

Vanderbilt men's basketball: Historic 3-point streak ended from seeds sown over the years

SPORTS, 1B

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Lee loosens clemency conditions

With new standards for commutations and pardons, defense attorneys find hope

Adam Tamburin Nashville Tennessean
USA TODAY NETWORK - TENNESSEE

Gov. Bill Lee's administration took a scalpel to the state's clemency process, making a series of small tweaks that could have a big impact.

Lee's legal team made the checklist less burdensome for defendants seeking his consideration for pardons, commutations and exonerations.

The changes reflect the governor's



Lee

views on rehabilitation and criminal justice.

"The governor was very interested in making certain that we had a real focus on looking hard at rehabilitation and giving people the opportunity to make the case that they had been rehabilitated to an extraordinary degree," Lee's chief counsel Lang Wiseman said.

The changes last year are "essentially

providing maybe a little bit more discretion" as the Board of Parole vets applications and decides which ones to send to the governor for review, Wiseman said.

Fewer than 6% of the 389 clemency applications sent to the parole board in 2018 made it to former Gov. Bill Haslam, according to state data.

According to Wiseman, Lee's changes were thematically linked to the

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Inside

Kentucky governors hold nearly unchecked pardon power; lawmakers call for change. **14A**

TITANS' RUN TO AFC TITLE GAME

RESPECT EARNED



Titans running back Derrick Henry goes in for a touchdown against Kansas City during the first quarter of the AFC Championship game Sunday. ANDREW NELLES/THE TENNESSEAN

What happens when the doubters go away?



Gentry Estes
Columnist
Nashville Tennessean
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More in Sports

- From 2-4 to AFC championship game, Titans' improbable path a silver lining
- QB Ryan Tannehill finishes strong as Titans turn page to 2020

KANSAS CITY, Mo. — Oh, yeah? We'll show you. Write it down. Paste it on the wall. Stencil it on T-shirts to commemorate a Titans' season that ended in the AFC championship game. Because that's what it was about for this team, from a surprising start in Cleveland to an icy finish in Kansas City.

Sometimes imagined, often real, always prevalent, a lack of respect was what motivated this group of professionals to play so hard and so angry and so well that all seemed possible before Sunday afternoon.

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RELIGIOUS LIBERTY VS. LGBTQ RIGHTS

TN adoption bill latest battle in culture war

Holly Meyer Nashville Tennessean
USA TODAY NETWORK - TENNESSEE

The fight pitting LGBTQ rights against religious liberty continues to rage in the U.S., and a controversial adoption bill poised to become law in Tennessee is just the latest battle.

The legislation, expected to be signed by the governor, lets licensed adoption agencies cite religious or moral grounds in refusing to place children with same-sex couples or other families.

The bill gives agencies that refuse placement on these grounds protection from lawsuits. It also bars the state from denying the agencies licenses or grant applications for public funds.

The divisive measure passed by the state Senate on Tuesday is causing both celebration and consternation across Tennessee and beyond.

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"The sticking point for our community is public funding. If you can turn us away, why should we subsidize discrimination against ourselves?"

Chris Sanders
Tennessee Equality Project

COMMEMORATING MLK NEWS, 3-4A



King's unfinished legacy

People participate in the MLK Day Convocation organized by the Interdenominational Ministers Fellowship on Monday at TSU. COURTNEY PEDROZA / THE TENNESSEAN



Cyntoia Brown-Long offers hope during Monday's MLK Fellowship Breakfast.

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White House assails case: Trump administration send reply on "flawed" articles backed by "no evidence." **11A**

David Climer remembered

Friends, colleagues pay tribute to longtime Tennessean columnist who died Sunday. **Sports, 2B**

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Estes

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While we were labeling the Titans' run to the AFC title game as overachieving, miraculous, magical, charmed — whatever condescending word you want to use that can be construed as lucky — they smirked and tore through New England and Baltimore and took an early lead in Kansas City.

Chips on shoulders the whole time. It was evident on faces after touchdowns. Oh, yeah? We'll show you.

They'd said it for two weeks, and the Titans — expected by most to lose to the Chiefs — wanted so badly to say it again Sunday.

And once they couldn't, despite all that had been accomplished, that underdog attitude was so ingrained that players couldn't let it go.

"As a Tennessee Titan, people don't think, 'Oh, watch out for them,'" left tackle Taylor Lewan said. "I don't think anybody has ever thought that about the Tennessee Titans. From my rookie year until now, I think the brand of the franchise is definitely changing in the right direction, obviously."

"I'm sure we won't have respect next year. I'm sure we'll be playing at 12 again," said safety Kenny Vaccaro, noting the Titans' lack of marquee, prime-time television games this season. "But hopefully, we start to earn some respect by the way we work, the guys we have in this locker room. And if we don't, we don't. We'll keep doing what we do."

The future does look bright, though there is offseason work to be done. First on the list is running back Derrick Henry and quarterback Ryan Tannehill will each need to be re-signed and paid a lot more than they were making this season. Assuming that happens, will there be money left for the Titans to keep top cornerback Logan Ryan? Or right tackle Jack Conklin?

