

# FREEDOM INDEX.US

## LEGISLATIVE SCORECARD BASED ON THE THE U.S. CONSTITUTION

The Legislative Scorecard is a nationwide, nonpartisan educational program of The John Birch Society intended to inform voters about legislators' voting records. It does not promote any candidate or political party. Bills are chosen for their constitutional implications and taxpayer costs.



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## Art Swann

Tennessee  
Senator, SD-002 (R)

[freedomindex.us/10971/](https://freedomindex.us/10971/)

**72**  
Lifetime  
Freedom  
Score

## TN Legislative Scorecard 2024

Based on the Principles of the U.S. Constitution

★ Constitutional	✗ Unconstitutional	? Did not Vote	Vote
1. <b>SB1834 Death Penalty for Child Rape</b> (passed 23 to 5 on 4/23/2024). Authorizes the death penalty as a punishment for "rape" of a child, "aggravated rape" of a child, or "especially aggravated rape" of a child.			YES ★
2. <b>HB1605 Ban on LGBTQ+ "Pride" Flag in Schools</b> (failed 13 to 6 on 4/23/2024). Would prohibit the display of any flag other than the United States flag and the official Tennessee state flag in public schools.			YES ★
3. <b>HJR5 Article V Convention: Term Limits</b> (passed 18 to 11 on 4/11/2024). Applies to Congress to "call a convention" under Article V of the U.S. Constitution for the purpose of proposing amendments that would set term limits on members of Congress.			YES ✗
4. <b>SB1505 Federal Funds to Alleviate "Childhood Hunger"</b> (failed 15 to 15 on 4/9/2024). Would require the Department of Human Services to actively seek and apply for federal grants and other available federal funds for the purpose of alleviating "childhood hunger".			YES ✗
5. <b>HB2124 Local Enforcement of Immigration Law</b> (passed 26 to 7 on 3/25/2024). Directs local law enforcement agencies to cooperate with federal officials in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.			YES ★
6. <b>SB2840 Grandparent "Visitation Rights" in Child Custody Cases</b> (passed 32 to 0 on 3/18/2024). Specifies that a court may order "reasonable visitation" to grandparents when it is in the "best interests of the child" if such visitation is opposed by the child's custodial parent(s).			YES ✗

**Scorecard Votes: 50%**

# Why do these votes matter?

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## 1. Death Penalty for Child Rape

SB1834 authorizes the death penalty as a punishment for rape of a child.

Tennessee has a dual role of securing the rights to life, liberty, and property while punishing anyone responsible for depriving them. Rapists can only themselves be held accountable for their own actions, and punishment for one's crimes must be borne by that individual. Rape, which is a deep violation of personhood and often involves the shedding of innocent blood, is a serious crime that demands capital punishment, for mankind has been created in the image of God. The U.S. Constitution's "due process" and "equal protection" requirements justly follow the Common Law retributive principle that "the punishment should fit the crime."

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## 2. Ban on LGBTQ+ "Pride" Flag in Schools

HB1605 would prohibit the display of any flag other than the U.S. flag and the Tennessee state flag in public schools.

This bill would have banned the LGBTQ+ "Pride" flag from being displayed in schools. Flags are symbols of sovereignty and allegiance. Unlike the U.S. flag and "the Republic for which it stands," the "Pride" flag represents the "abomination" of a rival global totalitarian force that seeks to stake a territorial claim over all of society by indoctrinating students into "affirming" sexual perversion. Americans have been warned that "Pride goes before destruction," and "if we ever forget that we are one Nation under God, then we will be a nation gone under." The Flag Code has always and only required that the U.S. flag should be displayed "daily" at "every public institution" across the country, including "during school days in or near every schoolhouse."

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## 3. Article V Convention: Term Limits

HJR5 applies to Congress for an Article V Convention on term limits for members of Congress.

Term limits conflict with Americans' right to choose their representatives. Instead of failing to uphold their oath of office and attempting to rewrite the U.S. Constitution, legislators should act to nullify all unconstitutional federal laws. Whenever the federal government assumes undelegated powers, nullification of such acts is the proper remedy. Article V was designed to correct potential defects in the Constitution, not to "misconstrue or abuse its powers."

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## 4. Federal Funds to Alleviate "Childhood Hunger"

SB1505 would require federal grants and other available federal funds for the purpose of alleviating "childhood hunger."

Feeding children is not the role of government—rather, it is the responsibility of parents or family members. There exists no "right to food" apart from a person working and earning it themselves or having received it privately and voluntarily from someone else. Taxation in the name of "social welfare" is neither just nor charitable. "Public assistance benefits" rely on the unconstitutional and discriminatory use of federal and state taxpayer money on behalf of some citizens (particularly those who have little or no tax liability) at the expense of others, resulting in more debt, dependency, and poverty. Nothing in Article I, Section 8, of the U.S. Constitution authorizes the spending of federal funds for such purposes.

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## 5. Local Enforcement of Immigration Law

HB2124 directs local law enforcement agencies to cooperate with federal officials in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.

Persons who enter the United States illegally—which, by definition, is a crime—should not be permitted sanctuary in Tennessee, let alone be aided and abetted by local law enforcement officials. Article I, Section 8, of the U.S. Constitution clearly gives Congress power to "establish a uniform Rule of Naturalization." Rather than pursue blatantly unconstitutional and anti-American policies that undermine the rule of law and erode the value of citizenship, each of the several States should exercise its sovereign powers under the 10th Amendment to end the illegal-migrant invasion and provide for the public safety.

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## 6. Grandparent "Visitation Rights" in Child Custody Cases

SB2840 specifies that a court may order "reasonable visitation" to grandparents when it is in the "best interests of the child" if such visitation is opposed by the child's custodial parent(s).

Final decision-making authority over the upbringing and care of a child belongs to the child's parents—not their grandparents or the government. No law-abiding custodial parent should ever be compelled to relinquish their child under threat of the judicial system. Opponents of traditional marriage and the family are also working to advocate for "equal-shared parenting" and similar legislation that seeks to rewrite U.S. family law entirely, being modeled after the U.N. Convention on the Rights of the Child. If this is not opposed, it will have severe long-lasting consequences for parental rights. Parental rights are protected by the U.S. Constitution's Bill of Rights and 14th Amendment, which "Judges in every State shall be bound thereby."