

Repeal the Tennessee Protest Law

A Policy and Advocacy Action Plan

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### **Abstract**

The importance of protesting is longstanding and can be attributed to the United States gaining its independence in 1776. The importance of protesting is instilled in American culture and is supported by the United States' Constitutional Rights. While protesting is a fundamental right, some demographic groups are facing punishment for desperately demanding to have their voices heard. As a direct result of Black Lives Matter protests, Tennessee legislatures passed the Tennessee Protest Law in August 2020. Based on literature that encompasses the aspects of protesting, the Protect Tennessee's Freedom of Speech coalition will advocate for the Tennessee Protest Law to be repealed. The Tennessee Freedom of Speech coalition will educate the general public through media platforms and social events. Furthermore, the coalition will work directly with Tennessee legislatures to discuss the repercussions of the Protest Law and advocate for the rights of all Americans to be upheld.

## **Topic of Focus**

### **Policy Description**

The topic or issue is about the rights of protestors and what is lawful behavior when protesting. While the stated goals of the recently implemented Tennessee Protest Law are to better protect first-responders, state officials, and avenues to express first amendment rights (Tennessee General Assembly, 2020), it is questionable whether it will ultimately limit freedom of speech for citizens.

Specifically, the policy calls for the revision of criminal laws in relation to vandalism, assault, disorderly conduct, rioting, obstruction of traffic, and campaigning on state property. (Tennessee General Assembly, 2020). Not only does the new law aim to increase monetary punishments, it additionally calls for an increase in incarceration time. The Tennessee Protest Law makes overnight camping on state property a felony (Allison, 2020). It also calls for a default 12-hour hold without bond for any offenders of protest-related violations (Christen, 2020). Additionally, this policy increases criminal charges for assault on first-responders, including a Class C felony charge for aggravated assault against a first-responder, which implies three to 15-year prison terms, loss of voting rights, and up to \$10,000 fines (Tennessee General Assembly, 2020).

The Tennessee Protest Law intends to benefit the safety of first-responders, state officials, and increase the overall safety of the public. Firefighters, emergency service responders, Capitol police, Tennessee Highway Patrol officers, and park rangers are all considered first responders (Jones, 2020). In contrast, the policy particularly targets and negatively impacts minority communities, as protest is typically the forefront of social justice advocacy (Janowiecki,n.d.). This also exemplifies systemic racism, as the motivation seems to

target those affected by racial injustices. Many citizens experiencing oppression or social injustice use protest as a means to spread awareness and promote change (Janowiecki, n.d.).

A financial unintended consequence is the increased expenses for the state. The Tennessee Protest Law will cost the state and local government up to 1.3 million dollars a year (Allison, 2020). Other unintended consequences may include how negatively protestors' lives may be affected in the long term if they receive a felony charge. Freedom of speech and political power is restricted with the loss of voting rights. Felony charges create many barriers for individuals in society. Felony charges strip citizens of voting rights and create complications with future employment (Jobs and Housing, 2014), eligibility for federal assistance programs (Federal Student Aid, 2019), and housing (Jobs and Housing, 2014). Furthermore, the negative effects of the homeless population may be another unintended consequence. The homeless often seek shelter in public spaces that can include state property.

This policy was met with conflict among legislative chambers concerning how strictly to punish protestors that camp overnight on state property. Allison (2020) notes that the Senate originally passed the bill with overnight camping as a misdemeanor, but the final version of the policy, approved on August 12, 2020, cited it as a felony. Ultimately, Tennessee Republicans were the majority of support, while Tennessee Democrats widely opposed (Allison, 2020).

### **Policy Context**

The change that the policy proposal will address is to repeal the Tennessee Protest Law. The proposal is not advocating for a creation of a policy, but instead to repeal the policies that the recently passed Tennessee Protest Law entails. The proposal opposes this existing policy. One particular aspect of the bill that is a great issue is that it outlaws protesting overnight on state property, which is a major reason why the bill should be repealed. Some protestors have stayed

out protesting overnight outside the Tennessee capitol building. The coalition believes that taking away this right violates the 1st Amendment right to assembly and right to freedom of speech (Constitution of the United States, 1787). The language of the bill uses vandalism and defacement of property as the reason for this, but those are separate issues and are already illegal, so there is no need for a bill to specifically outlaw protesters outside the state buildings overnight to prevent this, as many of those protestors were not engaged in vandalism and they should not be punished for a crime they did not commit.

The fact that the Tennessee Protest Law seeks to impose harsher consequences on those who engage in what is considered to be vandalism or defacement of property is concerning, as these consequences seem too harsh and are imposed to scare people away from protesting. For example, writing with chalk on or outside state buildings can lead to a \$5,000 - \$10,000 fine, which will disproportionately affect working class people and people in poverty as they may not be able to afford that fine, and may face more legal troubles and even jail time if that fine is not paid (Mena, 2020).

Another aspect of the Tennessee Protest Law that warrants a repeal, is that anyone convicted of protesting by camping overnight in front of a state building can be convicted of a class E felony, which leads to a loss of voting rights in the state of Tennessee. Prior to this bill, camping outside a state building was a class A misdemeanor, so it was still illegal and there were still consequences, but this bill which has now passed has made it possible for protestors who camp out overnight in front of state buildings to not only get a Class E Felony but also face up to 6 years in jail. This is an unreasonably harsh sentence and it is wrong to take away voting rights from protestors for acts of peaceful protest that do not harm anyone.

In summary, the policy proposal is that this bill imposes unreasonably harsh consequences on protestors and that it should not have been passed. Therefore, the policy proposal is advocating to repeal the law entirely, therefore crimes such as vandalism, defacement of property, traffic obstruction, and camping outside state buildings will no longer be punished with the unreasonable fines, sentences, and charges defined in the Tennessee Protest Law.

### **Importance**

There are several reasons to address this issue and repeal the Tennessee Protest Law. First, protesting is a right in America and offers the public a chance to voice their opinion and facilitate change.

During a critical protest movement, the Tennessee Protest law seemed to turn a blind eye to the reasons the protests are happening. Tennesseans are speaking out against police brutality and oppression in hopes of producing positive social change. Instead, Tennessee responds by restricting the people's right to protest by increasing criminal punishment for exercising the ability to voice an opinion (Luther, 2020).

It is crucial to address the implications of the Tennessee Protest Law because it limits the freedom of speech, undermines criminal justice reform, and denies racial justice and police brutality raised by the recent protests from all over the world. The vast financial expenses that this law will require to criminalize and imprison protestors seem to be a wasteful way to utilize valuable taxpayers' dollars (Mattise, 2020).

Regarding social justice, civil rights groups and social activists worry that this new law may immediately criminalize the right to protest and silence freedom of speech. The law may also negatively affect the already vulnerable homeless population that can only find state property to sleep (Mansoor, 2020). Additionally, an individual could be charged with a felony



and a minimum of 30 days in jail upon arrest for merely trying to intervene when they witness a police officer using excessive force (Mansoor, 2020).

Reflecting on the Tennessee State Constitution, it is essential to point out how the Tennessee Protest Law defies a fundamental perspective, "an unalienable and inalienable right to alter, reform, or abolish the government in such a manner as they may think proper" (TN. const. art I, § 2). Critics of the law also argue that it directly contradicts current efforts to minimize prison sentences and criminal charges in Tennessee (Luther, 2020).

### **Theoretical Framework**

The theoretical framework being used for the policy proposal to repeal the Tennessee Protest Law is Jansson's Six-Step Policy Analysis Framework (Jansson, 2008). The specific social issue being addressed is how the Tennessee Protest Law leads to restrictions on free speech and overly harsh punishments such as fines, felony charges, and loss of voting rights for protesting acts such as camping outside of the capitol building overnight or writing with chalk on government property. The relevant program being used to address this issue is a media campaign, mainly online, to get concerns from citizens as well as stories and why repealing this law is important. The only competing option besides keeping the bill the same, is to only repeal certain parts of the bill. The relevant merit is that it may seem less extreme to skeptics. The specific policy proposal that the plan leads to is a complete repeal of the Tennessee Protest Law after building a coalition and online campaign against it. Supporters are solicited through contacting elected representatives, building community support through partnering with coalition organizing against this law, and by building online support. The key factors that need to be communicated about the substance of the proposal are why the Tennessee Protest Law leads to

unequal application of the law, voter suppression, unfair criminal and felony charges, and endangers everyone's right to free speech, assembly, and protest.

## **Researching the Issue and Literature Review**

### **Nature of the Current Policy**

This current policy issue is about what legal repercussions there should be for protestors in the state of Tennessee. This Tennessee Protest Law that was recently passed in the state of Tennessee has been very controversial. Many of those opposed to this policy issue state that it is a reaction by the Tennessee State Legislature to try to stop or silence Black Lives Matter protesters. However, it has also been pointed out that this can be applied to all protestors, therefore hindering the free speech of protestors for a number of causes. There is also a concern about the application of the law being applied unequally or unfairly. The issue of punishments against protestors including felonies for camping outside the state buildings overnight and large fines for those who write outside the building using chalk, have been particularly controversial as many feel that this should not be illegal or punishable by law as it is an exercise of First Amendment rights to free speech and the right to peaceably assemble. In addition to this, the issue of the fact that some crimes related to protesting will now be considered felonies and previously were not has been very controversial and many are opposed to this, because in the state of Tennessee, having a felony can often prevent a person from voting (Tennessee State Government, 2019). This is seen as taking away the citizen's right to vote, as a punishment for exercising their legal right to protest, and it is seen as a form of voter suppression. Voter suppression is any effort, either legal or illegal, by way of laws, administrative rules, or tactic that prevents eligible voters from registering to vote or voting (Demand the Vote, 2020). This is very much related to the issue of the Tennessee Protest Law, because as previously cited,

protestors who are charged with felonies due to this law being implemented will very likely lose their right to vote, which is a form of legal voter suppression.

Due to racial bias in the criminal justice system, this law will disproportionately impact African-Americans, as it specifically targets those who will be charged with a felony for camping out to protest overnight in front of state buildings. Since there is racial bias in this system, it is more likely that African-American protesters will be charged with felonies and also the case that specifically Black Lives Matter protesters will face harsher application of the law. In the United States criminal justice system, African-Americans are more likely than White Americans to be arrested, more likely to be convicted, and more likely to get long prison sentences (Rovner, 2018). This is a cause for concern among civil rights activists, including the American Civil Liberties Union and Black Lives Matter, because the Tennessee Protest Law is likely to follow these same patterns when applied. Specific statistics on the application of this law are not yet available as it was signed by Governor Bill Lee in August.

The Tennessee Protest Law was voted on and approved by the Tennessee State Legislature and signed into law by Governor Bill Lee in August of 2020 (Kruesi, 2020). The American Civil Liberties Union of Tennessee (2020) has urged Tennessee politicians not to support these actions, and now that it has been signed into law, they are closely monitoring the application of this law and any potential constitutional violations, as well as urging Tennesseans to vote this November. Governor Bill Lee has declined to meet with the American Civil Liberties Union regarding this policy issue (Kruesi, 2020).