They'll need to improve their pass rush. They could use another formidable receiver or two. The kicking situation never was truly settled in 2019.

But there is a lot to like here, a lot of pieces in a core that should return intact.

The Titans have the right coach in Mike Vrabel. The defense isn't facing a dramatic overhaul. They appear to have the right quarterback — finally — in Tannehill, a legit No. 1 receiver in A.J. Brown and there's Henry, of course,



Titans offensive tackle Dennis Kelly celebrates his touchdown with Taylor Lewan (77) during the second quarter of the AFC Championship game Sunday in Kansas City, Mo. GEORGE WALKER IV/THE TENNESSEAN

with an offensive line that was trending way up by season's end.

It's in a big-picture sense that you'll find perhaps the biggest question: What happens if the respect is apparent in 2020? What happens when the Titans aren't underdogs anymore?

Because that's what they want. It's what they responded to all season.

And they shouldn't be doubted anymore. Not after these past few weeks.

In a physical sport, it's common for coaches to seek motivation through disrespect. That's why teams are so careful about what they say publicly, lest they give an opponent material for a bulletin board to get them fired up. Usually, those coaches are reaching and surface motivation proves fleeting anyway once you're hit on the field.

But for Vrabel, such a message landed with these Titans because they knew it, too. They'd had three consecutive winning seasons but were clearly not viewed among the elite AFC teams.

That mentality didn't always result in wins, but it did work. The Titans played as hard as anybody, even when they were losing. Then when they got hot at the right time, it all started clicking in a way that was special and might not be so simple to recapture.

"There's very few things that motivate you in football," Lewan said. "When you get an opportunity where you're

four games away, three games away, two games away, one game away, there's nothing like it, man. There's nothing like going in each week and being an underdog and winning."

The Super Bowl was not some far-fetched dream and it won't be. That's a new reality for the Titans, who watched the Chiefs celebrate it Sunday evening. Remember that the Chiefs lost in the AFC title game last season.

Better than good, not quite great, but a lot closer than it looked like they would be.

That's the verdict on a Titans season that eventually established this franchise among the AFC's most formidable teams. It proved a point about this franchise's potential.

"We are all going to walk out of this locker room with our heads up high," safety Kevin Byard said. "We were able to accomplish a lot with the amount of doubters that we had, but we also had a lot of believers. And the believers that were in this locker room believed that we could be in this position. That's what I'm going to reflect on this offseason."

Be proud, Titans. You've earned the right. You did, in fact, show everyone.

Oh, yeah?

So now what?

Reach Gentry Estes at gentryestes@tennessean.com and on Twitter @Gentry_Estes.

Clemency

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administration's broader push for criminal justice reforms. Lee "wanted to make certain that he was going to see those that merited his review," he said.

Local defense attorneys said the changes might make their jobs easier, lowering what they see as impossible barriers to redemption for their clients.

"Every change that was made was for the better," attorney Daniel Horwitz said. "I'm optimistic about that."

At the same time, the attorneys said, the changes to the applications won't have any real impact unless Lee grants more requests for clemency. He has not granted any requests for clemency since taking office in 2019.

"Rubber meets the road at actual grants," said Horwitz, who has two clemency applications pending with the parole board. "Until grants start coming in, it's all just talk."

Wiseman said he didn't know if the changes would necessarily lead to more clemency grants — only that it would give the parole board more leeway to send cases to the governor for consideration.

Executive clemency has three forms in Tennessee.

Pardons remove crimes from someone's record, commutations shrink or alter an offender's sentence, and exonerations formally recognize that an innocent person was wrongly convicted.

Lee changed criteria for each form of clemency when he released a trio of amended applications last year.

■ Pardon applications shifted from requiring "a specific and compelling need for a pardon" to requiring "a compelling reason for a pardon."

■ Commutation applications removed the rigid legal standard that offenders show "clear and convincing evidence" of rehabilitation. It added that rehabilitation should be measured "relative to the nature of the offense(s) committed."

■ Exoneration applications eliminated the "clear and convincing evidence" standard.

Horwitz and other lawyers said the changes could prove to be meaningful, if limited, improvements.

The older, more stringent application ensured clemency was "like winning the lottery," Horwitz said.

It was particularly difficult, for instance, to show a "compelling need" for a pardon. A "compelling reason" could open consideration of many more situations.

The "clear and convincing evidence" bar is a particularly lofty legal hurdle.

Eliminating that could allow for a standard of proof that is much more manageable — although the forms do not identify what standard should be used.

"These changes are a step in the right direction and are reflective of Gov. Lee's commitment to criminal justice reform," Nashville defense attorney Ben Raybin said.

Raybin said he remained worried that the parole board's role would continue to filter out worthy applications before they could hit the governor's desk.

