



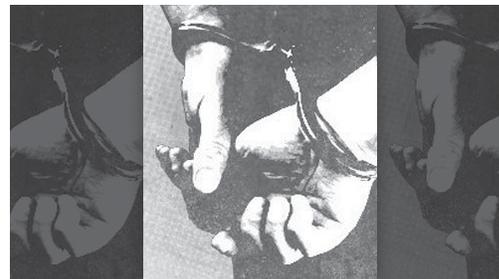
The Vigil

Fall 2012

Giving Birth in Chains: Cruel & Unusual

On behalf of mother Juana Villegas, ACLU and ACLU-TN recently filed an amicus brief with the Sixth Circuit Court of Appeals arguing that the practice of shackling pregnant inmates violates the Eight Amendment's prohibition of cruel and unusual punishment.

Villegas was pulled over in July 2008 when nine months pregnant for "careless driving." While in the custody of the Davidson County Sheriff's Office for driving without a license, she went into labor and was shackled to the bed in a hospital room with a Sheriff's officer standing guard. She remained shackled until an hour before the actual birth, barred her from seeing or speaking with her husband. Shortly after delivery, she was again shackled to the bed and her baby was taken from her. Upon return to the jail she was denied a breast pump, causing an infection.



On March 4, 2009, Villegas filed a lawsuit against the Davidson County Sheriff's Office alleging that the practice of shackling non-violent, non-threatening prisoners during labor violated the Eighth Amendment. Federal district court Judge William J. Haynes, Jr. granted summary judgment on liability, finding that the practice of shackling an inmate during labor, unless under extraordinary circumstances, indeed violates the Eighth Amendment. Villegas was ultimately awarded \$200,000 in damages.

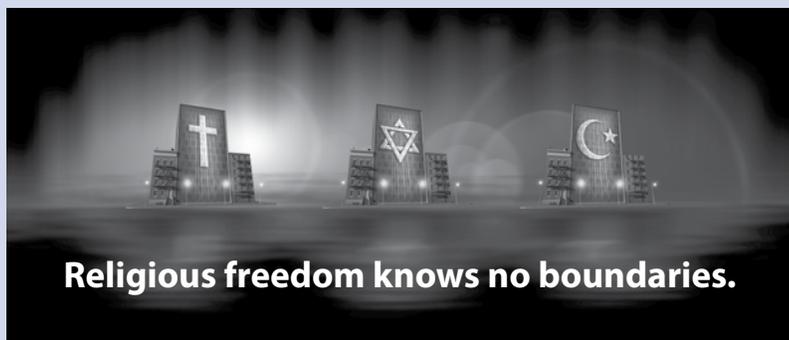
The Sheriff's Office appealed and ACLU urged the court to affirm the lower court's decision. Counsel on the amicus included Alexa Kolbi-Molinas and Susan Talcott Camp, ACLU Reproductive Freedom Project; Amy Fetting ACLU National Prison Project; Tricia Herzfeld, ACLU-TN; and Kathryn Barnett, Lieff, Cabraser, Heimann & Bernstein. Oral arguments take place on October 12.

ACLU-TN's Clergy Partnership Project

By Shelly Tilton, ACLU-TN Intern

ACLU-TN recently reached out to clergy across the state to foster partnerships to extend justice to all Tennesseans, especially those who have traditionally been denied their rights. We believe that working with individual clergy and faith communities is essential to safeguarding the voices of Tennesseans.

I came to ACLU-TN because, as a Vanderbilt divinity student, I was attracted to ACLU's strong stance on civil rights. I also knew that my familiarity with religious groups in the state would assist ACLU-TN in reaching out to clergy to ensure that all people are treated fairly.



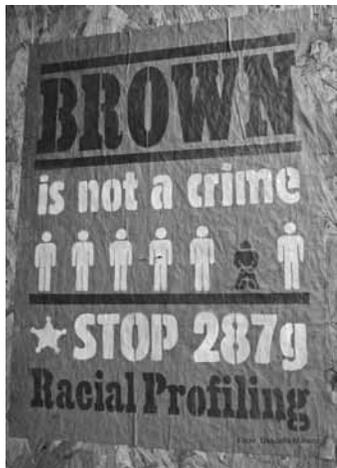
The goal of my project was to build relationships with clergy statewide to champion the rights of those who have historically been marginalized. I researched religious institutions, then contacted clergy for their opinions on fair treatment of immigrants, fairness in the justice system, LGBT equality and voting rights.

I was proud to be a part of this effort and excited to see the positive response. If you

are a clergy member who would like to participate in this project, please contact us at 615-320-7142.