## **Contextual Factors**

### ***Historical American Protests***

Protesting has long been a part of American culture. Protest raises awareness and education on critical issues, oppression, and social injustice (Janowiecki, n.d.). Dudenhoefer (2020) reviews the major American historical protests and positive social change that resulted. The Boston Tea Party was one of the first significant protests. Colonists protested against the British government's unfair taxation without representation, resulting in independence for the United States. The Women's Suffrage Movement eventually helped create the 19th Amendment, allowing women the right to vote. The March on Washington led to the Civil Rights Act of 1964, and with the help of the Selma-to-Montgomery March, the Voting Rights Act of 1965 was enacted. The Stonewall Riots is also notorious for being a leading protest in change and advocacy for Lesbian, Gay, Bisexual, Transexual, and Queer (LGBTQ) rights (Dudenhoefer, 2020).

### ***History of Police Violence, Racism, and Protests***

Sugrue (2020) examines the deep roots of protest, violence, massacres, and tensions between the police and African Americans. He proposes three major waves of U.S. protest. The first wave, the Red Summer of 1919, followed World War I. It included the Great Migration, in which a large number of African Americans moved north to escape the Confederacy's violence. In 1921, the Black Wall Street in Tulsa, Oklahoma, killed hundreds and resulted in homelessness for most of the city's black population.

The Second Wave occurred during the Depression and World War II (Sugrue, 2020). This wave showed an increase in black political organization. In 1941, President Franklin Roosevelt signed the Committee on Fair Employment Practices, a bill to prevent discrimination in defense and government jobs. He signed only after learning about the strategically organized March on Washington (Sugrue, 2020). This period saw an increased amount of peaceful and

violent protests that snowballed nationwide after a white police officer shot Private Robert Bandy, an African American soldier in 1943 (Sugrue, 2020).

The Civil Rights Movement in the 1960s created the third wave. Grassroots organizations protested racial segregation and employment, housing, and transportation discrimination. Martin Luther King was a prominent figure of this era, promoting peaceful protests. Once police started unleashing guard dogs and fire hoses on peaceful protestors, some demonstrations turned violent in retaliation. Sugrue (2020) explains how whites instigated many of the violent protests. Furthermore, white police officers would regularly beat and shoot protestors in the street. These violent and racist actions were praised and encouraged by high political power, including the soon to be elected, President Richard Nixon.

Reflecting on the nation's roots of racism and inequality is necessary to understand the current tensions in the U.S fully. The American Constitution initially deemed Black people as only three-fifths human beings (Robinson, 2019). After the Civil War, slavery became illegal except as a punishment for crime and citizenship was established. Black men were then allowed to vote and serve political positions. Robinson (2020) notes America responded with the "Black Codes", laws that criminalized Black life. This manipulation of the new legal system started the increased Black prisoner population (Robinson, 2019). Disenfranchised laws created during this period also stripped voting rights.

### ***Historical Reactions and Restrictions to Protest***

Attempts to restrict and silence protestors have roots in American history as far back as the colonization days. Some colonial codes enacted in 1690 applied to only African Americans and Native Americans (Petrella, 2020). These policies forbid Americans of color to be out past a certain time of the day without documentation of approval from their owners. These policies

granted selective access and power to only some Americans in a response to an emerging racial order. American curfew laws continued to suppress the political and physical actions of Black Americans through the 1920's. These laws aimed to survey, control, and criminalize Americans of color. Throughout history, the government has resorted to curfew laws in a direct response to Black Americans showing effort to organize in efforts to empower themselves or practice freedom of speech (Petrella, 2020).

The United States had a history of disapproving of the Civil Rights Movement and protest demonstrations (Izadi, 2020). One strong example of this is the racial majority's reaction to the Freedom Riders during the Civil Rights Movement. Although the demonstrations during this period are now regarded as major historical movements, these protestors were not greeted with respect or regard during this period. Many Americans felt protesting would not help, but hurt Black Americans during the Civil Rights Movement (Izadi, 2020). The Freedom Riders that protested transportation segregation by sitting on buses meant for only white Americans were regularly attacked and beaten. On May 14, 1961, an angry mob of white Americans violently attacked Black passengers and the bus in Alabama (Holmes, 2009). The Alabama police did not provide any protection during this attack. The Freedom Riders, as well as other Civil Rights activists, endured many attacks in different states during this period. Some lost their lives and many severely injured (Holmes, 2009).

Janowiecki (n.d.) reviewed past policy attempts to regulate or decrease public protests. Some American cities have tried to require local permits and ordinance restrictions for protest gatherings. Janowiecki points out how some local governments will misuse and manipulate the permit requirements to discriminate against unwanted groups from collectively gathering. This discrimination was prominent during the Civil Rights Movement when many peaceful Black

protests were refused government permits. Without granted permits, many protesters during this era were arrested (Janowiecki, n.d.).

Many Freedom Riders and other Civil Rights activists of this time went on to be teachers, lawyers, ministers, politicians, and journalists (Izadi, 2019). Some continue to practice civil disobedience today to bring awareness to the discrimination and racism that continues to exist in the country. During interviews, some protestors explain they were not trying to conduct criminal activity, but simply fighting for their rights as American citizens and the rights of future generations (Izadi, 2019).

### ***Current American Protests***

Police brutality, racism, and protest continue to be relevant in today's time. After the Civil Rights Movement, protests were more isolated until multiple police officers were caught on video beating Rodney King in 1991 (Sugrue, 2020). Soon after, Los Angeles became engulfed in mass protests and uproar after the police officers were acquitted (Sugrue, 1991).

More recently, the Black Lives Matter (BLM) movement was created in 2013 by three Black women in response to the killing of Trayvon Martin and the injustice still haunting Black Americans (BLM, n.d.). Trayvon Martin was an African American teenager killed by George Zimmerman, who was eventually acquitted.

In the first eight months alone of 2020, 164 Black Americans were killed by active police officers (*CBS News*, 2020). One of the most notorious of these deaths was George Floyd. In May 2020, George Floyd was handcuffed and pinned to the ground while a white police officer knelt on his neck for an estimated seven to eight minutes (Taylor, 2020). Despite pleading for help, telling the officer that he could not breathe, and calling out for his mother, Floyd became another police brutality victim. The entire incident was filmed and posted on the

internet, giving the world a chance to see the injustice and brutality first-hand. American citizens instantly took to the streets to publicly protest their outrage over Floyd's death and the injustice Black Americans regularly experience by police and society (Taylor, 2020).

### ***Tennessee Protest***

Tennessee citizens also joined in the protests of 2020. Soon after Floyd's death, protestors in numerous cities flocked to the streets. Many also protested night and day continuously for months at the Tennessee State Capitol building in Nashville (Sadler, 2020). A massive Juneteenth celebration was also held in the Tennessee State Capitol area, with poetry readings, songs, marches, and chanting (Hineman, 2020). The crowds celebrated Juneteenth, a holiday commemorating the end of slavery in the U.S. In response to the recent Tennessee protests, Governor Lee signed HB 8005 into legislation, enforcing a felony charge for camping overnight on state property and increasing other protest-related penalties (Elfrink, 2020).

### ***Current Policy Attempts to Restrict Protest***

Tennessee is not alone in its attempts to create new bills and laws concerning protests. The U.S. Law Tracker (2020) shows that from 2016 to 2020, 133 state and federal bills have been made with 40 states considering policy implementation concerning protest-related activity, including traffic obstruction, vandalism, and wearing masks during protest (International Center for Non-profit Law, 2020). Florida, Minnesota, Mississippi, North Dakota, South Dakota, Washington, and Tennessee have all tried to pass laws increasing criminal consequences for obstruction of traffic during protest and some even freeing liability to motorists that injure or run over protestors (Ingraham, 2017). Missouri has tried to pass a law making it illegal for protestors to wear masks, robes, or any disguises (Ingraham, 2017). These are only some examples of the many ways states are attempting to restrict protest and freedom of speech in America. Many



Republican legislators are sponsoring and supporting these bills on the basis that there needs to be an improvement of public safety (Ingraham, 2017). Democratic legislators that oppose these attempts to increase legal penalties for protest-related activity claim that laws already exist to punish criminal behavior and there is no need to create additional ones focusing on protest since it seems a tactic to silence freedom of speech and right to peacefully assemble (Ingraham, 2017).

Haynes (2020) discusses how the Tennessee Protest Law, heavily supported by Republican politicians, is simply another attempt in a long history for the white majority to hold all of the power and prevent change in Tennessee's discriminatory legislation. Haynes further discusses that the current Tennessee criminal system manipulates political power and targets the Black population's prosecution.

Some Tennessee legislators disagreed with the severity of the penalties imposed by the Tennessee Protest Law and raised questions of how the law may affect citizens that are not participating in protest, including families camping or having a picnic on state property or the homeless population (Allison, 2020). Republican Senator sponsors of the bill include Johnson, Bailey, Jackson, Stevens, Bowling, Reeves, Yager, Gardenhire, Rose, and Gresham. Republican legislators in approval of the law claim it is needed to increase safety for the public and first responders (Allison, 2020). Democrat Representative John DeBarry approved of the law and received applause from Republican legislatures after a passionate speech in favor of the bill (Allison, 2020). Democrat Representative Johnny Shaw was initially showing approval of the Tennessee Protest Law, but ultimately voted against it. Republican Senator Steve Dickerson was the only GOP member that opposed the law (Allison, 2020).

Governor Lee's office raised concerns on these harsh legal consequences of felony convictions, as it contradicts some of his current criminal justice reform goals. The National

Association for the Advancement of Colored People (NAACP) urged Governor Lee to veto the bill because of these contradictions causing more opportunities for convicted felons in Tennessee (Christen, 2020). Democratic representatives acknowledged that the new law seemed to communicate that the Tennessee government was not worried about recent protests of White Americans carrying automatic weapons. Instead, they are more focused on restricting the mostly peaceful Black Lives Matter protests that have consumed the State Capitol building (Christen, 2020). Ultimately, the Tennessee Protest Law was passed in August 2020.

### **Policy Impact**

The Tennessee Protest Law's impact on key populations is intensive. The specific population includes first responders such as law enforcement, fire fighters, and emergency services personnel. The aggregate population is the Black Lives Matter protesters. The differential impact and implications of the law includes many aspects for both populations.

Breaking it down, there is no differential impact for first responders. The impacts of the Tennessee Protest Law will affect law enforcement, fire fighters, and emergency personnel similarly and with increased protection. This, however, is not true for protestors. Differential impacts are present depending on the protesters' race and the purpose of the protest being attended. For example, impacts for protesting Anti-Mask and Blue Lives Matter will have a significantly different utilization of the Protest Law.

