organizations...statewide the groups include the Tennessee Coalition To End Domestic & Sexual Violence and the Tennessee Bureau of Investigation, Margie Quinn, as well as the Department of Safety and Homeland Security.

## **Hearings**

We held public hearings throughout the state in all nine development districts (the hearing for the greater Nashville area was held at Belmont University). We brought in officials from various entities that impact these crimes-law enforcement, the judicial system, health care, including mental care, social service agencies and faith-based organizations. We were steadily enthralled by the information we received. Overall, there were more than 100 witnesses, with more than 700 attendees, with strong local support and media exposure.

## **Surveys**

Surveys were distributed across the state through various statewide agencies and associations, such as the sheriff's association and social service providers. Focus groups were a part of several agency meetings and events.

## **Domestic & Sexual Violence**

This slide represents the nearly 65,000 reported cases of domestic or sexual violence perpetrated against women in Tennessee in 2012. They are the subject of our report, and as you can see, the vast majority of reported cases occur in the home. We've come to describe them in their entirety as violence against women (VAW crimes), but we'll take a moment to discuss them separately before addressing the overall costs that the council has uncovered.

Often sexual in nature as well, domestic violence manifests itself in a wide variety of behaviors and related crimes committed against individuals and their property, including both familial abuse and intimate partner violence committed against either gender. Because domestic violence often coexists with sexual violence, as the slide shows in green, relatively few sex crimes are reported each year that occur outside of the home. It is difficult to parse out whether individual domestic violence cases are sexual or not, but our understanding from the comments of experts suggests that many or most are, even if they are not explicitly reported as such—especially the 50 percent or more that are perpetrated by intimate partners.

If there was just one observation about domestic violence that we'd like you to leave with today; it would be that these crimes impact an unbelievably large number of women each year (almost 60,000 reported), in every walk of life across this state. No matter what county they live in, the color of their skin, or the money they make, women and girls in Tennessee are at risk and one in three will be the victims of domestic or sexual violence in their lifetime.

Case information shows that domestic violence was an element in more than half of all crimes reported against persons in 2012, and accounted for a full ten percent of all crimes reported in Tennessee. (Remember, this includes commonplace crimes like vandalism, drunk driving, shoplifting, drug charges, etc. Domestic violence is responsible for one in ten of all of these reported crimes.)

Victims were female in 72 percent of related crimes reported against persons in 2012 and in more than 79 percent of related crimes against property. When they have a sexual component, reported crimes are even more likely to target women. (90% and higher)

What's more, these crimes are thought to be among the least likely to be reported, so when we talk about approximately 60,000 cases, researchers believe that we might be missing half or more. And while some of these instances will involve the same victim and perpetrator, most represent a unique victim in Tennessee who is likely experiencing a pattern of violence that extends beyond the reported incident.

This is enormously significant from an economic perspective because the victims of violence are dramatically impaired by these experiences, and the public response to violence is very expensive. As you'll hear in a moment, the methods of verbal and emotional abuse, violence, and degradation that abusers use to control their victims (yes, domestic violence is an act of control, not of anger) significantly undercuts, on a grand scale, the ability of women to achieve economic stability and independence.

### **Human Sex Trafficking**

Human trafficking is a relatively new term in our language. We are used to the words prostitute and pimp, and most of us probably have a pretty idea of what we think they imply. Unfortunately, our understanding of this crime is growing and the reality is nothing like "pretty woman." The Hollywood portrayal may exist somewhere, but an estimated 1,000 Tennessee runaways and throwaways, ages 12-16 on average, are brought into this industry that traffics many more thousands each year, and few of them will survive it.

Perhaps the most shocking realization about trafficking in Tennessee came with a 2011 Tennessee Bureau of Investigation (TBI) study, which showed that thousands of instances occur across the state, and that they happen to adults and minors alike. This slide shows the prevalence of reported cases of adult trafficking above and minor trafficking below. As you can see, they

are very similar and very widespread, and these are only the 2,500 to 5,000 cases that could be identified during the TBI study.

We know that those numbers will increase as the TBI continues its fantastic work to train authorities to identify these crimes, and as a system to track them is implemented this year.

Typical victims in Tennessee aren't what we might expect: They are girls (and sometimes boys) from here or nearby states and they are young. They are often recruited by charismatic strangers who find them in need of something: shelter, food, affection, or an escape from violence. Some are recruited by someone in their community. Others are first forced to have sex for money or drugs by their own parents. For that matter, many may have left home to escape sexual violence, only to become a trafficking victim.

Unlike domestic violence victims, trafficking victims are much more likely to come from poverty. If they didn't have a drug addiction before, their trafficker will foster one and use it, along with any other method necessary, to control them. That control means that they will sell their body to strangers several times every day.

Another distinction from what we traditionally think of as prostitution; trafficking victims are most commonly sold online. While the craigslist adult section was taken down in 2010, others exist all over the world. Go to the Nashville to the adult services section of Nashville's backpage.com and you'll see hundreds of women and girls who are passing through town and looking to share their company with site visitors. It's happening right under our noses.

These girls won't live a life of luxury, because most or all of their money will be taken by their trafficker. They won't be able to keep enough to leave, or to pay back a fictional debt to their trafficker. They will be moved from city to city, so they cannot develop a support network or get to familiar with their surroundings. They won't develop the skills needed to exist in a normal job market, and they will often return to their trafficker after being arrested or rescued, because this is the life that they know.

Beyond the horror that these crimes represent from a moral and emotional perspective, it's easy to understand how these women will struggle to become an independent part of the economy if they manage to escape. Without better awareness and intervention, thousands of women and children will continue to be victimized in this state every year, and very few will get their GED or work a normal full-time job, let alone consider starting a business.

### **The Cost**

There is no value that can be placed on human life, but there is a cost to the services to sustain & protect life.

### **Social Service**

Social service organizations provide a tremendous volume and variety of services to victims of VAW crimes. The Tennessee Economic Council on Women collected \$24,509,569 in reported expenses through its VAW survey and hearing services. This amount was spent to serve approximately 33,000 clients. And a majority of providers were found to operate with a range of \$453 to \$646 dollars per case.

The total costs...more than \$205,569,289

### **Law Enforcement**

Law enforcement agencies across Tennessee reported more than 64,697 VAW-related offenses in 2012, more than 59,000 of which were specifically domestic violence-related. Based on the information reported during the hearings and survey information, a per-case estimate of \$240 was established.

Total VAW costs...more than \$36,363,721

### **Judicial System**

District Attorneys General and other legal service providers, such as Legal Aid for Tennessee, report that more than 161,263 hours of pro bono legal representation was provided to victims of VAW crimes during 2012. At a conservative valuation of \$200 per hour, Attorney General's provided more than \$32,252,600 in services at no cost, in addition to \$4,101,121.