"My biggest concern is that the parole board is retaining its authority to unilaterally deny clemency applications even though my view of the law is that the board is only supposed to make recommendations to the governor," Raybin wrote in an email, pointing to the low percentage of clemency cases that made it to Haslam.

"Gov. Lee has spoken extensively about the importance of second chances and rehabilitation," Raybin wrote. "I am very optimistic that these changes represent a fresh approach to clemency in Tennessee."

Nashville attorney Bryan Stephenson shared a cautious optimism for the changes, but he urged Lee to push to limit prison time and lengthy sentences for drug crimes.

Administration officials say they will submit broader criminal justice reforms through legislation this year and beyond.

"My hope for him is he doesn't get so focused on the back end," Stephenson said.

"The prison system does so much trauma to people," Stephenson said. "If I had it my way, I would have fewer people going in to begin with."

Reach Adam Tamburin at atamburin@tennessean.com or 615-726-5986 and on Twitter @tamburintweets.

Adoption

Continued from Page 1A

The measure, soon to be enshrined in state code, is copycat legislation. The Center for Public Integrity linked adoption bills introduced in multiple states to conservative Christian activists backed by the Congressional Prayer Caucus Foundation.

The bill's sponsor in Tennessee, unsurprisingly, sees its passage as a clear victory.

"I am very pleased that this legislation has passed and that faith-based child placement agencies will soon have an added layer of protection to continue the work they have done for decades without fear they will be forced out of business," Sen. Paul Rose, R-Covington, said in a statement.

But its success is a loss for LGBTQ residents.

Chris Sanders, executive director of the Tennessee Equality Project, questioned the real need for the bill and noted not all religious Tennesseans support such a measure.

"The sticking point for our community is public funding. If you can turn us away, why should we subsidize discrimination against ourselves?" Sanders said.

"It's not that we have an opposition to people having religious beliefs or running a religious agency. When public funds are involved, we should have a reasonable expectation that we will be served equally."

Similar adoption legislation has passed in other states. Some have faced legal challenges and it is possible the matter could wind up before the U.S. Supreme Court.

Expert: Both sides can win

It also illustrates how the fight between LGBTQ rights and religious liberty is shifting from marriage to adoption.

"It's the next frontier of the culture war," said Robin Fretwell Wilson, director of the family law and policy program at the University of Illinois College of Law.

She called it the most tragic frontier in her lifetime because children in need of loving homes are at the center of this



Senate Majority Leader Jeff Yarbro, D-Nashville, unsuccessfully tried to amend the bill during the first day of the state legislature in Nashville on Jan. 14. LARRY MCCORMACK/THE TENNESSEAN

heated debate.

When states pick sides, regardless if it is for more LGBTQ rights or more religious protections, litigation is apt to follow, Wilson said. But she thinks there is a way for both same-sex couples and faith-based adoption agencies to win.

She crafted a model for adoption and foster policies. Her solution is part of the federal Fairness For All bill introduced in December to find common ground between protecting religious freedom and advancing LGBTQ protections. In its entirety, the congressional legislation is seen as an alternative to the Equality Act as well as proposed conservative measures, but has a tough path ahead.

Tennessee chose to pick a winner and a loser on the adoption issue, instead of finding the best path forward for all, Wilson said.

"What we need to do is reconfigure the system to put couples in the driver seat. Allow them to direct themselves to the agency that best meets their needs," Wilson said.

"At the end of the day, they're all taking a kid on board for us. In my view, having been adopted myself, this is a

public trust and the state has an interest in getting all of those children placed in every loving family."

Is the new bill discriminatory?

The LGBTQ community in Tennessee was not consulted on the best path forward, Sanders said.

"I don't know that we can find common ground, but what I do know is we cannot if we're not at the table when the bills are being framed," Sanders said.

The recently passed adoption bill is causing Republican Christian business owner Mike Curb to question what is happening in Tennessee.

He owns Curb Records, the Nashville-based independent record label, and is worried about the impact this bill will have on his employees, especially those who identify as LGBTQ. He also thinks it will hurt his company's ability to recruit future talent.

He matched Taylor Swift's \$113,000 donation to the Tennessee Equality Project last year to help fight the adoption bill and other legislation.

"I love this state, but how can we legislate discrimination?" said Curb, who previously served as California lieutenant governor and acting governor.

On the flip side, a top Southern Baptist leader praised Tennessee lawmakers for passing the bill. The largest Protestant denomination in the U.S. is headquartered in Nashville.

Russell Moore, president of the Southern Baptist Convention's Ethics & Religious Liberty Commission, said in a recent column published in The Tennessean the legislation puts children first and argued that it does not promote discrimination.

"The law doesn't exclude any otherwise qualified organization from serving our state's children on the basis of their religious convictions or lack thereof. We need everyone working together for our children — even when we disagree on many other important things," Moore said.

"This law prevents the state from discriminating against faith-based organizations as they serve and meet the needs of children. It does not restrict others at all."

Reach Holly Meyer at hmeyer@tennessean.com or 615-259-8241 and on Twitter @HollyAMeyer.