As differential impacts, implications also vary depending on the population. The implementation of the Tennessee Protest Law in regard to the aggregate population is harmful due to a revision of criminal laws in regard to protesting. The policy being passed is a direct result of the Black Lives Matter protests, which has a high prevalence in the media. As noted, the Tennessee Protest Law increases monetary and incarceration punishments for the protestors. The

implication is that increasing penalties, specifically increasing felony punishment, for protestors results in drawbacks. Many complications arise for convicted felons which impedes on reintegration. Convicted felons lose their right to vote and their right for any political involvement (Reinhart, 2003). In addition, convicted felons lose their right to participate in jury service for a minimum of 7 years. This interferes with their influence on society by silencing their opinions. If convicted of a felony, a person may also lose any professional licensing or permits. Employers also have the right to discuss convictions with possible applicants. These aspects have the ability to interfere with employment, adding additional stressors when seeking income. In addition to employment issues, convicted felons have many negative impacts in relation to housing. If convicted of a felony, landlords have the right to evict the tenant. Public housing agencies have the same right (Reinhart, 2003). Other impacts may include not being able to apply for welfare or other loans (Tennessee Department of Human Services, 2020).

The Tennessee Protest Law has a significantly dissimilar impact on the first responders, the specific population. In a way, this increases power for police and first responders, although protests are geared towards decreasing police brutality. There will be an increase in police officers, firefighter, and emergency personnel duties and responsibilities during protest and afterwards for police when enforcing the increased penalties. This will potentially increase stress, leading to increased violence and arrests.

### **Future Direction**

Protesting brings awareness to social problems, making Americans more prone to take political action. Some lingering issues in today's society that deserve advocacy through protest include police brutality, racial inequality, systematic racism, police reform, and voting disenfranchisement. In 2020, race has become the center stage by forcing awareness of these

issues that some Americans experience. Many of these issues have been protested for centuries but still deserve political and social change.

The future will bring political change due to the awareness protests have brought in the year of 2020. Thus far, protests have changed rules in police departments, public life, entertainment, and sports. Andrew and Asmelash (2020) review the effects protesting has had on society. In their research it was found that Minneapolis, Washington D.C, Chicago, and Denver have banned choke holds. Other mayors have been motivated to create police reform groups to address structural inequalities. Police misconduct charges have also been upgraded along with stricter investigations caused by public pressure. It was also found that the rules regarding use of excessive force have been updated for the first time in twenty years. Increased accountability for police is a critical factor when facilitating change.

Some have proposed to defund the police by redirecting funding from the police to other governmental agencies with community influence and interaction (Andrew & Asmelash, 2020). Portland and Seattle are two areas that have considered mimicking a pilot program taking place in Eugene, Oregon, where trained civilians are dispatched instead of police to answer non-violent calls (Read, 2020). Tennessee citizens have expressed the same concerns and would like to see decreased funding for police and increased funding for education, mental health, and drug rehabilitation (McGee, 2020).

Regarding public life, protesting has started a movement to remove racist monuments associated with confederate leaders and slave owners. Furthermore, Juneteenth has become a paid holiday for some employees to honor Black Americans being officially free from slavery. Complaints of racist company culture have become more prominent, causing various chief executive officers to step down due to allegations of racism and toxic work culture (Andrew &

Asmelash, 2020). Sports and entertainment have made efforts to remove racial content as well. The NFL recently admitted that they ignored previous attempts of players' advocacy of racism and has vowed to support ending systematic racism by donating \$250 million over the next 10 years (Andrew & Asmelash, 2020). Also, physicians have declared racism as a public health crisis, stating that racial trauma shortens lifespans and can cause chronic illness (Andrew & Asmelash, 2020).

Mason (2017) discusses how racial inequalities trigger vicarious trauma among African Americans when witnessing violence against African Americans. When individuals have a strong identification with a racial group, they tend to react stronger to images of racial violence and discrimination towards others of their racial group (Mason, 2017). The discrimination against African Americans can be dated back for centuries and is an ongoing issue. This has been a prevalent issue in America. Davenport (2001) studied the differential policing of American protests. This study focused on the differences in policing black and white populated protests. Results concluded that African Americans are monitored and policed more heavily than their white counterparts (Davenport, 2011).

As stated above systemic racism has strong roots in American history and continues to exist today. Ajilore (2019) covers the aspect of rural southern African Americans struggles. Some of these include disparities in criminal justice and voter disenfranchisement. Ajilore (2019) goes on to discuss the importance of acknowledging and addressing historical racial inequality, economic inequality, and lack of economic mobility through oppression and lack of assistance (Ajilore, 2019).

Quick and Kahlenberg (2019) discuss black and white residential segregation. Residential segregation is a major source of oppression in America that is socially engineered by

policymakers. The article proposes a four part strategy to address segregation issues. This strategy includes the legacy of generations of racial discrimination in housing, contemporary residential racial discrimination, and contemporary residential economic discrimination that disproportionately hurts African Americans. Quick and Kahlenberg (2019) also focus on re-segregating effects of displacement that can come with gentrification. The study also reflected election laws and scrutinized the time and effort it takes to vote in each state. The study shows that it varies from state to state, however, Tennessee was found to be one of the hardest states to practice voting rights. It also pointed out that Tennessee had the largest drop in the rankings over the years. During the 1996 election, Tennessee ranked the tenth hardest state to vote and dipped to forty-eighth by 2016 (Quick & Kahlenberg, 2019).

When thinking about repealing the Tennessee Protest Law, it is vital to focus on what it would do for Tennesseans. Repealing the law would offer Tennesseans more freedom to exercise their right to free speech and to peacefully assemble. There will still be many American social injustices that should be addressed. Legislators need to create, amend, and repeal various laws that negatively affect justice for different minority groups. The American Civil Liberties Union (ACLU) (2020) focuses on such reforms that need to occur in society and ways to take political and community action for positive change. They propose to avoid public data on crime rates, citizen complaints, arrest records, and officer clearances, but instead focus on the rate of police officers shooting civilians, rates of excessive force on certain demographics, the demographics of employed officers, and policies concerning how law enforcement are taught to respond to specific situations. The policies directing law enforcement to do their jobs in the community could prove as important as some more popular state and federal policies.

Civilian review boards could be an impactful way to monitor police actions, accountability, misconduct, and police administration (ACLU, 2020). A civilian review board is a productive way to strengthen an already existing agency (ACLU, 2020). The board can closely monitor police shootings, demographic discrepancies with arrest, excessive force, equal opportunity within police departments, and improved training including racial trauma and cultural competency (ACLU, 2020).

The ACLU (2020) goes on to educate citizens that racial discrimination is not the only social injustice prevalent in society. Prejudice, discrimination, oppression, and violence towards women, homeless, incarcerated individuals, the poor, and the Lesbian-Gay-Transsexual-Queer (LGBTQ) population heavily exists and deserves advocacy and policy reform in the future.

### **Presentation of the Brand and Support Mapping**

#### **The Brand**

This campaign has been titled Protect Tennessee's Freedom of Speech. The framework for this brand is focused on the conversation around protecting Freedom of Speech. This framework for repealing the Tennessee Protest Bill gives it an appeal to all Tennesseans because people from all political viewpoints recognize that Freedom of Speech is a protected right under the First Amendment. Framing the issue this way allows for broader support from various groups, organizations, and people of all political viewpoints since framing the issue on a larger scale shows how it will impact all protests and social movements. People who may normally overlook this issue or even support the bill, may be drawn in to support the plan to repeal it, because they want to protect First Amendment rights for everyone in Tennessee.

#### **Support and Opposition**

The campaign is prepared to encounter some variance in support and opposition to the recommendation of repealing the Tennessee Protest Law, as well as some neutral reactions. A positional graph listing possible support and opposition is listed below. Since the law was written and passed by mostly Republican legislators, Tennessee Republican citizens will likely oppose repealing the law. The campaign predicts this opposition since the citizen voters typically align with their political party's stance on issues.

Strong support could likely come from citizens that exercise their right to protest regularly. There are many Tennessee organizations that have already publicly spoken out against the Tennessee Protest Law and its disregard for First Amendment rights. These racial justice organizations include the Tennessee chapters of the National Association for the Advancement of Colored People (NAACP), American Civil Liberties Union (ACLU), Black Lives Matter Movement (BLM), Tennessee Organizing for Power, Showing up for Racial Justice, and the Concerned Citizens for Justice. The women's rights organizations, Women's Fund of Greater Chattanooga and Tennessee National Organization of Women, will also likely show strong support to repeal the law. The campaign believes that the Climate Reality Project Knoxville Chapter and Nashville Animal Advocacy Organization will also serve a supportive role in advocating for the repeal of the Tennessee Protest Law.

There will likely be quite a number of neutral responses to the repeal. These may include first responders, Tennessee homeless coalitions, Rightwing Conservative organizations, Tea Party Patriots, Libertarians, FreedomWorks groups, religious organizations, and rehabilitation after incarceration programs. The positional chart below lists specific organizations that may fit into this neutral category.



### POSITIONAL CHART

<b>STRONGLY OPPOSE</b>	<b>NEUTRAL</b>	<b>STRONGLY AGREE</b>
Republican Leaning Citizens	First Responders (Law Enforcement, Fighters, Emergency Services Personnel)	Citizen Protestors
	Homeless Coalitions (Chattanooga Regional Homeless Coalition, TN Valley Coalition for the Homeless, Nashville Homeless Organizing Coalition)	Racial Equality Organizations (NAACP, ACLU, BLM, TN Organizing for Power, Showing up for Racial Justice, Concerned Citizens for Justice)
	Political Groups/Organizations (Rightwing Conservative Organizations, Tea Party Patriots, Libertarians, and FreedomWorks groups)	Women's Rights Organizations (Women's Fund of Greater Chattanooga, TN NOW Chapter)
	Religious Organizations and Affiliates (Watson Grove Missionary Baptist Church - Rev. John Faison, Sr., Islamic Center of Murfreesboro)	Environmental Advocacy Organizations (The Climate Reality Project Knoxville Chapter)
	Rehabilitation after Incarceration Programs (Tennessee Reentry Collaborative (TREC), Project Return)	Animal Rights Advocates/ Organization (Nashville Animal Advocacy Organization)

### Persuasive Arguments for Support

There are several arguments that will be used to recruit support from organizations and citizens that already agree or currently feel neutral concerning the injustice of the Tennessee Protest Law. First, Tennessee is a state with strict voting constraints and low voter engagement. More than 420,000 Tennesseans have lost voting rights due to felony convictions (Sentencing Project, 2016). This averages approximately one in 12 adults of voting age. Of this number, a disproportionate rate is Black Americans. (Sentencing Project, 2016). The Tennessee Protest Law increases the chances for all Tennesseans, but particularly the Black population, to receive felony charges. Therefore, rehabilitation after incarceration programs may strongly oppose the

Tennessee Protest Law's increased felony penalties, creating more chances for Tennessee citizens to receive felony charges.