Total costs.....\$36,363,721

### **Healthcare**

Because of the variety in service delivery and payment, healthcare costs were deemed to be most effectively measured by the increase in insurance premiums that VAW crimes are estimated to cause. Research indicating increased use of services was analyzed and determined to be responsible for approximately \$7 per member, per month in commercial health plan premiums and \$10 per member per month in TennCare, the state's Medicaid provided.

Total costs...more than \$438,000,000

### **Workplace & Lost Productivity**

Testimony offered during the Tennessee Economic Council on Women's hearing series indicates that women are targeted by VAW crimes tend to exhibit high levels of absentism and presentism in the workplace as a direct result of their victimization.

Total cost.....\$203,000,000

### **Children's Services**

Approximately 40 percent of the children in the Tennessee Department of Children's Services (DCS) system have experienced or witnessed VAW crimes committed against a female. Reports from DCS agents indicate that these children require a disproportionately high level of daily care, and it is anticipated that VAW exposure exacerbates agency spending significantly. Children with exposure are estimated to cost more than \$161 million in residential placement alone, and were likely targeted by a majority of the agency's \$527,600,000 in operational spending in 2012.

No measurable estimate can be calculated.

## **Victims Loss**

Total cost...immeasurable

**The subtotal from our findings on reported crimes is....**

**\$886,171,950**

The grand total is immeasurable, incalculable and unquantifiable...

### Recommendations

1. Education & prevention
2. Community awareness
3. Trafficking rehabilitation
4. Collaboration & best practices
5. Faith-based outreach
6. Individual Advocacy

## Summary of National and Local Perspectives on Other Human and Civil Rights

These testimonies cover topics that could not be grouped under other sections of the report yet are important issues to highlight. Brack Henderson with the Memphis Urban League discussed the State of Black America Report; Valerie Radu with Grove Street Settlement House reported on Civil Rights Violations & Access to Healthcare; Perrin Lance with Chattanooga Organized for Action Poverty & Health Concern in Chattanooga; Remziya Suleyman with American Center for Outreach spoke about Discrimination facing Muslim Tennesseans; and Tom Negri with the Metro Human Relations Commission discussed Issues facing Nashvillians.

**Barack Henderson** of the **Memphis Urban League** brought testimony regarding the National Urban League State of Black America. The 2013 State of Black American report synthesizes the disparity between black American and white American regarding jobs, income, health care, and wealth using the Equality Index. The 2013 Equality Index documents progress and summarize how well African Americans and Hispanics are doing, compared to whites, in the area of economics, health, education, social justice and civic engagement, and represent that by a pie. The study concluded that for every black that made it to college in 1963 there are now five, and the number of blacks living in poverty has decreased by 23 percent. Bu when contrasted to whites the income gap has only closed by 7 percent. In the opinion of the League, the disparities indicated in the report underscore the need to redouble its efforts to fight for full, meaningful and lasting economic empowerment, and for policies that drive development in those communities that have been passed over for far too long. The National Urban League is launching a ground-breaking endeavor called

***Jobs Rebuild America***. The of public/private \$70 million over the next back to work. This tens of thousands of job network, including youth, entrepreneurs, to help create employment and upward desperately needed. The investment in educational college, guidance and programs aimed at those and mature workers who economic downturn. The



project is a comprehensive series investments totaling more than five years to put urban America nationwide effort is targeting seekers through our affiliate mature workers, and real and meaningful pathways to mobility where it is so campaign includes significant programs to prepare youth for support for entrepreneurs, jobs who are new to the workforce have been displaced by the National Urban League believes

our experiences as a people since the Great March tells us that we must be vigilant in protecting our hard-won rights. We must become the “masters of our own fate” to fully realize the economic prosperity we demanded in August 1963. The 2013 State of Black America Report, a 50 year retrospective, can be found through your local library at

<http://connection.ebscohost.com/c/articles/87300339/state-black-america-redeem-dream-jobs-rebuild-america> and recently, the 2014 State of Black America Report was released. To read the report, visit <http://iamempowered.com/soba/2014/read/sobaonlinereader>.



**Valerie Radu** with **Grove Street Settlement House** presented testimony regarding Access to Healthcare in which she shared two testimonies from the 2012 Chattanooga Truth Commission on Human Rights. Both testimonies were given from white females detailing their personal struggle with receiving healthcare. The issues presented include having to choose between buying food, buying medicine, or being denied healthcare in prison which caused serious medical problems later. The testimonies were given prior to the Affordable Care Act. Ms. Radu mentioned the work of Project Action in Chattanooga, which includes providing \$37.5 million worth of healthcare to uninsured residents of Hamilton County. No

recommendation were offered but she provided statistics on healthcare services provided by Project Access and Project Homeless Connect.

**Perrin Lance** with **Chattanooga Organized for Action**

presented testimony regarding Poverty and Health Concerns.

Chattanooga has become two different cities; a city of opportunity for some, and a city where the gravity of poverty gains a stronger grip. Out of the top 100 markets for the ratio of lower-income households to high-income households, Chattanooga holds the rank of 12th in the nation for economic inequality. For every one household earning \$200,000 or more, there are 20 earning less than \$50,000. Chattanooga's economic disparities are felt disproportionately by its marginalized populations. Black households make an average of \$26,787 per year, while for whites its \$51,548. Sixty-percent of Black children live in poverty, compared to 16.5% of white children. Chattanooga ranks as the eighth unhealthiest city in the country. Chattanooga Organized for Action is renewing their commitment in the fight against poverty and social injustice. In the coming weeks and months Chattanooga for Action will announce partnerships, new initiatives, and policy proposals to make Chattanooga a progressive city possible.



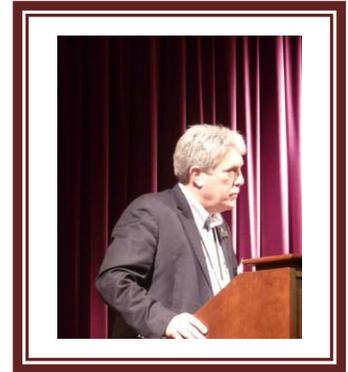
**Remziya Suleyman** with **American Center for Outreach**

presented testimony regarding Discrimination faced by Muslim Tennesseans. The discrimination that Muslims now face is nothing new and is a part of a sad history of marginalizing minority groups in our country—those who are deemed to be different or foreign. By classifying them as “other” then for some it is a signal that it is all right to discriminate and alienate. The American Center for Outreach have successfully pushed back and challenged divisive efforts targeting the Muslim community. A collective response to hate is greater than what one of us can achieve on our own. Due to their organizing efforts and working with broad coalitions, they have

demonstrated that it is no longer acceptable or politically convenient to bash Muslims. The Anti-Muslim movement has cost our state and has tarnished Tennessee's image. We must call hate for

what it is but at the same time create opportunities for dialogue to address our own biases and fear of one another.

