



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of TENNESSEE**

The Vigil

Fall 2009

2009 Bill of Rights Celebration

Please join us in honoring
Hedy Weinberg's 25th Anniversary
as Executive Director of ACLU-TN



Saturday, November 21, 2009

Cocktails from 6:30 to 7:45 P.M.; Dinner at 7:45 P.M.

Loews Vanderbilt Hotel, 2100 West End Avenue, Nashville, TN

Cash Bar & Silent Auction; Complimentary Self Parking

R.S.V.P. by November 16, 2009

(complete the form below or buy tickets at www.aclu-tn.org)

Special Sponsorship Levels

Special Sponsors are listed in the program & invited to a pre-event reception with the honoree.

- ___ Guardian of Liberty (\$2,500 — includes a table for ten and an invitation for four to the reception)
- ___ Host (\$600 — includes two dinner reservations and an invitation for two to the reception)
- ___ Patron (\$300 — includes one dinner reservation and an invitation for one to the reception)

Bill of Rights Celebration Tickets

- ___ Dinner Tickets (\$120 per person) Desired Ticket Quantity: _____
- ___ Table for Ten (\$1200 per table) Desired Table Quantity: _____

*(\$85 of each reservation or
\$850 per table is tax deductible)*

Supporters

___ I/we cannot attend; please accept my tax-deductible donation of \$ _____

Name: _____ **Please list me/us:** as written as anonymous

Address: _____ **Phone:** _____

___ My check, payable to ACLU-TN, is enclosed.

___ Please charge Visa/MasterCard number: _____ Expiration : _____

Please return this form by **Nov. 16, 2009** to: **ACLU-TN, P.O. Box 120160, Nashville, TN 37212**

To get more information, purchase limited-income tickets, or inform us of dietary restrictions, please call 615.320.7142.

ACLU-TN Responds to Religious Activity in Tennessee Public Schools: Releases Guide for Administrators and Teachers

Responding to concerns about religious activities in Tennessee public schools, ACLU-TN recently sent out our “Know Your Rights: Religion in Public Schools – A Guide for Administrators and Teachers” to the 137 public school superintendents across the state. The brochure outlines which religious activities in public schools are and are not permissible based on Federal Court decisions and the guarantees of the Establishment and Free Exercise provisions of the First Amendment.

According to Executive Director Hedy Weinberg, “One of the most hotly disputed and frequently misunderstood issues is the role of religion in public schools. The airwaves are filled with rhetoric suggesting that the ACLU

In an attempt to clarify the confusion surrounding religion in public schools, ACLU-TN prepared the guide in order to provide public school administrators and teachers with constitutionally sound guidelines regarding religious activities in public schools.

The Establishment Clause of the First Amendment prohibits government from encouraging religion in any way. The United States Supreme Court has long held that this provision forbids school-sponsored religious activities, even when 1) prayers are voluntary or students have the option of being excused; 2) students vote in favor of holding prayers in conjunction with school events; 3) prayers are non-sectarian or non-proselytizing; and 4) students are asked to observe a moment of silence for the purpose of praying in their own manner.

The purpose of the First Amendment is not to prohibit religious expression but to preserve the freedom to worship or not as one chooses. Accordingly, the Free Exercise Clause of the First Amendment protects students’ rights to: 1) pray in schools as long as they do not disrupt educational activities or compel others to pray along with them; and 2) organize religious clubs and groups, as long as activities take place during non-school hours; school officials are not involved; and any school facilities that are used are made equally accessible to all student groups.



Photo by SD Dirk

and the United States Supreme Court have taken prayer, God or religion out of the public schools when in fact ACLU defends the rights of students to pray in school as long as they don’t disrupt the school day. However, the ACLU does not support public school-sponsored religious activities because those activities jeopardize religious freedom and the rights of the family to decide whether to pray, when to pray, and to whom to pray.”

“Know Your Rights: Religion in Public Schools – A Guide for Administrators and Teachers” and the letter that was sent to superintendents can be found at www.aclu-tn.org/religiousfreedom.htm.

If you are a student or parent who has concerns about religious activities taking place in your school, please let us know what is happening by calling ACLU-TN at 615-320-7142 or visiting our website at www.aclu-tn.org/drupal6.

The Broken Immigration System: 287(g), Law Enforcement and Racial Profiling

287(g) refers to the section of the Immigration and Naturalization Act that allows local law enforcement agencies to partner with Immigration and Customs Enforcement (ICE) to enforce federal immigration law. Under this agreement, local law enforcement officers are allowed to detain and question certain individuals and

screen them to determine their immigration status. People who are undocumented are then jailed for transfer to ICE and deported. In Tennessee, as of September 2009, the Tennessee State Highway Patrol and the Davidson County Sheriff's Office had entered into 287(g) agreements with ICE.

287(g) agreements are problematic because they

- undermine public safety by exacerbating fear in communities already distrustful of law enforcement;
- challenge the constitutional guarantees of fair treatment and due process; and
- encourage racial and ethnic profiling.

While the national program was developed with the stated goal of responding to "immigration violators who pose a threat to national security or public safety", it has, in practice, had very different outcomes. Law enforcement resources are now being used to process

low-level offenders (for non-violent misdemeanors such as driving without a license, trespassing and fishing without a license), siphoning resources, creating distrust in the community and tolerating, if not encouraging, racial and ethnic profiling.

How many people have been deported?

So far in Davidson County nearly 10,000 people have been detained and processed through 287(g) and over 6,000 people have been placed into immigration proceedings. The vast majority of persons placed into immigration proceedings were arrested for non-violent misdemeanors such as driving without a license.

Who has it affected?

- **Families:** Roughly eight families a day are separated in Davidson County because of the 287(g) program.
- **Documented Immigrants and U.S. Citizens:** Roughly one third of all people who are processed through this program are U.S. citizens or valid visa or green card holders. These lawfully present people are detained, interrogated and oftentimes held in jail because they are unable to make bond.
- **Our Community:** Local law enforcement already has its hands full protecting our communities. They need more tools to prevent crimes, not new rules that would encourage them to look for people who could be undocumented immigrants, a power that could be open to abuse. This program siphons badly needed resources away from our community's real policing needs to focus on a very small population. Not only that, when our neighbors cannot trust law enforcement, they do not call to report crimes or cooperate with criminal investigations. As a result, our streets are less safe.





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**Fair Treatment for Nashville's
Lesbian, Gay, Bisexual and Transgender Public Employees**

On September 25th, Nashville became the first city in Tennessee to protect both prospective and current government employees from discrimination based on sexual orientation or gender identity. Nashville's Mayor Karl Dean signed the bill into law as Metro Council members Megan Barry, Ronnie Steine and Buddy Baker, sponsors of the ordinance, ACLU-TN Executive Director Hedy Weinberg, TEP representatives, and other supporters looked on.



ACLU-TN, TEP and over 45 other groups lobbied in support of the ordinance, which passed 24-15-1.

Weinberg praised its passage, saying, "The new law shows that Nashville has taken its place among American cities that promote fairness and equal treatment of their public employees."

ACLU-TN CLE

**Protecting Gates' Gate:
How to Sue the Govern-
ment for Civil Rights
Violations**

**Nov. 13, 2009
12:30—5:00 p.m.**

**Tennessee Bar
Association
Nashville, TN**

**Please visit
www.aclu-tn.org
for event registration
information**