

Protect Tennessee's Freedom of Speech Campaign

Repeal the Tennessee Protest Law Policy Brief – Jaclyn Beckler

Introduction

Protesting has been a big part of American history. Many major protest movements have helped educate, bring awareness, and cause positive change in America. Some of these include the Boston Tea Party, Women's Suffrage, the Civil Rights Movement, Selma to Montgomery March, and the Stonewall Rights.ⁱ The United States Constitution ensures freedom of speech to all people under the First Amendment, which states that no law should be created to decrease the freedom of speech or the right to peacefully assemble.ⁱⁱ Freedom of speech is a fundamental right of America's democracy. Protesting is an effective way for people to exercise their freedom of speech to make a positive change for discrimination or oppression in America. A Harvard study found that protests help get citizens politically involved in their country, directly affecting policymaking.ⁱⁱⁱ Protesting is a way for Americans to have their voices heard and actively participate in their democracy.

The Problem

Throughout American history, there have been many attempts to silence freedom of speech and restrict citizen protests. Some cities and states have discriminated against diverse groups of protesters through permit and ordinance laws.^{iv} Tennessee has recently joined those efforts by passing a new law in August 2020 that increases restrictions and criminal penalties for public protesting. The Tennessee Protest Law will help silence Tennessee citizens' human right to freedom of speech. The Tennessee Protest Law creates more obstacles for people to exercise their right to protest to bring attention, awareness, and change to discrimination and social injustice.

Tennessee Protest Law

The current Tennessee Protest Law makes overnight camping on state property a felony, resulting in losing voting rights and up to six years in prison. The law increases legal penalties for vandalism, traffic obstruction, disorderly conduct, and campaigning on state property. It also calls for a default 12-hour hold without bond for any protest-related violations. A Class A felony, \$5,000 fine, and a minimum 30-day jail sentence is charged for any offensive physical contact with a first responder. Disrupting a lawful meeting or gathering has been increased from a Class B to a Class A misdemeanor under the new law. The Tennessee Protest Law will cost state and local government approximately 1.3 million dollars a year.^v This law was approved following the Black Lives Matter protests that occurred day and night at the State Capitol Building. It will have a significant effect on minority populations that are protesting for social justice. It may also strip those protesters' voting rights, restricting even more of their fundamental American rights.



“The only way to see ourselves in a true light is to listen to the voices of so many who are hurting and grieving. Those who set out to silence those voices do not understand the meaning of America — or how it becomes a better place.” - President George W. Bush^{vi}

Policy Change Recommendation

The Tennessee Protest Law should be repealed. The stricter criminalization for protest-related activities is an unconstitutional move that heavily discriminates against minority groups that are already marginalized in society. The law helps silence Tennessee citizens' freedom of speech, which will decrease their political involvement and power within their state. This includes any advocacy for social change, women's issues, racial justice, environmental or economic justice, animal rights, religious freedom, or political opposition. The law contradicts the Tennessee State Constitution that grants citizens a '*right to alter, reform, or abolish government in a manner they think is proper*'.

The felony charges for protest activity are unreasonably harsh consequences for people that just want their voices to be heard and make a positive difference in their communities. Increasing incarceration rates and stripping voting rights, future federal assistance, and public housing from these citizens will negatively impact both the individuals and the state of Tennessee. High incarceration rates predict poor individual health, as well as disproportionately affecting Black and minority communities.^{vii} The Tennessee incarceration rate is already ten percent above the national average.^{viii} Governor Bill Lee started a criminal justice reform task force in efforts to decrease this number.^{ix} The Tennessee Protest Law will only increase these incarceration and felony rehabilitation problems for the state by increasing the number of incarcerated Tennesseans. Since laws and penalties already exist for acts of vandalism, assault, property destruction, and disorderly conduct, there is no need to implement new protest-related laws or penalties for these acts. Therefore, the entire Tennessee Protest Law should be repealed.

Conclusion

The Tennessee Protest Law interferes with the First Amendment right to freedom of speech and limits citizen participation in political power. It helps to silence those wishing to bring awareness and change to social injustice. The law negatively affects minority groups already experiencing oppression and any Tennessee citizens wanting to exercise their rights to advocate for policy change.

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ⁱ Dudenhoefer, N. (2020, July 2). 7 influential protests in American history. UCF Today. <https://www.ucf.edu/news/7-influential-protests-in-american-history/>

ⁱⁱ U.S. Const. amend. I

ⁱⁱⁱ Madestam, A., Shog, D., Veuger, S., Yanagizawa-Drott, D. (2013, July 2). Do political protests matter? Evidence from the Tea Party Movement. *The Quarterly Journal of Economics*, 128(4), 1633-1685. <https://dash.harvard.edu/handle/1/13457753>

^{iv} Janowiecki, M. L. (n.d.). Speaking and protesting in America. *American Archive of Public Broadcasting*. <https://americanarchive.org/exhibits/first-amendment>

^v Tennessee General Assembly. (2020, August 27). *Bill Summary HB 8005*. <http://www.capitol.tn.gov/Bills/111/Fiscal/HB8005.pdf>

^{vi} President George W. Bush. (2020, June 2). Statement by President George W. Bush. *George W. Bush Presidential Center*. <https://www.bushcenter.org/about-the-center/newsroom/press-releases/2020/06/statement-by-president-george-w-bush.html>

^{vii} Gifford, E. J. (). How incarceration affects the health of communities and families. *North Carolina Medical Journal*, 8(6), 372-375. <https://www.ncmedicaljournal.com/content/ncm/80/6/372.full.pdf>

^{viii} Pellegrin, M. & Melton, C. (2019, February 14). Incarceration in Tennessee: Who, where, why, and how long? *The Sycamore Institute*. <https://www.sycamoreinstitutetn.org/incarceration-tn-prisoner-trends/>

^{ix} Tennessee Criminal Justice Investment Task Force Releases Recommendations. (2019, December 19). <https://www.tn.gov/governor/news/2019/12/19/tennessee-criminal-justice-investment-task-force-releases-recommendations.html>