**Tom Negri with Metro Human Relations Commission** brought testimony regarding Diversity in Nashville. The issues he addressed were Nashville workforce, violence against women, and the average jail rates among Latinos. Nashville's workforce does not represent the population, it is sixth in the nation in men killing women, and Latinos have an average jail rate of 13% beginning in the third generation. The recommendation is to be cognizant of hiring practices in which the diversity is evident in both public and private sectors. The YWCA has created Engaging Men in order to address the issue of men killing women. For the Latino community, children should be educated when leaving public and private school and be given opportunities to be productive citizens.



## **J. Human Rights Issue: National & Local Perspectives on Other Human and Civil Rights Issues**

### **The State of Black America**

#### ***Brack Henderson, Memphis Urban League***

*Brack Henderson from the Memphis Urban League, provided testimony at the Memphis Hearing on the Status of Human Rights on January 28, 2014. Mr. Henderson brought testimony regarding the state of Black America, as identified by the National Urban League.*

Inasmuch as “Human rights are moral principles that set out certain standards of human behavior”, and with the understanding that at its basis is a “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family”, our testimony will demonstrate -the Memphis Urban League through its established mission seeks to ensure impartiality in the support services provided to the displaced, unemployed and under skilled.

The focus of today’s statement centers on one of the seminal annual events of the National Urban League (The League or Urban League). Each year the National Urban League releases a report on the “State of Black America”. This report has been an annual event for decades. In 2013 the Urban League commissioned a 50 year study to commemorate the 1963 March on Washington. The 37th edition of the report entitled ***State of Black America, Redeem the Dream: Jobs Rebuild America*** commemorates the multiple milestones that have occurred in black history in the 50 years since the height of the civil rights movement. This year’s publication features essays by an esteemed group of thought-leaders from leading corporations, not-for-profit organizations, academia and news media, as well as members of the President’s cabinet and federal lawmakers. ***The State of Black America, Redeem the Dream: Jobs Rebuild America*** also includes a commemorative Special Collection of essays that pay homage to the early freedom fighters in the civil rights movement. This Special Collection includes reflections from those who were in the vanguard of the civil rights struggle, such as Rep. John Lewis (D-GA), and those who have joined in the struggle, such as Congressional Black Caucus Chair Marcia Fudge (D-OH).

The research determines while African Americans have experienced tremendous gains in educational attainment since the March on Washington for Jobs & Freedom and these gains have increased their capacity to ascend the economic ladder, the distance between blacks and whites on this ladder hasn’t changed much over the last 50 years. The study concluded that for every black that made it to college in 1963 there are now five, and the number of blacks living in poverty has decreased by 23 percent. But when contrasted to whites the income gap has only closed by 7 percent. “There has been important progress in the last 50 years: decreases in poverty, increases in high school graduation rates and enrollment rates,” said Urban League President Marc Morial. “But the disparity between black America and white Americans when it comes to jobs, income, health care and wealth remain too large.” Even though the study further concluded African Americans have made significant economic gains since the 1960’s, the

definition of wealth and success remains a tale of the haves and the have nots when black achievement is compared to the success of whites.

In the analysis, using the *2013 Equality Index*, a comprehensive quantitative model that accounts for education, health, civic engagement, social justice, and economics across race, taking into account age, region, and other factors; the National Urban League takes a closer look at current racial gaps in unemployment and income. Also in light of the 50th anniversary of the historic March on Washington, this special edition of the Equality Index features essay perspectives from noted champions of social and economic equality such as: John Hope Bryant, Jonathan Caphart, Marian Wright Edelman, Freeman A. Hrabowski, III, The Honorable Eric H. Holder, Jr., Frederick S. Humphries Jr., Ambassador Ron Kirk, League President Marc H. Morial and Reverend Al Sharpton.

In the opinion of the League, the disparities indicated in the report underscore the need to redouble its efforts to fight for full, meaningful and lasting economic empowerment, and for policies that drive development in those communities that have been passed over for far too long. The National Urban League is launching a ground-breaking endeavor called *Jobs Rebuild America*. The project is a comprehensive series of public/private investments totaling more than \$70 million over the next five years to put urban America back to work. This nationwide effort is targeting tens of thousands of job seekers through our affiliate network, including youth, mature workers, and entrepreneurs, to help create real and meaningful pathways to employment and upward mobility where it is so desperately needed. The campaign includes significant investment in educational programs to prepare youth for college, guidance and support for entrepreneurs, jobs programs aimed at those who are new to the workforce and mature workers who have been displaced by the economic downturn.

The National Urban League believes our experiences as a people since the Great March tells us that we must be vigilant in protecting our hard-won rights. We must become the “masters of our own fate” to fully realize the economic prosperity we demanded in August 1963. Thank you.

## **Civil Rights Violations & Access to Healthcare**

### ***Valerie Radu, Grove Street Settlement House***

I am here today to give a brief testimony on behalf of a lot of folks who live in Chattanooga. In 2012 Grove Street Settlement House of Chattanooga organized fraction undertook a Chattanooga Truth Commission on Human Rights which happened on December 10th at the public library. We had testimonies from a lot of people representing a lot of backgrounds at that event. I am actually going to be sharing some of those testimonies here today. But some statistics I think that are important when it comes to healthcare and our community and in our state.

- 850,000 people ages 19-64, did not receive needed medical care in Tennessee because of the cost. This is certainly changing with the Affordable Care Act, but in 2012 that was the number. Our local numbers since 2004, Project Access has provided \$37.5 million worth of free healthcare to uninsured residents of Hamilton County.
- Over 3,400 people received care since Project Access' inception and almost 3,000 more people who did not qualify for Project Access were referred to other community resources.
- In 2009, over 3,881 homeless residents received healthcare services through the Homeless Healthcare Project of Hamilton County.
- Between 500 to 600 individuals received basic healthcare, dental care and social services at the 8th annual Project Homeless Connect in January 2012.

I'm going to read now read two testimonies related to healthcare.