A second argument is that The Tennessee Protest Law could restrict freedom of speech and First Amendment Rights of any Tennessee citizen, not just Black Americans. This could include Conservative Right-Wing groups, the Tea Party, Pro-Life advocates, or FreedomWorks protests. In 2020, mostly white dominated protests have occurred concerning COVID restrictions throughout the U.S. (Vogel, Rutenberg, & Lerer, 2020). Protest restrictions could easily affect majority protestors, not just minorities seeking social change.

A third argument is that Religious groups and affiliations also voice their concerns through public protest when they feel their religious freedom and rights are being marginalized. Religious freedom and freedom of speech allow a diverse group to defend their faith and rights. Tennessean Muslims protested for four years before winning a U.S. Supreme court case allowing a Murfreesboro mosque to continue construction in the community (Gannet, 2014). Minority religious groups may be more likely to join the cause than the mainstream Christians. There are also some Christian churches and pastors protesting in the BLM movement. Rev. John Fiason, Sr. of Watson Grove Baptist Church has been protesting against police brutality in the streets and in his preaching's before his congregations each Sunday (Meyer, 2020).

A fourth argument focuses on how the Tennessee Protest Law enforces a felony offense for camping on state property. A resulting unintended consequence could be the negative effects on the homeless population that typically find shelter in these areas. Tennessee homeless coalitions may be motivated to join this cause to advocate for the homeless population.

A fifth is that the Tennessee Protest Law will cost as much as 1.3 million dollars for state and local government (Tennessee General Assembly, 2020). The expenses are too grave for the

outcomes that the law proposes to provide. Some community outreach programs and citizens will likely feel these funds could be used for better good in the communities.

A final argument is while The Tennessee Protest Law may potentially decrease responsibilities for first responders, it may actually increase police officer duties and responsibilities during protest and afterwards when enforcing the increased penalties. Some law enforcement officers and first responders may disagree with the new law.

### **Legislative Allies and Detractors**

It will be important to understand which Tennessee legislators will be in support and which ones will oppose the repeal of the Tennessee Protest Law (See Appendix A for a legislator positional map). The majority of Democrat legislators have already voiced opposition and voted against the law. Some of these democrats, including Rep. Beck (D), Rep. Hodges (D), Rep. Miller (D), Sen Akbari (D), Sen Yarbrow (D), and Sen Gilmore (D), will likely be strong allies of the campaign. Democrat votes against the passing of the law included 21 Representatives and four Senators. While most Tennessee Republican legislators did vote to pass the law, Rep. Van Huss (R) and Sen. Dickerson (R) were the only two Republicans to vote against the law. These two legislators will also be recruited as allies for the repeal of the law.

As mentioned, most Tennessee Republican legislators supported the Tennessee Protest Law. House Majority Leader Lamberth (R) authored the bill that was sponsored by Republican Senators Johnson (R), Bailey (R), Jackson (R), Stevens (R), Bowling (R), Reeves (R), Yager (R), Gardenhire (R), Rose (R), and Gresham (R). Ultimately, 68 Republican Representatives and 25 Republican Senators voted in approval of the law. The only Democrat legislators in approval of the law were Rep DeBarry (D) and Rep Shaw (D).

### **Opposition**

Since the Tennessee Protest Law was a Republican sponsored and predominantly Republican passed law, there is expected to be legislative opposition to the request of repealing the law. Governor Bill Lee seemed hesitant to sign HB 8005 into law initially. He has recently been focusing on a criminal justice reform package for Tennessee, alongside the chief justice of the Tennessee Supreme Court, lieutenant governor, and the state House speaker. This package includes improved responses to various types of offenses, improved effectiveness of community supervision, and minimizing barriers for the criminalized to re-enter society (Cooper, 2020). Increasing legal penalties for protest-related activity may easily contradict these criminal justice reform goals since Tennessee is creating more possible felony convictions for what is arguably a non-serious offense. Ultimately, Governor Lee passed the Tennessee Protest Law quickly following the mass protests of 2020 at the State Capitol Building.

Tennessee Representative William Lamberth (R) was the primary sponsor of the Tennessee Protest Law. In Lamberth's view, protesting and camping overnight is a threat to public safety and thereby warrants a felony charge (Mojica, 2020). Rep. Lamberth (R) wrote the law as it currently stands, and was able to garner unanimous support among Tennessee Republican Representatives. The requirements for those who protest or camp overnight outside the capitol buildings that will result in a convicted felony were written by Lamberth (R). Republican Senator sponsors of the bill include Johnson, Bailey, Jackson, Stevens, Bowling, Reeves, Yager, Gardenhire, Rose, and Gresham. Democrat Representative John DeBarry approved of the law and received applause from Republican legislatures after a passionate speech in favor of the bill (Allison, 2020). Democrat Representative Johnny Shaw was initially showing approval of the Tennessee Protest Law, but ultimately voted against it. Republican Senator Steve Dickerson was the only GOP member that opposed the law (Allison, 2020). Some

Tennessee Republican legislatures did express concerns and questions during the voting process (Allison, 2020).

Judiciary Committee Chairman Bell (R) did not approve of the criminal consequences concerning camping on state property. He recalled his past protests on abortion and state tax and expressed concern that a family could possibly be criminalized for having a picnic (Sher, 2020). The House ultimately refused to minimize the legal consequences and kept camping on state property as a felony punishable up to one year in prison. Republican Bell did vote yes in the final vote. (Sher, 2020).

### **Plans to Form a Coalition**

This policy proposal is to repeal the Tennessee Protest Law that was enacted by Governor Bill Lee. To be successful in reaching this goal, a Protect Tennessee's Freedom of Speech coalition will be organized. Logical partners of the coalition include Concerned Citizens for Justice, NAACP Tennessee Chapter, The American Civil Liberties Union of Tennessee, Black Lives Matter Nashville Chapter, Showing up for Racial Justice Nashville Chapter, and Tennessee Organizing for Power Statewide. These organizations are dedicated to social justice and have already publicly voiced that the Tennessee Protest Law is unconstitutional. Other potential logical partners may include environmental, women's rights, and animal rights activists, as well as homeless coalitions. These groups also utilize protests in their advocacy for social change and could be affected by the new law. Furthermore, each group represents minority populations that will likely suffer more negative consequences by the Tennessee Protest Law, including the homeless people that typically seek shelter in public areas.

Some unusual partners could include rightwing conservative organizations, Tea Party Patriots, FreedomWorks members, religious organizations, and pro-life advocates. These odd

bedfellows also belong to organizations and groups that practice their First Amendment rights through protest when they feel their core beliefs are not represented by legislation. These odd bedfellows may oppose the Tennessee Protest Law once they realize it applies to all citizens and not just minorities. Members of these groups may have more influence over the Tennessee Republican Legislature.

The core members include policy group members Nawal Habib, Erin Bennett, Jaclyn Beckler, and Tekia Grayson, along with the following organizations: Concerned Citizens for Justice, NAACP Tennessee Chapter, The American Civil Liberties Union of Tennessee, Black Lives Matter Nashville Chapter, Showing up for Racial Justice Nashville Chapter, and Tennessee Organizing for Power Statewide. Core members will approve, monitor, and evaluate all actions concerning the coalition and community outreach.

The American Civil Liberties Union and Black Lives Matter Nashville Chapter will be the topic experts, reviewing available research and providing research topics needed for any gaps in literature. They will also be responsible for writing up research in a user-friendly format. This literature will also help create the talking points used for media outreach. The American Civil Liberties Union will provide a final draft of these talking points since they have vast experience with media coverage, protest, and policy. These coalition partners, along with the original four policy group founding members will represent the coalition in the media, including any radio interviews or social media live feeds.

The Tea Party members will head the budgeting committee, determining how much funding the coalition and campaign will cost. They will also brainstorm fundraising ideas and reach out for donations.

The Black Lives Matter Nashville members will supervise the branding of the campaign. The original four founders of the policy group will also play an active part in branding.

The members in charge of the campaign are the Concerned Citizens for Justice, religious organizations, women's advocacy group, and the original four founders of the policy group. All members of the coalition will actively recruit individuals and other organizations to endorse the campaign.

Tennessee Organizing for Power Statewide will supervise lobbying plans and ensure the coalition is in compliance with state lobbying regulations. The previously named core members, along with recruited religious organizations, pro-life advocates, the NAACP Nashville Chapter, American Civil Liberties Union of Tennessee, and FreedomWorks members, will actively approach legislators. These coalition members will be delegated the tasks of approaching legislatures through scheduled meetings with politicians or their aides or giving testimonies during House and Senate meetings. The Concerned Citizens for Justice will create phone and email scripts for citizens to use when requesting legislators to repeal the Tennessee Protest Law. Showing up for Racial Justice will oversee the distribution of these phone and email scripts, with the help of recruited coalition members from women's rights, environmental justice, and animal rights advocacy groups.

The original four founders of the policy group will manage the website, social media pages, and circulation of the online petition. The NAACP Tennessee Chapter, Showing up for Racial Justice Nashville Chapter, and Concerned Citizens for Justice will head the public education events. Public education events will include community wide meetings to teach freedom of speech rights, protest-related rights, the details and implications of the Tennessee Protest Law, and literature handouts for community members to take home or share with others.

## **Media Campaign**

### **Campaign Goals**

The main goal of the Protect Tennessee's Freedom of Speech coalition is to ultimately repeal The Tennessee Protest Law. A media campaign will be created to target different audiences in the state of Tennessee. The main targeted audiences of the campaign will be Tennessee legislators and the general public, especially citizens registered to vote. Other targeted audiences will include advocacy organizations that could join the coalition and cause.

The campaign hopes to persuade Tennessee legislators to repeal the law. More detailed steps to achieve these goals will include recruiting Tennessee Senate Minority Leader, Jeff Yarbro (D), Senators Steve Dickerson (R) and Raumesh Akbari (D), and Representative Bill Beck (D) and Jason Hodges (D) to help influence and convince other legislators to repeal the law by using their political power and voices.

Protect Tennessee's Freedom of Speech campaign hopes to educate and motivate the general public to take action and voice their stance for the law to be repealed. The campaign's goals specifically include for citizens to read and share social media campaign content, help educate other Tennessee citizens, email and call their state legislators requesting the repeal, and sign the online petition for the repeal. The campaign will challenge each citizen to call or email five different legislators.

The campaign also has a goal to recruit more members and organizations to join the coalition. The hope is for more members and organizations to help spread the word through their own social media sites, websites, meetings, and public events. These recruited coalition members may also use their own personal testimonies for the general public and Tennessee legislators to hear.



## Media Avenues

The media campaign will utilize earned media outlets through various newspapers and radio stations, as well as social media. The campaign will also have its own website that people can access for updated information on ways to advocate for the repeal of the Tennessee Protest Law and legislators' contact information.

A press release will be sent to the *Chattanooga Times Free press*, *Knoxville News Sentinel*, *The Tennessean*, *Johnson City Press*, *Citizen Tribune*, *The Daily Times*, and *Kingsport Times-News* (See Appendix B for the Press Release). These newspapers are considered some of the most prominent in Tennessee. Press releases will also be sent to student campus newspapers in Memphis, Nashville, Knoxville, and Chattanooga. The fact sheet and policy brief will be available for these media outlets (See Appendix C for fact sheet and Appendix D for policy brief).