#### Testimony 1:

I am a 61 year old white female who has not been to the doctor in two years because I have unpaid medical bills. When my husband died two years ago, things went downhill for me. I receive a small SSI check every month but it does not cover daily basic needs and I end up living from check to check. I feel like I will never catch up. I am diabetic and take medication, but I have not been able to buy my prescribed medication for the past three months. TennCare does not cover this medicine and I can't afford it. I would have to choose between buying food and buying medicine. I feel so much shame about my life. I wake up every day knowing it will be a struggle. I wonder if I did something wrong to end up here. There are so many days when I just sit and cry and don't leave my apartment. I have a car but no car insurance because I can't afford it. I try not to drive much because if I got stopped or got into an accident with no insurance I would have to pay fines which I would not be able to do at this time.

#### Testimony 2:

I am a 40-year-old white female who served five years in prison for a felony charge. I was released in February 2012 and after several low wage jobs was able to find a better paying job in a factory. But, the working conditions are unsafe and difficult. I am the only one who works in the family. I support my husband and a disabled teenage son. While I was in prison, I was denied yearly medical visits and as a result I now have serious medical problems. I have been able to obtain insurance through my new job but the monthly cost is \$532, which is a huge portion of my take home pay. My basic right to human healthcare was denied by the prison and now I need over \$100,000.00 of medical care procedures. Insurance will only pay a small portion of that.

## **Housing & Economic Disparities in Chattanooga**

### ***Perrin Lance, Chattanooga Organized for Action***

*Perrin Lance, Executive Director of Chattanooga Organized for Action brought testimony at the Chattanooga Hearing on the Status of Human Rights on February 24, 2014. Mr. Lance brought testimony regarding human rights abuses and disparities facing the Chattanooga community. Chattanooga Organized for Action was created in 2010 by a group of like-minded progressive activists and friends.*

It's been over four years since a group of like-minded progressive activists and friends started an organization called Chattanooga Organized for Action.

The year was 2010, and the country was just coming out of a Great Recession caused by the greed of Wall Street banksters. Across the country, working families lost their homes, their jobs, and the lives they knew and loved. Communities of color were disproportionately affected<sup>130</sup>, and many people's dreams of a better life for their children became reduced to a desperate life lived between dwindling paychecks.

Despite a significant, eight-point increase in poverty<sup>131</sup>, some of us thought that Chattanooga's story would be a little different. After all, Volkswagen had just settled into town. Chattanooga's Gigabit Internet, the world's fastest<sup>132</sup>, had just been announced. A whole host of new entrepreneurs and creatives would set the stage for the next chapter in Chattanooga's Renaissance.

Over the course of four years, one thing has become clear. Chattanooga has become two different cities. A city of opportunity for some, and a city where the gravity of poverty gains a stronger grip. As one opinion columnist described it<sup>133</sup>, "We are a city of the New Gilded Age."

Four years later, Chattanooga is making national headlines, but they're not the kind we want to make.

### **Poverty & Economic Inequity**

- A New York Times article<sup>134</sup> on American's growing poor and low-income populations featured Chattanooga as a highlight of disturbing new trends. The article found that 27 percent of the city's residents live below the poverty line, nearly double the national average. Out of that number, "women head two-thirds of the city's poor households and 42 percent of its children are poor, nearly double the rate statewide"

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<sup>130</sup> <http://www.peri.umass.edu/681/>  
<sup>131</sup>

[http://www.brookings.edu/~media/research/files/papers/2010/10/07%20suburban%20poverty%20acs%20kneebone/1007\\_suburban\\_poverty\\_acs\\_kneebone.pdf](http://www.brookings.edu/~media/research/files/papers/2010/10/07%20suburban%20poverty%20acs%20kneebone/1007_suburban_poverty_acs_kneebone.pdf)

<sup>132</sup> <http://www.nytimes.com/2010/09/13/technology/13broadband.html>

<sup>133</sup> <http://timesfreepress.com/news/2014/apr/18/mirror-mirror-on-the-wall/>

<sup>134</sup> <http://www.nytimes.com/2014/03/17/business/economy/low-wage-workers-finding-its-easier-to-fall-into-poverty-and-harder-to-get-out.html>

- **Chattanooga ranks 12th in the nation for economic inequality**<sup>135</sup> out of the top 100 markets for the ratio of lower-income households to high-income households. For every one household earning \$200,000 or more, there are 20 earning less than \$50,000.
- Over half of all income earned in the Chattanooga area was earned **by the top 20% of all household earners**.<sup>136</sup>

## Health & Education

- Chattanooga's ranks as **the eighth most unhealthy city in the country**.<sup>137</sup>
- Adults of workforce age are falling behind in education, as 17% of adults do not have a high school diploma. In our poorest neighborhoods, **over 40% of adults do not have a high school diploma**.<sup>138</sup>

## Housing

- **Chattanooga is in the midst of an affordable housing crisis**<sup>139</sup>. 1 in 2 households in Chattanooga's urban core live in unaffordable housing and are burdened by housing costs. More than a quarter of all renters are severely burdened, paying more than 50% of their total income on housing costs.
- Working families looking for an affordable home are running out of options. Chattanooga now has **the seventh highest rising rent in the nation**<sup>140</sup>. To make matters worse, while thousands of people sit on waiting lists for public housing, the local Housing Authority is moving to **demolish most of the remaining public housing units**.<sup>141</sup>

## Disparities

- **Chattanooga's economic disparities are felt disproportionately by its marginalized populations**<sup>142</sup>. Black households make an average of \$26,787 per year, while for whites it's \$51,548. Sixty-percent of Black children live in poverty, compared to 16.5% of white children.

All of these facts leave us with one fateful question - Is this it?

<sup>135</sup> <http://www.bizjournals.com/bizjournals/news/2014/01/31/ratios-of-low-income-households-to.html>

<sup>136</sup> <http://www.bizjournals.com/bizjournals/news/2014/01/31/income-earned-by-the-top-20-of-all.html>

<sup>137</sup> <http://timesfreepress.com/news/2014/apr/18/despise-its-outdoor-mecca-status-chattanooga-ranke/?print>

<sup>138</sup> <http://www.cim->

[network.org/CIM/PubIssue.aspx?id=60A0A13E998B44EDA11C33FCEB16191C&issueid=%7B57A381EF-671E-43D2-8BBD-44F6A04BA960%7D#.U1Vs8HVdWBs](http://www.cim-network.org/CIM/PubIssue.aspx?id=60A0A13E998B44EDA11C33FCEB16191C&issueid=%7B57A381EF-671E-43D2-8BBD-44F6A04BA960%7D#.U1Vs8HVdWBs)

<sup>139</sup> <http://chatthousing.com/>

<sup>140</sup> <http://www.nooga.com/166266/chattanooga-makes-list-of-cities-with-fastest-growing-rent/>

<sup>141</sup> <http://timesfreepress.com/news/2014/apr/23/sobering-look-public-housing-chattanooga-cha-offer/?local>

<sup>142</sup> <http://www.tfponline.com/news/2013/may/17/leaders-in-city-districts-7-9-meet-see/>

Will the “Two Chattanooga’s” be our legacy? Is this the city we will leave behind for our children? Must we accept conditions of poverty and unemployment, and the suffering of our fellow citizens - or is there more we can do?

### **The Progressive City of the South**

The growing gap between the rich and the poor have marred this era of history, but there was another time a lot like ours. It was called the Gilded Age. This era of history saw a dangerous and growing gap between the rich and the poor and the loss of opportunity for many. Much like our time, the Gilded Age was the result of runaway greed.

But the story doesn’t end there. Through the work of determined activists and organizers, the Progressive Era came as an answer and brought forth many new solutions and innovations to the social ills of the time such as labor unions, the 8-hour work day, and the end of child labor.

Over 100 years later, we here in Chattanooga find ourselves with a choice: we can continue on our road towards wider and deep disparities, or we can become something new - the Progressive City of the South - a city where citizens combine their efforts to make sure no community falls behind.

To that end, Chattanooga Organized for Action is renewing our commitment in the fight against poverty and social injustice. In the coming weeks and months we’ll be announcing new initiatives, partnerships, and policy proposals to make our vision for a progressive city possible.

## **Discrimination faced Muslim Tennesseans**

### ***Remziya Suleyman, American Center for Outreach***

*Remziya Suleyman, Director of Policy and Outreach for the American Center for Outreach (ACO), provided testimony at the Nashville Hearing on the Status of Human Rights on May 12, 2014. Ms. Suleyman brought testimony regarding islamaphobia and discrimination against Muslims present in Tennessee. The ACO's mission is to inform, educate and empower Tennessee Muslims to become engaged in the civil and political process.*

The scene of shattered glass, broken windows, destroyed holy text, and destruction of a sacred place is painfully etched in my mind. As I walked into my place of worship I could not believe that for the second time, in 3 years, our small mosque in south Nashville would be the victim of vandalism. As a community activist I have grown accustomed to dealing with the worst of the worst and responding to crisis situations. However, I continue to be haunted by the heart-wrenching question asked of me from the young children there that day, "Why do they hate us?"

Good afternoon. My name is Remziya Suleyman and I am the Director of Policy and Administration for the American Center for Outreach and this is the reality of what my community continues to endure. At ACO it is our mission to inform, educate, and empower Tennessee Muslims to become engaged in the civic and political process. More broadly we seek to challenge misconceptions about the Muslim community in Tennessee. Muslims make up less than two percent of the population in Tennessee. It is estimated that roughly 65,000 Muslims call Tennessee home. Many who are new refugees and immigrants, seeking a new life and a chance at the American Dream.

Being on the frontlines of combating Islamophobia in Tennessee we have witnessed protests, lawsuits, and ongoing attacks on our community. We have responded to cases of mosques being vandalized, our children being bullied in schools, women with head coverings harassed in public, leaders fired for praying during their breaks at work, other employment discrimination cases and numerous cases of law enforcement intimidation. Every day in the media my community continues to be vilified and our "Americaness" is constantly questioned.

Since 9/11 we have seen an increase in cases all across the United States where individuals were targeted simply for being Muslim or perceived to be of Middle Eastern/Asian descent. Such was the case in Wisconsin when a man gun down members of a Sikh temple, as he believed they were Muslim. In another incident, just a few months ago, a man was killed in Sacramento because he was accompanying his sister who was wearing a hijab (Muslim head covering for women). In various states Muslim communities continue to face legislation that would make it harder for them to freely practice their faith.

According to Southern Poverty Law Center anti-Muslim hate crimes soared by 50% in 2010. Statistics from 2012 showed a jump from 107 anti-Muslim hate crimes in 2009 to 160 in 2010. This was the highest level of anti-Muslim hate crimes since 2001. The Tennessee Bureau of Investigation reported that in 2013 over 290 hate crimes occurred in our state. The most alarming increase occurred in the category of ethnically motivated hate crimes, which tripled since 2012.

In 2008, we watched with horror as a mosque in Columbia, TN, was firebombed to the ground by neo-Nazis. Since 2010, the expansion of the Islamic Center of Murfreesboro has been met with protests, vandalisms, a bomb threats and an ongoing lawsuit costing taxpayers over \$343,000. In 2011, a bill introduced in the Tennessee General Assembly would have outlawed practicing Islam, becoming one of the nation's most dangerous anti-sharia legislation. Since then, Tennessee has become a testing ground for anti-Muslim groups to push their hate-filled agendas. This legislative session and as a part of a national effort led by anti-Muslim groups we saw legislative battles aimed at textbooks because of content that these groups deemed too Muslim friendly.

The reality for the past few years has been that the political environment allowed for Islamophobia to flourish in our state. However, in response to these tragic events and a desire to maintain Tennessee's welcoming reputation we have had many successes. Since the establishment of organizations like ours, we have been able to successfully push back and challenge divisive efforts targeting our community. Due to our organizing efforts and working with broad coalitions we have demonstrated that it is no longer acceptable or politically convenient to bash Muslims. Thus, forcing anti-Muslim groups to transition their strategy from very overt attacks against Muslims to more nuanced strategies that focus on local issues such as textbook and school curriculum approval and zoning issues (i.e. Murfreesboro mosque cemetery).

With this said, we have to realize that the current Muslim experience falls into the American experience of "othering." The discrimination that Muslims now face is nothing new and is a part of a sad history of marginalizing minority groups in our country—those who are deemed to be different or foreign. By classifying them as "other" then for some it is a signal that it is all right to discriminate and alienate. We have seen this happen throughout our history with Japanese-Americans, Chinese-Americans, African Americans Latino-Americans and others. This time, the targeted group is American Muslims.

In conclusion, the anti-Muslim movement has cost our state and has tarnished Tennessee's image. By allowing misinformation and fear to dictate how we treat one another, our communities will continue to be setback and divided. We must call hate for what is but at the same time create opportunities for dialogue to address our own biases and fears of one another. A collective response to hate is greater than what one of us can achieve on our own. I fight for

my community each day because I understand the importance of challenging xenophobia in all its forms so the next generation will not endure what we have, nor should the vicious cycle of “othering” continue go unchallenged. I seek to create a better Tennessee that is truly for ALL.

## **Issues facing Nashvillians**

***Tom Negri, Metro Human Relations Commission***

Happy day!

I'm gonna be brief, because wow, you have been here a long time.

I got to follow an incredible group of speakers with such challenges that I know we all deal with on a daily basis. And challenges that need to be handled in some shape, manner, or form. I'm very, very pleased, however, to be here with our chairperson, Deb Palmer George, some of our commissioners that are here today, the mayor's office, thank you.