The campaign will also utilize Tennessee based radio stations. These radio stations include WNRQ, WRVW, WSIX-FM, WJBE, and WMOT. The coalition members assigned as media representatives will participate in radio-aired interviews to help bring awareness for the need to repeal the Tennessee Protest Law and encourage listeners to contact their state legislators.

Since social media is currently a popular platform for so many individuals of all ages, a Facebook, Instagram, and Twitter page will be created. All social media sites will be updated regularly with pertinent information concerning the Tennessee Protest Law and ways to advocate for the repeal. This will include educational information on freedom of speech and protest-related rights, as well as specific contact information of Tennessee legislatures for people to

express their requests for repeal. An online petition to repeal the Tennessee Protest Law will also be available for followers to sign (See Appendix E).

## **Media Content**

The content of our media messages will include facts about the issue of the Tennessee Protest Law and how to advocate against it. For example, volunteers from our coalition as well as policy group members can make short videos and post them to Twitter, Instagram, and Facebook discussing the reasons why people should join in the fight against this law. The content for this includes tweets, graphics, and posts stating “Fight for your First Amendment Right. Sign the petition.” Also, “The Tennessee State Legislature is making it more difficult for you to exercise your right to protest. Join us in the fight for free speech #RepealTNProtestLaw. There will be a “Bio” or “About Me” section completed for each social media outlet (See Appendix F)

A petition to repeal the law will be created for people to sign online (See Appendix E). The link to this petition will be shared in tweets, Instagram posts, and Facebook posts. Each coalition member will re-tweet, re-post, and share bills from the main social media pages and encourage followers to do the same on both the Anti-Tennessee Protest Law pages and individual social media pages. Pictures from protests, meetings, and local outreach events will be shared on all of these platforms, including stories in addition to actual posts. Graphics will be made and shared via each of these platforms with the contact information and scripts to use when contacting Tennessee State officials such as Representatives, Senators, and the Governor’s office (See Appendix G for scripts).

A plan that will be implemented is going live on Facebook and Instagram and providing updates on the current state of protesting in the U.S. and any controversies or violations of protestor’s rights which will help make the case against the Tennessee Protest Law stronger.

Comments will be left enabled so that core coalition members will respond to any issues, concerns, or questions to use as an opportunity to garner further support. In addition to this, tagging other coalition members or mentioning other coalition members in tweets will help to make sure that more people see important messages and that campaign pages get more exposure. Weekly posts will include examples of people who have been negatively affected by the Tennessee Protest Law as well as similar laws in other states. Interviews will also be conducted through Zoom, Skype, or Instagram Live. Some of the talking points that will be used when addressing legislators and legislative aides will include the rarity of violent instances in protests, why the TN Protest Law is not necessary, the conservative case against the TN Protest Law, and the issues of police brutality against protesters and journalists. In addition to this, direct messages on Instagram and Twitter will be used to communicate and encourage people to send reasons why they are against the protest law. Then, the campaign will post the comments received either with blurred usernames or showing the username if the user has given us permission to do so.

The coalition understands that hashtags are important in present day social media. The core members hope to start a trend in hashtags to raise awareness to the issue. Some hashtags will include #TNProtestRights, #TNFreedomofSpeech, #RepealTNProtestLaw, and #AllVoicesMatter.

### **Implementation Steps**

1. The Protect Tennessee's Freedom of Speech campaign will begin the media campaign by writing and submitting press releases to the state and college newspapers by December 7, 2020.
2. The campaign will have all social media sites running by December 15, 2020. All social media sites will be monitored and updated regularly by the assigned coalition members in

charge of the media campaign. Live sessions held on social media will occur once a week starting December 15, 2020. The coalition members will also respond as needed to questions on social media and post the phone and email script clearly so that viewers have easy access to the script to use when reaching out to their representatives. The link to the petition to repeal the Tennessee Protest Law will also be available on all social media accounts by December 15, 2020, with the goal of achieving 10,000 signatures by February 28 , 2020.

3. The campaign will start reaching out to Tennessee radio stations by December 20 to schedule on air interviews and air time to talk about the importance of repealing the Tennessee Protest Law.
4. Radio on air interviews will be done by February 5, 2021.
5. The Tennessee General Assembly will resume sessions on January 12, 2021. The media campaign will increase promotions on social media and requests for citizens to contact their legislators starting January 12. The campaign also hopes to start visiting the legislators in person starting January 12 depending on COVID-19 regulations.
6. The online petition will be submitted by March 1, 2020.

### **Advocacy Plan**

#### **Goal**

The goal of the advocacy plan is to repeal the Tennessee Protest Law when the Tennessee General Assembly convenes in 2021. The advocacy plan's main focus is on the Tennessee General Assembly Legislature since the Tennessee Protest Law is a state law. These elected state legislators have the power to repeal the law.

#### **Focus and Target Population**

The coalition will involve both legislators and Tennessee citizens in the advocacy campaign. The intended beneficiaries of the policy repeal are the Tennessee citizens. Citizens' rights to freedom of speech and freedom to peacefully assemble without legal and criminal penalties will be protected if the law is repealed. The advocacy plan will also focus on the general public of Tennessee citizens to motivate them to advocate for the repeal by contacting legislators and spreading awareness of the Tennessee Protest Law and its negative implications.

### **Advocacy Strategies**

While plenty of research and educational materials can be found on protest rights and freedom of speech, there is currently a lack of research specifically focused on advocacy and lobbying strategies directed towards anti-protest laws. However, it is essential to understand the best ways to approach advocacy and spread awareness among the general public and towards powerful legislators. The American Civil Liberties Union (ACLU) (2020) recommends utilizing coalitions, educating the public, and lobbying state legislation. A key component of a successful coalition is to include a variety of members from various backgrounds and affiliations and including participatory decision-making within the coalition (ACLU, 2020). Educational activities to inform citizens of their constitutional rights is an essential component of an advocacy plan. Educational outreach can also recruit more individuals and groups to become coalition members or advocates to change legislation (ACLU, 2020).

An effective advocacy plan should focus on research and collaboration in order to implement successful steps to educate and create policy change. Bogenschneider and Bogenschneider (2020) found through qualitative research that legislators most likely to focus on research were in the minority party and ones that developed specialized expertise on issues. Policymaking issues concerning morality, ideology, or passion typically did not utilize research

much. Another important finding from this empirical study was that research from credible non-partisan sources proved more successful and effective among legislators (Bogenschnieder & Bogenschnieder, 2020).

Locke and Fine (2016) propose factors that are important for a successful advocacy campaign. One major point they include is amplifying the voices of those directly affected by the policy change. Joy (2020) notices that humans empathize with real life stories and advises that all campaign content should attempt to tell personal stories behind the cause. Another key factor discussed is the decision-making process of a campaign (Locke & Fine, 2016). One type of decision-making technique is the formal/ strict structure. This type of structure uses specific voting requirements within the campaign and less of a directive steering committee. The formal/strict decision making process can be most effective when dealing with large campaigns that have many members that may have potential conflicts dealing with campaign issues (Locke & Fine, 2016). A second type of decision-making structure is labeled moderate, as some decisions are brought to a vote, but a strong steering committee is utilized. This type of structure increases member organization alignment when dealing with a policy environment (Lock & Fine, 2016). A third strategy discussed is the informal consensus based process. This type of process works best when member organizations have worked with each other in the past, there is strong trust in campaign staff, and strong commitment to the campaign's mission (Lock & Fine, 2016). In addition to the decision-making process of a campaign, membership should include a diverse population to secure widespread public support of stakeholders.

Joy (2020) talks about the efficiency of running a distributed organized campaign. He uses the example of the Bernie Sanders primary campaign and the 2012 Obama presidential campaign. Using this bottom-up approach, passionate volunteers take on organizational efforts of

their own and create local chapter leaders advised from a central campaign. This approach takes away some control from the central campaign leaders but offers campaign scalability and volunteers who may take the place of paid staff (Joy, 2020). Relational organizing works on leveraging established relationships, as it may be easier to get people and organizations that are familiar to make donations, volunteer, or advocate for the campaign cause (Joy, 2020).

Potentially the most important and strenuous part of successful advocacy is lobbying state legislation. Joy (2020) states it is vital for a campaign to connect citizens to their lawmakers. He proposes some effective communication with legislators can be through email, direct mail, social media, phone calls, in-person meetings, and online petitions. The Indivisible Project (2020) also places importance on lobbying legislators directly and in person with groups. This type of contact conveys true passion concerning the issue among constituents. Some other suggestions from the Indivisible Project (2020) include giving personal testimony at legislative hearings, organizing a lobbying day at the state capitol, town hall meetings, public events, and coordinating mass phone calls to legislators.

Thomas (n.d.) explains that the state or country's political climate and which party is in power can heavily affect the success of legislation change. The influence of interests groups relies heavily on how much government officials need the groups. Whether the interest groups provide substantial funding or constituents votes, legislators may be influenced by interest groups and lobbying more if they feel it will ultimately benefit or hurt their political power. Lobbyist-policy maker relations are also imperative in the success of a policy change. When lobbyists can skillfully build connections with legislators, it increases the chances of success. Iron triangles and policy niches are some terms used for lobbyist-policy relationships. In these cases, lobbyists, legislators, and committee members work together to create policy change.

Organized opposition to a campaign's cause should also be considered. The more opposition towards the campaign's cause, the more difficult it will be to achieve policy change (Thomas, n.d.)

Gen and Wright (2018) discuss six effective advocacy strategies that influence policy change. Each strategy is based on theoretical frameworks and empirical evidence which exemplifies the potential advantages and impacts on policy. The advocacy strategies include public lobbying, inside/ outside, direct reform, popular power, institutional partnership, and indirect pressure. Public lobbying has an emphasis on building relationships with policymakers with the goal of influencing their decisions. Those that prefer to use this strategy often see "policy making power concentrated in autonomous government players" (Gen & Wright, 2018). The inside/ outside strategy includes several moving parts. One aspect includes utilizing the lobbying strategy with the focus of ensuring an advocate is closely associated with the policymaking body. It is also critical that the outside public support remains intact, helping ensure pressure is being applied for change. In shorter terms, the "strategy identifies assignments to key players inside and outside the decision-making process to facilitate policy change" (Gen & Wright, 2018). Direct reform is another effective strategy discussed. This strategy encompasses litigation, monitoring, and campaign to facilitate change at a judicial or administrative level with hopes that it will influence a larger scale in the future. Media plays a key role in this strategy as it generates public awareness and increases pressure for change. Next, the popular power strategy utilizes coalition building and action. Coalitions understand the importance of learning the policy process to educate the public, which is a tactic utilized. As other strategies, the media plays an important role in making this strategy successful. As the popular power strategy, institutional partnerships focus on coalition to mobilize the public. In



addition, research, messaging, and lobbying are at the forefront of this advocacy strategy. The main concept of this strategy suggests that advocacy is successful through partnering with government institutions. Lastly, the indirect pressure strategy embodies tactics that “target the decisions of government actors, reflecting an institutional view of policy change” (Gen & Wright, 2018). Tactics that benefit this strategy include public education, coalitions, and public mobilization.