It was wonderful to follow the mayor today and hear what he had to say in that regard. I hope today what I'll do is leave you with three thoughts, because there were so many wonderful thoughts brought to the table today. But hopefully many, perhaps next year at this time we're gonna be able to look at these three thoughts and say, "Wow! We've accomplished that. We've moved on from that."

But before I do that, I would like to first -- Veronica was asked a question as to whether or not new arrivals, the undocumented, pay taxes.

And I am here to say that they do pay taxes. As a matter of fact, the statistic is that the average undocumented worker in the United States today pays more taxes than any American worker paying the same -- being paid the same hourly wage. And it's pretty simple math, and there's a couple studies out there. The state of Tennessee -- rather this town -- the state of Tennessee did do a study on that matter. But, the state of Texas did a great study on that. And the University of North Carolina also did a study on that. And simply put, about 70% of the undocumented folks in the United States today are paid by check. So taxes, most cases, are automatically taken out. Most undocumented folks, only about 40% of the undocumented folks actually file for a tax return and are actually due taxes, unlike the young lady that was up here today. So look at that. The average is certainly far and above. They are paying more than their appropriate share, not to mention sales taxes and apartment taxes, and things- so... But that's not why I'm here. That's one of the reasons I am here. Hiring for Tomorrow is one of the things that has intrigued me, especially over the last year. As our -- as the demographics change in any community, especially here in the state of Tennessee -- I had the opportunity to go up to New York for Mayor Bloomberg, and discuss what they're doing correct with immigration and things similar. And what I found, I was sort of disappointed, in that when you think of New York, you think of how positive that is, and how they've been able to deal with immigration in such great ways, and they have. But one of the ways they haven't been able to deal with it is institutionally. Whether it is in certain departments within the city or the state, if you look at certain departments, they're not hiring and I think we have the perfect example here in Nashville, which I'll get to in a moment -- where they're not hiring to what the community is.

So, if there are new arrivals and the example in New York was: it was in Queens, and this particular -- it was a story of Queens, to be exact, because my grandmother used to live there -- and the story of Queens now has the largest Chinese population outside of mainland China, which I didn't know. And that was pretty interesting as we were going on the tour. And they had

fire there a few weeks earlier, and a few people passed away in an apartment building. And they passed away because none of them were firemen. And they couldn't use the evacuation. And it ended up there were only two people of Chinese decent that work for the fire department in that particular area. But we just had the DA's election here in Nashville. And the new DA, Glenn Funk, made it part of wanting to see a more diverse outlook on who are the assistant DA's. And here in Nashville, currently, and it's been better, it just happens we're in a bad place at the moment. But 58 of the 60 assistant DA's are white, and two are black. And I forget how many women. But neither here nor there, it's certainly not representative of the people they're prosecuting.

And I think you have to be very, very careful that as our population changes that we all keep up with it, both in the public sector and in the private sector. And in the public sector we use things like, "Well I just can't find them." And that's disturbing to me, because I've been in the private sector. If you can't find them, you better figure out a way to find someone. Alright? And you can.

There are a lot of different ways we can achieve this. And I could spend about nine and a half hours on that. But I do think if we leave here with that talking point of "we have to hire for what our community is going to be tomorrow." If we start today, it's too late. I can tell you, it's too late. Because when you look at, nationally, you've heard some of those, 25% of children that enter national public schools today are Latinos. How many Latino teachers do we have? I don't know the figure, but we better start looking at it. We should look at it statewide. OK. I wasn't going to talk about that, and here I am.

The second is, you heard this morning from Pat Shea who's the director -- the executive director of the YWCA. And I happen to be a proud male board member. And as a proud board member, Judge -- former Judge Peter MacDonald and I are heading up a program, co-chairing, Engaging Men. I know you've heard about that today. For a guy who thought he knew a lot about this community -- wow! I didn't know a lot about this community. When we're sixth in the nation in men killing women, if that doesn't bring tears to your eyes, what does? When we have more churches and religious institutions per capita than almost any other city in the country, or state, and you think about that happening, we need to gather together to figure this out. And we're going to do that through Engaging Men. And we hope we'll be able to scrape that out throughout the state, and beyond, because we're going to involve business, and the clergy, and coaches. And we need to make this happen. And we would certainly appreciate your help, helping us make that happen. I could talk about that, again, for a year and a day.

But that's another thought that we need to think about as we move on here and talk about "What is human rights and human relations?" Dreamers... In-state tuition... Doctor students...

We heard, from Veronica earlier today. And I've gotta tell you, for an undocumented person to get up here and testify today was pretty impressive. And being in this country for ten-eleven years, and speaking the way she did, is something else. And I'm an older white guy, you know what I mean? But for me to see that is pretty impressive, alright? It would be scary, if I were to be in her shoes. But the state did a good thing this year, the state legislature did. And I know that's hard to say sometimes.

But they did a really great thing this year, in allowing the children, the U.S. citizen children of the undocumented in-state tuition. Alright? And I know that's hard to believe, that we didn't allow the U.S. citizen children of undocumented folk's in-state tuition. Because I guess we were punishing them for the sins of their parents. But now, if you look at doctor students, or "dreamers," or "semi-dreamers," or children -- and we had this one thing, this one most wonderful young lady who just, ya know, from the cradle to jail, and you look at that, and you look at the statistics of what happens with the Latino population in the United States today. And you look at opportunity and you look at half-errors, because God only knows we've had them. The average jail rate male is between 17 and 47. White, he's about 6.2% depending on where you are. Black is about 12.3%. 2% same age range. Latinos, first generation documented or undocumented first generation, it's about 5%. So despite people saying "They're filling our jails. They're doing this; they're doing that." It's only about 5%. The problem comes in the second generation. It jumps to about 8.4%. And by the third generation, shame on us, it's over 13%. We need to educate children as they're coming out of our public schools and private schools and give them an opportunity to do the right thing. They want to. It's the right thing to do, and that's what we should be doing. And that's about it. How's those three thoughts? I'm open for questions, if you have any.

## **Summary & Recommendations**

Following are the issues recommendations and in some instances Best Practices that were identified during The Status of Human Rights Hearings. We will continue periodically to interact with those whom testified. We will follow-up in the communities to determine if they have implemented, advocated for, expanded programs/ initiatives and determine the status including results.

### **Enforcement Statistics & Trends**

Following are employment case processing statistic and enforcement trends for Tennessee over the last 3 years. On average THRC is processing more than 672 charges annually and the EEOC in TN is processing more than 5000 charges.

#### ***Top 5 basis:***

<u>THRC</u>	<u>EEOC</u>
-Race	-Race
-Retaliation	-Retaliation*
-Sex	-Sex
-Age	-Disability
-Disability	-Age

\*Latest statistics show that retaliation is highest percentage.

#### ***Top 5 issues:***

<u>THRC</u>	<u>EEOC</u>
-Harassment	-Discharge
-Intimidation	-Harassment
-Discharge	-Terms and Conditions
-Terms and Conditions	-Discipline
-Wages	-Reasonable Accommodation

#### ***Top 5 Industries:***

<u>THRC</u>	<u>EEOC</u>
-Health & Social Assistance	-Manufacturing
-Manufacturing	-Health & Social Assistance
-Retail Trade	-Retail Trade
-Accommodation & Food Service	-Administrative & Support & Waste Management
-Administrative & Support & Waste Management	-Transportation & Warehousing

#### ***Top 5 locations for allegations:***

<u>THRC</u>	<u>EEOC</u>
-Davidson	-Shelby
-Shelby	-Davidson
-Knox	-Williamson
-Hamilton	-Hamilton
-Rutherford	-Knox

Benefits for THRC totaled \$1,1171,856. (EEOC data not available)

Following are housing case processing statistic and enforcement trends for Tennessee over the last 3 years. On average THRC is processing more than charges annually and the HUD in TN is processing more than charges.

***Top 5 basis:***

THRC

- Race
- Disability
- Retaliation
- National Origin
- Sex

HUD

- Race
- Retaliation
- Disability
- Sex
- National Origin

***Top 5 issues:***

THRC

- Terms & Conditions & Privileges
- Terms, Conditions, privileges, services and facilities
- Coercion, Intimidation & Retaliation
- Reasonable accommodation
- Deny or make housing unavailable

HUD

- Terms, Conditions, privileges, services and facilities
- Deny or make housing unavailable
- Terms & Conditions & Privileges
- Reasonable accommodation
- Refusal to negotiate for rental

***Top 5 Locations THRC Allegations\*:***

- Davidson
- Shelby
- Knox
- Rutherford
- Montgomery

\*Information for HUD Unavailable

Benefits for THRC totaled \$472, 279 (HUD data not available). Non-monetary benefits include providing reasonable accommodations and modifications, removing eviction records, attending fair housing training, third party monitoring, making policy revisions and providing housing opportunities.

## **Purpose & Scope**

The Human Rights Institute, Columbia Law School noted “there is national human rights crisis in criminal justice, education and inequality”. They emphasized that looking at human rights issues through a framework based on international standards affirms that the dignity and worth of every person and enables everyone to meet their basic needs. These standards are based on fairness, dignity and equality for all. The Institute encouraged using the human rights framework because:

- Holistic approach that reviews impact of policies on all members of community.
- Identifies and addresses all forms of discrimination- systemic & intentional.
- Urges proactive policies and urges government to take steps to address local issues and problems.
- Emphasizes transparency and accountability and participation of community members.
- Meeting these standards requires strong cooperation between federal state and local officials
- US State and local government leaders are being recognized for there efforts internationally. Examples: MS Attorney General Jim Hood and Salt Lake City Mayor Ralph Becker
- Human rights commissions offer a way to advance policies that foster dignity and opportunity at home. They have become a mechanism to assess local problems and a roadmap for positive change.

The Institute recommended strategies for state & local government to promote & protect human rights which include:

- Monitoring, documenting and reporting human rights compliance.
- Making aspirational commitment to human rights
- Reframing local concerns as human rights issues.
- Conducting human rights based audits and impact assessments.
- Developing more participatory approaches to policy-making.

## **Employment**

### ***Issues:***

- Ban the Box (criminal background)
- Age, race and gender discrimination
- Access to jobs
- Wage discrimination.
- Work & family discrimination
- Pregnancy and care giver discrimination

### ***Recommendations:***

- Utilize EEOC has guidance on criminal background checks and pregnancy discrimination which is available on its web site.
- Make transportations a guideline for new employers to enhance access to jobs by everyone.
- Enhance the EEOC and related state agencies budget and resources so they can address wage discrimination in a more effective manner including increased penalties, and developing strategies to improve work and community conditions, by convening partners.
- Provide training to the public and advocate for changes in laws when necessary.
- Take proactive action in reviewing and revising hiring procedures and hold manager accountable.
- Broaden laws and work with other state agencies and organizations on family medical leave and human rights education for the public.

## **Housing**

### ***Issues:***

- Access to affordable and affordable accessible housing.
- Intimidation and harassment of female low income residents.
- Criminal background checks.
- Housing disparities

### ***Recommendations:***

- Develop initiatives, partnerships and policy proposals to advance equity.
- Propose legislation requiring accessible units in developments for rural and urban areas.
- Develop and have residents attend eviction prevention classes quarterly, issue eviction warnings and have tenants sign the warning based on trends.
- Address health related maintenance issues with 24-48 hours.
- Review and revise criminal background checks.
- Provide fair housing education for city residents.

## **Access to Programs & Services**

### ***Issues:***

- Lack of access to government programs for rural and low income populations.
- Access to the internet for everyone.

### ***Recommendations:***

- Develop an advocacy component for all programs so eligible and entitled persons can obtain information and enroll with or without computers.
- Reduce and eliminate the digital divide by developing/expanding collaborative programs like ConnectTN, corporate initiatives and other programs that reflect the FCC 2009 National Broadband Plan.
- Advocate and educate about the Aspen Institute report on Learning and the Internet. The report urges developing policies and practices that fosters learning networks, equity of access, interoperability, digital literacy, learner safety, privacy & trust.

## **Justice & Law Enforcement**

### ***Issues:***

- Denial of legal assistance in civil matters and access to justice system.
- Disparities in Death Penalty.
- Overcrowding of state correctional facilities.
- Law enforcement issues

### ***Recommendations:***

- Evaluate the question and options-Is denial of a lawyer to all citizen a human right?
- Consider alternatives to the death penalty.
- Review and benchmark Tennessee correctional issues against practices in Texas and Arkansas.
- Design an appropriate response system to law enforcement complaints including 26 week cultural awareness training and community review and input on the issue of violence as it affects African men & boys.

## **New Americans & Immigrants**

### ***Issues:***

- Immigrant barrier & integration methods
- Access to opportunity & equity
- Anti-immigrant rhetoric
- Secure communities/287g programs and deportation issues for immigrants and mixed immigrant status families.