Utilizing effective strategies can affect the opinions and decisions of those with the power to implement or change policies. According to Buckley (2009), effective advocacy strategies include policy monitoring and public accountability, policy dialogue, campaigning, building stakeholder groups, as well as pathfinder and demonstration projects. Many of these advocacy strategies utilize techniques mentioned by Gen and Wright (2018).

It is important to note that technique needs to be evaluated to determine which will accommodate the audience best. Policy monitoring and public monitoring focus on the importance of monitoring bills, policies, and laws. This includes evaluating their effectiveness and involving the public when change is necessary. Buckley (2009) suggests that influence on policy change is greater when the public and organizations collaborate. Another effective strategy is policy dialogue. This strategy encompasses lobbying as dialogue must take place between advocates and politicians. A main benefit of utilizing lobbying is that “it can assist better understanding of the real world policy choices that politicians and their constituents face” (Buckley, 2009). Campaigns for policy change is an effective advocacy strategy because it is goal-oriented and utilizes tactics such as public demonstrations, protests, letter writing, lobbying, use of media and the internet, and legal action. Building coalitions is the key aspect of this strategy. Focus is aimed towards using coalitions and campaigns to take initiative and action to

encourage policy change. Building stakeholder groups is also deemed effective. Because systematic barriers continue to be an issue, “the lack of voice of disadvantaged groups is a challenge at the core” (Buckley, 2009). This jeopardizes the First Amendment rights of many, however, through assertion and solidarity it can be overcome. Focusing on self-help groups and community-based and working-class organizations additionally helps overcome this issue and advocates for change in policies that hinder the population. Lastly, pathfinder and demonstration projects have a great influence by “mobilizing further demand and interest and of motivating policy makers to take decisions that encourage replication and scaling up” (Buckley, 2009). This is an advocacy strategy that is successful and promotes the use of first amendment rights.

### **Inclusion of Beneficiaries**

The advocacy plan will include the Tennessee legislators and the general public of Tennessee citizens. The coalition will purposely engage with legislators to educate them about the negative implications and restrictions of rights that result from the Tennessee Protest Law. The coalition will use the policy fact sheet and policy brief while interacting with legislators. Face to face visits with legislators, prepared speeches, as well as the petition and phone and email contact, will help show these elected officials that the Tennessee public wants to see a change by repealing the Tennessee Protest Law.

Tennessee citizens will also be an essential part of the advocacy plan. The goal is to have the citizens take an active role in advocating for the repeal of the Tennessee Protest Law. The coalition will have direct contact with citizens by holding meetings, making email and phone contact, and collaborating with other organizations or coalitions that may benefit the cause and strengthen advocacy for the success of a repeal. Again, the fact sheet and policy brief content

will be used when communicating and educating the general public on the Tennessee Protest Law and negative implications it creates for citizens. The coalition will ask citizens to reach out to their state legislators through phone, email, or face to face visits to promote and advocate the need of a repeal. Some citizens may be asked to share personal testimony at meetings, media events, with legislators, or on social media pages. The public citizens will also be encouraged to regularly visit the coalition's website and all social media sites and share pertinent information, along with the online petition. Sharing the coalition's educational information, social media posts, and the online petition will help reach a larger number of citizens to involve in advocacy efforts.

### **Positive Ramifications**

There are many positive ramifications of involving the Tennessee citizens in advocacy activities. Citizens will become more educated on the Tennessee Protest Law and its negative implications, as well as learning more about their First Amendment rights to freedom of speech and freedom to peacefully assemble. Advocacy activities will provide educational opportunities but also help connect citizens with each other and motivate them to politically participate in their democratic government. Many citizens suffer from oppression and discrimination in Tennessee. The coalition and advocacy campaign will offer a safe place for individuals to unite and share their experiences and learn that many others feel the same way. Bonding with others may help individuals feel less isolated. The advocacy campaign's inclusion of Tennessee citizens will build a stronger effort to make a positive change in repealing the Tennessee Protest Law. Citizens may also feel empowered and that they are helping to make a difference by actively participating in campaign and advocacy efforts.

Since many citizens do experience oppression and discrimination, this population may be seen as vulnerable and elicit sympathy from more citizens and Tennessee legislators. Their personal stories and presence in the advocacy campaign may help further the chances for the Tennessee General Assembly to repeal the Tennessee Protest Law.

### **Negative Ramifications**

While there are many positive points of including the Tennessee citizens in the advocacy campaign, there are still potential negative ramifications. As previously mentioned, this population is vulnerable. American and Tennessee history has a pattern of benefiting by keeping some populations oppressed. If the white majority population of citizens or Republican legislators feel threatened that the Tennessee Protest Law will be repealed, a backlash may result. Citizen coalition members could be the target of such backlash by false negative stigmatization. Citizens willing to share their personal testimonies and actively participate in advocacy measures to repeal the law may lose a sense of privacy. There will be people wanting to fight against the campaign and advocacy efforts. Just as protest and civil disobedience has always encountered resistance, the campaign may also. Citizens willing to have a deep impact and involvement should be prepared for hateful reactions and personal attacks on their character at times. Since the campaign will be heavily involved in social media, it will be easy for antagonists to access members, publicly post negative reactions, or online attacks.

Such adverse reactions may also occur among Tennessee legislators. The coalition hopes that involving the unusual bedfellows in the campaign will help ease some of these potential negative ramifications and increase the chances of repealing the Tennessee Protest Law. Since some of the coalition's odd bedfellow members belong to the majority population and may

support other Republican Tennessee legislature, Republican legislators may better understand that the Tennessee Protest Law affects all Tennessee citizens. Furthermore, Republican legislators may feel compelled to repeal the law if they realize they need the support of these odd bedfellow constituents for other laws and keeping their power political position.

### **Potential Opposition**

The Protect Tennessee's Freedom of Speech coalition anticipates oppositions relating to the repeal of Tennessee Protest Law. It is expected that Tennessee Republican legislators will oppose the Protest Law being repealed as they voted it to be enacted. Since Republican legislators claim that the law was created to increase the safety of first responders, Tennessee first responders may also oppose the repeal. Business owners, legislators, or citizens concerned about property damage may also oppose the repeal. The coalition will respond to this opposition by reminding first responders and citizens that laws and legal punishment already exist for crimes involving assault and property destruction. There is no need to create specific protest-related laws for these types of crimes. To further address opposition, Protect Tennessee's Freedom of Speech coalition will write letters to the editor by utilizing research with the goal of discussing the ramifications of the Protest Law. It will be discussed that the Protest Law jeopardizes the First Amendment rights of a targeted population. Informing and educating the general public on the issues surrounding the Protest Law, many will be influenced to contact their legislators to demand the law to be repealed.

### **Elected Officials to Approach**

Elected officials that will need to be approached include many of the Tennessee State Legislature Republicans. The majority of Tennessee state legislators sponsored the bill and voted

in favor through the Tennessee House of Representatives and Senate. Most of these legislators are still in office, so contacting each and every one of them to build support to repeal the law will be beneficial. If there are a few who are willing to meet and hear members out and vote to repeal, others may follow suit due to political pressure.

These Representatives are Charlie Baum, Clark Boyd, Rush Bricken, David Byrd, Kent Calfee, Dale Carr, Scott Cepicky, John Crawford, Michael Curcio, Clay Doggett, Rick Eldridge, Jeremy Faison, Andrew Farmer, Ron Gant, Johnny Garrett, Bruce Griffey, Rusty Grills, Curtis Halford, Mark Hall, Kirk Haston, David Hawk, Patsy Hazlewood, Esther Helton, Gary Hicks, Tim Hicks, John Holsclaw, Dan Howell, Bud Hulsey, Chris Hurt, Curtis Johnson, Kelly Keisling, Sabi Kumar, Justin Lafferty, William Lamberth, Tom Leatherwood, Mary Littleton, Susan Lynn, Pat Marsh, Debra Moody, Jerome Moon, Brandon Ogles, Dennis Powers, John Ragan, Bob Ramsey, Jay Reedy, Tim Rudd, Iris Rudder, Lowell Russell, Jerry Sexton, Cameron Sexton (Speaker), Paul Sherrell, Robin Smith, Mike Sparks, Bryan Terry, Chris Todd, Ron Travis, Kevin Vaughan, Terri Weaver, Mark White, Sam Whitson, Ryan Williams, John Windle, Dave Wright, Jason Zachary.

The Senate members that the campaign will focus on include Paul Bailey, Mike Bell, Janice Bowling, Richard Briggs, Rusty Crowe, Todd Gardenhire, Ferrel Haile, Joey Hensley, Ed Jackson, Jack Johnson, Brian Kelsey, Jon Lundberg, Becky Massey, Frank Niceley, Bill Powers, Shane Reeves, Kerry Roberts, Paul Rose, Steve Southerland, John Stevens, Art Swann, Bo Watson, Dawn White, Mr. Speaker Randy McNally. It should be noted that there would be special effort put into meeting with the committee chairs of the House Finance, Ways, and Means Committee and the committee chairs of the Senate Finance, Ways, and Means Committee. Susan Lynn and Patty Hazlewood are the chairs of the House Finance, Ways, and

Means Committee and Bo Watson, John Stevens, and Joey Hensley are the chairs of the Senate Finance, Ways, and Means Committee. Specifically putting more resources into meeting with these members and communicating the message to them about why this law should be repealed would be very helpful as they chair these committees and the Tennessee Protest Law falls under the category of Finance, Ways, and Means. In addition to this, other members of congress to specifically focus on meeting with include the Speaker of the Senate, Randy McNally, and the Speaker of the House, Cameron Sexton.

The first step of the plan is for members of the group to draft letters to send via email to each of these elected officials. In addition to the core group members and volunteers from partnering organizations, volunteers recruited on social media can also participate in this. There will be a number of form emails in addition to suggested ways to personalize them. The campaign will hopefully have hundreds or thousands of emails being sent to these elected officials on the subject matter of the Tennessee Protest Law. In addition to this, members working on social media outreach will tag these elected officials in posts and comment or reply questions about the Tennessee Protest Law to the social media posts of these elected officials. This plan incorporates contacting all of the previously mentioned lawmakers as well as specifically focusing on the chairs of relevant committees and majority party leadership before Tennessee state legislature commences again. In the contact made with these Congress members and their offices, the campaign will seek to set up Zoom meetings to make the case as much as possible with as many members of the Tennessee Congress, in order to take advantage of the time before the Tennessee General Assembly commences again and to make the best of the opportunities during the current pandemic.