### ***Recommendation:***

- Develop a public private partnership dedicated to equity and inclusion that will develop, execute, and evaluate the Inclusivity Index to ensure that marginalized voices are involved community decision making and encourage socially integrative initiative to manifest those goals.
- Provide in state tuition to all Tennessee graduates
- Educate and raise awareness of the issues and solutions.
- Encourage leaders to recognize and listen to the voices of new Tennesseans.

Following are the actions and activities of Memphis, Knoxville and Nashville on how they provide services to their immigrant citizens.

Memphis- Member Welcoming America Welcoming City collaborative. Utilizes Spanish language monthly radio program to inform Hispanic community about city ordinances, assets and information. Uses Language Line for communication in any language. The Mayor has a 30 member Multicultural Coalition which helps with roundtables and town hall meetings and community input on policy and services for the immigrant community.

Knoxville- Has comprehensive plan for Limited English Proficiency, an education and outreach effort to ensure immigrant community is aware of community resources and legal protections, works with TIRCC and Bridge Refugee Services and provides a City liaison to organizations that serve immigrant populations.

Nashville- Established My City program to help New Americans understand how Metro works which includes meeting with Mayor, department heads, and touring metro facilities. The 7 month program was developed by the New Americans Advisory Council. Casa Azafran community center opened in 2009. It is located in the gateway to the international district and houses TIRRC, Conexion Americas and Justice For Our Neighbors who offer education, healthcare, the arts and legal services to immigrants and refugees. Plans for a pre-kindergarten center nearby. Mayor's Office of New Americans opened in September.

## **LGBT**

### ***Issues:***

- Violence & hate crimes
- Employment discrimination
- Safe Schools & Prejudice
- Birth certification gender changes
- Marriage
- Transgender & gender nonconforming

### ***Recommendations:***

- Have THRC determine Title VII coverage of gender identity cases & refer cases to TN equality Project where appropriate.
- Expand institutions in the community colleges, TN Board of Regents (TBR) and the University of TN systems on LGBT policy, awareness and campus initiative
- Have the State Board of Education explore a similar strategy to TBR and University of TN LGBT policy and initiatives.
- Urged the THRC to utilize its existing authority and power to investigate complaints, hate crime and housing discrimination against transgender and gender non-conforming persons.
- State should change the driver license and the birth certificate laws.
- City of Knoxville is the 2<sup>nd</sup> city to expand its non discrimination ordinance to cover LGBT and the 1<sup>st</sup> to expand employee benefits to cover domestic partners.

## **Voting Rights**

### ***Issues:***

- Voter disenfranchisement of former felons.
- Discriminatory voting rights.

### ***Recommendations:***

- Encouraged the TN General Assembly to pass legislation to ensure access to disenfranchised former felons. This would include developing a Know Your Rights about voting information packet on voter restoration, remove financial obligations that are not required to register to vote, and automatic restoration of voting privileges upon release from prison.
- Encourage the passage of new voting rights legislation which would include reestablishing preclearance process.

## **Homelessness**

### ***Issues:***

- Homeless and near homeless populations.
- Criminalization of indigent and unhoused persons.
- Crimes against the homeless.

### ***Recommendations:***

- Develop a holistic, collaborative plan that focuses on preventing homelessness and then on transitional services and access to permanent housing, employment and healthcare. The length of the plan was recommended for ten years.
- Urged the TN Legislature adopt the Compassionate Assistance and Right to Exist Act which would set clear standards of constitutional treatment for the indigent and unhoused as well as those providers who seek to assist them.
- Testimony commended the actions of Nashville and offered Utah as a example to emulate. Knoxville has a Mayor's Roundtable on Homelessness which has many community partners, homeless service agencies and faith-based organizations.

## **Disability Rights**

### ***Issues:***

- Nondiscrimination, equality and accessibility & respect
- Travel
- Employment
- Housing
- Education
- Barriers to success
- Failure to acknowledge the right to have a Service animal
- Communications
- Public access mobility

### ***Recommendations:***

- Ratify the Convention on the Rights of Persons with Disabilities (CRPD).
- Expand THRC authority to investigate and settle claims involving reasonable accommodations.
- Raise awareness on accessible design considerations, do what we ought to do and provide widespread education and discussions on disability issues and impact.
- Enhance education access for Students with intellectual disabilities and limit segregation from non-disable students consistent with the 2004 Reauthorization of Individuals with Disabilities Education Improvement Act.

## **Education**

### ***Issues:***

- Educational achievement barriers and disparities
- Disparities in school discipline policies and practices.
- Disparities in education funding.

### ***Recommendations:***

- Create positive climates and focus on prevention by engaging all students in the educational process and by implementing interventions to support behavior and emotional needs of students; and develop clear, appropriate, consistent expectations and consequences to address disruptive students.
- Ensure fairness, equity and continuous improvement in discipline and require districts to review practices and address disparities where they exist. Do a periodic external review of the impact disciplinary policies and practices by age, race, ethnicities and with various disabilities.
- Develop mentoring programs, advocate for children, organize forums to get engage the community (teachers, parents and leaders).
- Provide cultural and child development training for all school staff, including school resource officers to ensure reactions to students are appropriate and fair and that exclusionary discipline is used as last resort. Urge the inclusion of robust due process protections.

## **Violence Against Women & Other Crimes**

### ***Issues:***

- Educational achievement barriers and disparities
- Disparities in school discipline policies and practices.
- Disparities in education funding.

### ***Recommendations:***

- Create positive climates and focus on prevention by engaging all students in the educational process and by implementing interventions to support behavior and emotional needs of students; and develop clear, appropriate, consistent expectations and consequences to address disruptive students.
- Ensure fairness, equity and continuous improvement in discipline and require districts to review practices and address disparities where they exist. Do a periodic external review of the impact disciplinary policies and practices by age, race, ethnicities and with various disabilities.
- Develop mentoring programs, advocate for children, and organize forums to get engage the community (teachers, parents and leaders).
- Provide cultural and child development training for all school staff, including school resource officers to ensure reactions to students are appropriate and fair and that exclusionary discipline is used as last resort. Urge the inclusion of robust due process protections.

## **National & Local Perspectives on Human and Civil Rights**

### ***Issues:***

- Disparities between black, Hispanic and white
- Discrimination against Muslims
- Poverty and Access to healthcare
- Creating progressive diverse and inclusive cities

### ***Recommendations:***

- The 2013 and 2014 National Urban League State of Black America Report urges investing in putting America back to work and eliminating the disparities in jobs, economics, healthcare, wealth.
- Develop dialogue and collective response to decrease the hate toward the Muslim community.
- Identify and develop programs in communities to eliminate/diminish poverty and enhance access to health care.
- Identify partnerships, collaborations, policy proposals, and initiatives to address all human rights issues including domestic violence, workforce development, and eliminate violence against women.