Partnering organizations such as the Tennessee chapter of the ACLU, NAACP, Black Lives Matter, Concerned Citizens, Women's Fund, and all other organizations in support listed on the positional map can contact elected officials through phone calls, voice messages, emails, and social media to set up a meeting to discuss the Tennessee Protest Law and why it should be repealed. In this approach, more specific details include making the case of First Amendment rights in general and referencing the rights of all groups to protest, including recent protests by conservative groups, to show these largely conservative legislators that the law against protest in Tennessee can have detrimental effects on all protestors, not just ones that agree or disagree with the current members of the Tennessee State Legislature.

For everyone meeting with the legislators, whether that is members of partnering organizations, citizen volunteers, or the core members of the campaign, it will be a part of the plan to have talking points prepared and studied well before each meeting. In addition to strategizing which talking points may be more effective with particular legislators, the coalition will also work on training volunteers via Zoom and social media for these meetings. The purpose of meeting with the legislators is to get the 2020 Tennessee Protest Law repealed, so all efforts will be made towards being prepared to make the case for this. Another goal of meeting with the legislators and contacting their offices is to inquire about the potential opportunity to testify for upcoming hearings to make the case against this bill while congress is in session. This opportunity will also be publicized in order to gain more public support and to show the progress being made by the campaign.

Other steps that will be taken in this category include documenting which specific districts each of these Congress members represent and recruiting people to support the campaign from each of these districts. Plans will also be made for town halls, local protests, local



meetings, putting pressure on local politicians within the district to speak up on this issue. In addition to putting social pressure on politicians, this will be done by contacting legislative aides with the information from town halls, protests, meetings, and online campaigns. Because legislative aides often have great influence in the decision politicians make, the plan will include contacting them, inviting them to events, and rallying supporters to contact them as well as tag them on social media. These plans will include a way to communicate that the re-election of these representatives by their district depends on responding to the citizens' concerns on the Tennessee Protest Law.

### **Main Talking Points**

1. The recent abuse of protestors in this country is very concerning, with issues of police brutality, unnecessarily harsh penalties, and false arrests. This includes approximately 10,000 protestors being arrested in the past six months, with the vast majority being peaceful, non-violent protestors (Sainato, 2020). In addition to this, there are over 130 documented instances of journalists being assaulted by police during recent protests (Sainato, 2020).
2. Protesting is a major part of American heritage and history, all the way from the Boston Tea Party, and the Revolution, to Labor Protests, Civil Rights Marches, and including protests in the year 2020.
3. Those who espouse constitutional originalism, as the vast majority of Republican and conservative Tennessee Congress members do, should see the value in protecting First Amendment Rights to the fullest extent possible.
4. It may be the case that the majority of the Tennessee State Legislature does not agree with the recent wave of protests in support of Black Lives Matter, but passing a

reactionary bill to those protests will only serve to hurt all protestors for all causes, including conservative ones, in the future.

5. The loss of voting rights for protestors is against the values of the United States and the Constitution, as voting is a right as well as the right to assembly, the right to free speech, and the right to protest. A comparison may be made to the common conservative arguments in support of the Second Amendment, and how restrictions commonly added to that are seen as an infringement of rights in those circles, so if that logic is applied evenly to the First Amendment as well, it would stand to reason that those rights should not be infringed upon either.
6. There are racial disparities in the population of protestors that are arrested, and this law will lead to further discrimination in the form of not only arrests, but also fines, felonies, and loss of voting rights.
7. While there are some reasonable aspects of the TN Protest Law that most people can agree on, such as protections for first responders and property, statistics have shown that over 90% of protests have been peaceful, and these incidences are very rare (Budryk, 2020). There are existing laws against these actions, and the current TN Protest Law is not necessary to stop this. This means that the benefits of this law do not outweigh the detrimental effects on the lives of protesters and their right to peacefully protest, assemble, and practice free speech.

### **Progress Monitoring Plan**

Progress on the Protest Law will be monitored via different methods. One being the Tennessee General Assembly online tracking site. Communicating with and monitoring the legislators and their aides will help monitor progress. Lastly, staying in touch with organizations

such as the ACLU, that are in disagreement with the Protest Law is an additional way to monitor the Protest Law.

### **Conclusion**

The Tennessee Protest Law increases criminal penalties for protest-related activities including vandalism, obstruction of traffic, assault, property destruction, disorderly conduct, and camping overnight on state property. The law was created and supported mainly by Tennessee Republican legislators based on the intentions of increasing safety for first responders and the public. Many Tennesseans disagree that the law increases safety, but instead infringes on the First Amendment Rights to freedom of speech and freedom to peacefully assemble. Some Tennesseans also question the motives of legislators purposely trying to silence the voices of protestors that are publicly speaking out against police brutality towards Black Americans in 2020, since the law was passed immediately following mass protests occurring day and night at the Tennessee State Capitol Building.

Protesting has been a huge part of American history starting with the Boston Tea Party. Throughout history, protesting has proven to bring necessary positive change to social injustices that exist in society. Protesting offers minorities and people who feel their rights are being oppressed a chance to collectively share their struggles and advocate for change. The act of protesting also offers Americans a chance to exercise their human and democratic rights.

Just as protesting is a major part of American history, attempts to suppress and silence minority protests also have deep roots in the country's history. The Tennessee Protest Law is another attempt to do just that.

The Protect Tennessee's Freedom of Speech coalition will launch a media and advocacy campaign to promote repealing the Tennessee Protest Law. The campaign will recruit partners

and state citizens through public events, newspaper and radio, and social media. The coalition members will actively meet in person, email, and phone Tennessee legislators requesting the repeal the Tennessee Protest Law. The campaign will also request state citizens to contact their legislators to request the repeal. The coalition hopes to educate the public and advocate for the repeal so that every Tennessee citizen has the opportunity to exercise their fundamental rights.

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## Appendix A

## Legislator Positional Map

**OPPOSITION**

**PROPONENTS**



Rep. Johnny Shaw (D)

Senator Mike Bell (R)

Gov. Bill Lee (R)

### HOUSE

House Majority Leader, William Lamberth (R) (created bill)

Rep. John DeBarry (D)

43 Republican Representatives Sponsors of Bill

68 Total Republican Representatives voted in favor of the bill

### SENATE

Senator Sponsors of Bill- Johnson (R), Bailey (R), Jackson (R), Stevens (R), Bowling (R), Reeves (R), Yager (R), Gardenhire (R), Rose (R), and Gresham (R)

25 Total Republican Senators voted in favor of the law

### HOUSE

Rep. Bill Beck (D)

Rep. Jason Hodges (D)

Rep. Larry Miller (D)

Rep. Van Huss (R) - only republican rep against law

21 Democrat Representatives voted against

### SENATE

TN Senate Minority Leader, Jeff Yarbrow (D)

Sen. Raumesh Akbari (D)

Senator Steven Dickerson (R)

Senator Brenda Gilmore (D)

These 4 Senators voted against the law

## Appendix B

### Press Release

For immediate release: December 7, 2020

Contact: Nawal Habib

Phone: 423-867-5309

Email: [NHabib@tnprotestrights.com](mailto:NHabib@tnprotestrights.com)

### **Protect Tennessee's Freedom of Speech Coalition Working to Repeal the Tennessee Protest Law**

Protect Tennessee's Freedom of Speech coalition has been formed to advocate for the repeal of the Tennessee Protest Law that was passed in August 2020. The new law enforces a default 12 hour hold without bond for any protest-related violations. The law has increased criminal penalties for vandalism, traffic obstruction, disorderly conduct, and campaigning on state property, as well as making a felony of camping overnight on state property and offensive physical contact with a first responder. Also, disrupting a lawful meeting will now result in a Class A Misdemeanor.

Protest rights should be protected as a way for the oppressed to educate and spread awareness in efforts to create positive change and social justice. Americans and Tennesseans deserve the right to voice their experiences of discrimination without legal penalties. The Tennessee Protest Law only creates more obstacles and criminalization for citizens to practice their freedom of speech.

Protesting has been a major part of American history, helping to bring awareness and positive change to social injustices, discrimination, and oppression deeply rooted in the country. Some historical protests include the Boston Tea Party, Women's Suffrage, the Civil Rights Movement, and the Stonewall Riots. A current major protest movement is also present in 2020. Thousands of Tennesseans have protested in solidarity for the Black Lives Matter Movement for months, day and night, at the Tennessee Capitol Building following George Floyd's death in 2020.

Protect Tennessee's Freedom of Speech coalition strongly urges Tennessee legislators to repeal the Tennessee Protest Law when the Tennessee General Assembly convenes again in 2021.

Tennessee citizens can visit the coalition's website and social media sites listed below or call Nawal Habib at 423-867-5309 for more details on how to contact legislators requesting the repeal of the Tennessee Protest Law.

[www.tnprotestrights.com](http://www.tnprotestrights.com)

Twitter: @repealtnprotestlaw

YouTube: [www.youtube.com/repealtnprotestlaw](https://www.youtube.com/repealtnprotestlaw)

Facebook.com/repealtnprotestlaw

Instagram: repealtnprotestlaw

## Appendix C



### Protect Tennessee's Freedom of Speech

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.<sup>1</sup> 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.<sup>2</sup> Protesting is a way for Americans to have their voices heard and actively participate in their democracy.

### The Problem

**Structural Racism** disadvantages Black Americans in this country in many major ways of life.

- The U.S. Census shows that the median income of Black households is \$39,490 versus \$65,041 of white households.<sup>3</sup>
- Non-white school districts receive \$23 billion less in funding than white school districts.<sup>4</sup>
- Minority racial groups are more likely to experience poverty than the white majority.<sup>5</sup>
- The cancer death rate for Black Americans is 25% higher than whites, Hispanics, and Latinos.<sup>6</sup>
- Black Americans are five times more likely to be imprisoned than white Americans.<sup>7</sup>
- 164 Black Americans were killed by active police officers in the first eight months of 2020.<sup>8</sup>

### Protesting to Make Change

Protesting has been a major part of American history, helping to bring awareness and positive change to social injustices, discrimination, and oppression deeply rooted in the country. Some historical protests include the Boston Tea Party, Women's Suffrage, the Civil Rights Movement, and the Stonewall Riots.<sup>9</sup> A current major protest movement is also present in 2020. Thousands of Tennesseans have protested in solidarity for the Black Lives Matter Movement for months, day and night, at the Tennessee Capitol Building following George Floyd's death in 2020<sup>10</sup>

<sup>1</sup> U.S. Const. amend. I

<sup>2</sup> Madestam, A., Shoag, 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>

<sup>3</sup> Semega, J. L., Fontenot, K. R., Kollar, M. A., (2017, September 12). Income and poverty in the United States: 2016, Report Number P60-259. *U.S. Census Bureau*. <https://www.census.gov/library/publications/2017/demo/p60-259.html>

<sup>4</sup> Non-white school districts get \$23 billion less than white districts despite serving the same number of students. (2016). *EdBuild*. <https://edbuild.org/content/23-billion>

<sup>5</sup> Reeves, R., Rodrigue, E., & Kneebone, E. (2016). Five evils: Multidimensional poverty and race in America [https://www.brookings.edu/wp-content/uploads/2016/06/ReevesKneeboneRodrigue\\_MultidimensionalPoverty\\_FullPaper.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/ReevesKneeboneRodrigue_MultidimensionalPoverty_FullPaper.pdf)

<sup>6</sup> Cancer disparities. (2019, March 11). *National Cancer Institute*. <https://www.cancer.gov/about-cancer/understanding/disparities>

<sup>7</sup> Nellis, A. (2016, June 14). The color of justice: racial and ethnic disparity in state prisons. *The Sentencing Project*. <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

<sup>8</sup> Police in the U.S. killed 164 Black people in the first 8 months of 2020. These are their names. (Part II: May-August). (2020, September 10). *CBS News*. <https://www.cbsnews.com/pictures/black-people-killed-by-police-in-the-us-in-2020-part-2/>

<sup>9</sup> Dudenhoefer, N. (2020, July 2). 7 influential protests in American history. *UCF Today*. <https://www.ucf.edu/news/7-influential-protests-in-american-history/>

<sup>10</sup> Elfrink, T. (2020, August 13). Protestors have camped for months at Tennessee's Capitol. So lawmakers make it a felony. *The Washington Post*. <https://www.washingtonpost.com/nation/2020/08/13/tennessee-camping-felony-capitol/>



## Problems with the Tennessee Protest Law

Tennessee has now increased restrictions on protesting by recently passing the Tennessee Protest Law in August 2020. The new law enforces a default 12- hour hold without bond for any protest-related violations. The law has increased criminal penalties for vandalism, traffic obstruction, disorderly conduct, and campaigning on state property, as well as making a felony of camping overnight on state property and offensive physical contact with a first responder. Disrupting a lawful meeting will now result in a Class A Misdemeanor. Protest rights should be protected as a way for the oppressed to educate and spread awareness in efforts to create positive change and social justice. Americans and Tennesseans deserve the right to voice their experiences of discrimination without legal penalties. The Tennessee Protest Law creates more obstacles and criminalization for citizens to practice their freedom of speech.

## Proposed Solution - REPEAL THE TENNESSEE PROTEST LAW

### Reactions to the Tennessee Protest Law

***“We are very disappointed in Governor Lee’s decision to sign this bill, which chills free speech, undermines criminal justice reform and fails to address the very issues of racial justice and police violence raised by the protestors who are being targeted”.***

– Hedy Weinberg, American Civil Liberties Union Tennessee Chapter’s Executive Director, reaction to the Tennessee Protest Law being approved immediately following the Black Lives Matter protests against police brutality.<sup>11</sup>

***“Rather than looking for ways to arrest them for signs and chalk and raising voices, we can build a better state.”***

- Reverend Venita Lewis, Tennessee civil rights protest organizer and activist.<sup>12</sup>

## Protect Tennessee’s Freedom of Speech is supported by:

- Concerned Citizens for Justice
- Women’s Fund of Greater Chattanooga
- NAACP Tennessee Chapter
- The American Civil Liberties Union of Tennessee
- Black Lives Matter Nashville Chapter
- Showing up for Racial Justice Nashville Chapter
- Tennessee Organizing for Power Statewide

**Questions?** Call Nawal Habib at 423-867-5309 or email [NHabib@tnprotestrights.com](mailto:NHabib@tnprotestrights.com). Visit [www.tnprotestrights.com](http://www.tnprotestrights.com) for more information and ways to help Tennesseans keep their freedom of speech and right to protest.

<sup>11</sup> Kruesi, K. Mattise, J. (2020, August 21). Tennessee gov signs bill upping penalties on some protests. *The Associated Press*. <https://apnews.com/article/f465062c6eb6ab38c8df99b40f687fe4>

<sup>12</sup> Allison, N. (2020, August 12). Tennessee legislature cracks down on protestors, making it a felony to camp overnight outside Capitol. *The Tennessean*. <https://www.tennessean.com/story/news/politics/2020/08/12/tennessee-passes-law-targeting-protesters-makes-capitol-camping-felony/3354879001/>

## Appendix D

# 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.<sup>i</sup> 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.<sup>ii</sup> 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.<sup>iii</sup> 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.<sup>iv</sup> 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.<sup>v</sup> 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<sup>vi</sup>

## 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.<sup>vii</sup> The Tennessee incarceration rate is already ten percent above the national average.<sup>viii</sup> Governor Bill Lee started a criminal justice reform task force in efforts to decrease this number.<sup>ix</sup> 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.

**PROTECT TN FREEDOM OF SPEECH | SOUTHERN ADVENTIST UNIVERSITY**  
**[WWW.TNPROTESTRIGHTS.COM](http://WWW.TNPROTESTRIGHTS.COM) | 423-867-5309**

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Facebook.com/REPEALTNPROTESTLAW | Instagram: REPEALTNPROTESTLAW

<sup>1</sup> Dudenhoefer, N. (2020, July 2). 7 influential protests in American history. UCF Today.  
<https://www.ucf.edu/news/7-influential-protests-in-american-history/>

<sup>1</sup> U.S. Const. amend. I

<sup>1</sup> Madestam, A., Shoag, 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>

<sup>1</sup> Janowiecki, M. L. (n.d.). Speaking and protesting in America. *American Archive of Public Broadcasting*.  
<https://americanarchive.org/exhibits/first-amendment>

<sup>1</sup> Tennessee General Assembly. (2020, August 27). *Bill Summary HB 8005*.  
<http://www.capitol.tn.gov/Bills/111/Fiscal/HB8005.pdf>

<sup>1</sup> 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>

<sup>1</sup> 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>

<sup>1</sup> Pellegrin, M. & Melton, C. (2019, February 14). Incarceration in Tennessee: Who, where, why, and how long? *The Sycamore Institute*. <https://www.sycamoreinstitute.org/incarceration-tn-prisoner-trends/>

<sup>1</sup> 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>

***Please see our original submission of the Policy Brief for accurately labeled endnotes. Since we corrected the footnotes to endnotes per your feedback, Word does not want them to be anywhere but the very end of the document. You can also see another version of end notes on page 73.***

## **Appendix E**

### **Online Petition**

#### **SIGN THE REPEAL TENNESSEE PROTEST LAW PETITION TODAY!!!!**

The Tennessee Protest Law was passed in August 2020. Protect Tennessee's Freedom of Speech coalition has been formed to advocate for the repeal of the Tennessee Protest Law that was passed in August 2020. The new law enforces a default 12 hour hold without bond for any protest-related violations. The law has increased criminal penalties for vandalism, traffic obstruction, disorderly conduct, and campaigning on state property, as well as making a felony of camping overnight on state property and offensive physical contact with a first responder. Disrupting a lawful meeting will now result in a Class A Misdemeanor.

Protest rights should be protected as a way for the oppressed to educate and spread awareness in efforts to create positive change and social justice. Americans and Tennesseans deserve the right to voice their experiences of discrimination without legal penalties. The Tennessee Protest Law only creates more obstacles and criminalization for citizens to practice their freedom of speech.

**Sign the petition now to urge Tennessee legislators to repeal the Tennessee Protest Law!**

Please Enter a First Name:

Please Enter a Last Name:

Please Enter an Email Address:

Please Enter a Street Address:

## Appendix F

### Facebook About Me Section:

Protect Tennessee's Freedom of Speech is an online campaign to #RepealTNProtestLaw. This law was signed by Governor Bill Lee in August, leading to restrictions on protesters, including those who stay outside the capitol overnight, and leads to protesters now in danger of being charged with felonies and or high fines. This unjust law can affect anyone in the state of Tennessee - so join us in signing the petition and fighting for this bill to be repealed.

[www.tnprotestrights.com](http://www.tnprotestrights.com)

### Instagram Bio:

We support freedom for protesters in Tennessee. Protect your freedom of speech. Join us in the fight to #RepealTNProtest Law. [www.tnprotestrights.com](http://www.tnprotestrights.com)

### Twitter Bio:

We support freedom for protesters in Tennessee. Protect your freedom of speech. Join us in the fight to #RepealTNProtest Law. [www.tnprotestrights.com](http://www.tnprotestrights.com)

### Youtube Bio:

Protect Tennessee's Freedom of Speech is an online campaign to #RepealTNProtestLaw. This law was signed by Governor Bill Lee in August, leading to restrictions on protesters, including those who stay outside the capitol overnight, and leads to protesters now in danger of being charged with felonies and or high fines. This unjust law can affect anyone in the state of Tennessee - so join us in signing the petition and fighting for this bill to be repealed.

[www.tnprotestrights.com](http://www.tnprotestrights.com)

## Appendix G

### Phone and Email Script For Legislators

Dear Congressperson \_\_\_\_\_,

My name is (name) and I am a constituent from (city, zip). I am contacting you to take a stand against the Tennessee Protest Law that was passed in August 2020.

As a Tennessee citizen, I want to keep my first amendment rights to freedom of speech and freedom to peacefully assemble without criminal consequences. I believe this law infringes on the fundamental rights of Tennesseans.

This Tennessee Protest Law can be applied to all citizens, no matter what they are protesting for or against, and it's very important that Tennessee remains a state of freedom and does not suffer from state interference preventing free speech.

I urge (Senator/Representative name) to repeal the Tennessee Protest Law and let all Tennessee citizen's voices be heard.

It's important for Tennessee to be an example of true freedom for the rest of the country and the world, and this includes freedom of speech without fear of excessive criminal charges or fines as the Tennessee Protest Law would entail.

Thank you very much for your consideration of this issue and taking a stand for your constituents and against the Tennessee Protest Law. Please feel free to contact me if you would like to discuss this issue any further.

Sincerely,

[Name]

[Title - If Applicable]

[Address]

[City, State, Zip]

[Phone Number]

**\*Note: Our group did in fact implement this portion of the policy plan for extra credit, and we have forwarded these emails to the professor.**

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**Appendix D – Policy Brief correct format of endnotes**

- <sup>i</sup> Dudenhoefer, N. (2020, July 2). 7 influential protests in American history. UCF Today. <https://www.ucf.edu/news/7-influential-protests-in-american-history/>
- <sup>ii</sup> U.S. Const. amend. I
- <sup>iii</sup> Madestam, A., Shoag, 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>
- <sup>iv</sup> Janowiecki, M. L. (n.d.). Speaking and protesting in America. *American Archive of Public Broadcasting*. <https://americanarchive.org/exhibits/first-amendment>
- <sup>v</sup> Tennessee General Assembly. (2020, August 27). *Bill Summary HB 8005*. <http://www.capitol.tn.gov/Bills/111/Fiscal/HB8005.pdf>
- <sup>vi</sup> 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>
- <sup>vii</sup> 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>
- <sup>viii</sup> Pellegrin, M. & Melton, C. (2019, February 14). Incarceration in Tennessee: Who, where, why, and how long? *The Sycamore Institute*. <https://www.sycamoreinstitute.tn.org/incarceration-tn-prisoner-trends/>
- <sup>ix</sup> 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>