The end of summer brought a sweet victory that moved Tennessee closer to the welcoming, inclusive and fair community we strive to create. On August 21, Davidson County Sheriff Daron Hall announced that he would not be renewing his controversial 287(g) agreement, under which Immigration and Customs Enforcement delegated immigration enforcement authority to the Davidson County Sheriff's Office (DCSO). Over the past five years, DCSO's 287(g) program has tarnished Tennessee, deporting thousands of Nashvillians without due process and encouraging racial profiling.

ACLU-TN and other immigrants' rights advocates have raised serious concerns about DCSO's 287(g) program since it was first implemented in 2007. The program's focus on deporting immigrants without due process for minor, traffic-related offenses undermined public safety, leading to immigrants living in fear and distrust of law enforcement, reluctant to report crimes they experienced or witnessed.



This victory for fair treatment of all Nashvillians was hard-won. ACLU-TN and our allies mounted a campaign against this program from its beginning—lobbying Metro Council, providing Know Your Rights information to the community, educating the public about the program's devastating impact on families, and calling Sheriff Hall out publicly for his frequent deportation of people for misdemeanors.

In addition, a lawsuit in January 2011 challenged the legitimacy of DCSO's 287(g) program, arguing that DCSO does not have authority to enter into an agreement with ICE because the law enforcement functions required are prohibited under the Metro Nashville Charter. The Tennessee Supreme Court heard oral arguments June 14 and we are awaiting a decision.

While the lawsuit focuses on the scope of law enforcement authority, ACLU-TN used the opportunity to file a friend of the court brief on behalf of a number of advocacy groups, explaining that DCSO's implementation of the 287(g) program siphoned precious law enforcement resources to focus on low-level offenders; created broad distrust of law enforcement within the immigrant community, further isolating victims of domestic and sexual abuse; jeopardized traditional notions of due process; and encouraged racial and ethnic profiling.

While we commend Hall for recognizing that the 287(g) program is not right for Nashville, we hope that our experiences will persuade other cities across the state not to implement similar programs. The City of Knoxville, for example, is currently considering a 287(g) program.

This victory reminds us that our voices and our commitment to justice, paired with collaborative strategies and tenacity, are necessary to create change. We hope that Hall's announcement marks the start of a new chapter in which all Tennessee residents will be treated fairly regardless of race or ethnicity, in accordance with our values of equal justice for all. Thank you for joining with us on this journey.

FAQ: Tennessee's Oppressive Photo ID Law & Your Rights

On January 1, 2012, Tennessee's new law requiring a state or federally-issued photo ID to vote went into effect. ACLU-TN opposes this voter suppression measure because it has a disproportionate and unfair impact on low-income individuals, racial and ethnic minority voters, young voters, senior citizens and people with disabilities, who are less likely to have either photo ID or the means to obtain one.

Do I have to show ID?

Most likely. If you are voting in person, you must show a government-issued ID that includes your name and photo.

You won't need to show a photo ID if you live and vote in a nursing home, vote by mail, are hospitalized, have a religious objection to being photographed, or are low-income and don't have enough money to pay

Continued on p. 4



2012 BILL OF RIGHTS CELEBRATION

Join Us!

**Thursday, November 1, 2012
Loews Vanderbilt Hotel, Nashville
6:30 - 9:00 p.m.**

Charles Strobel – Lifetime Achievement Award

An inspiring death penalty opponent, Charles has demonstrated a lifelong commitment to social justice and equal protection for the poor and the homeless.

Ben Pressnell – Inaugural Ben Pressnell Bill of Rights Award

A human rights activist, criminal defense attorney, ACLU-TN plaintiff and board member, Ben will be honored posthumously with the inaugural Ben Pressnell Bill of Rights Award.

Special performance by Emmylou Harris

The evening will also include a silent auction and dinner. We look forward to seeing you there. For more info, please visit <http://www.aclu-tn.org/event110112.html> or call (615) 320-7142. Thank you!

Please RSVP by Sept. 28 to be a Patron or Oct. 26 to join us at the Celebration.

ACLU-TN, P.O. Box 120160, Nashville, TN 37212 or <http://www.aclu-tn.org/event110112.html>.

Yes! I/we will be a Patron:

Patrons are invited to the Oct. 4 Patrons’ Party, receive seats at the Nov. 1 Celebration, and are listed in the Celebration program.

- Guardian of Liberty (\$2,500, includes a table for ten at the Nov. 1 Celebration)
- Constitutional Champion (\$1000, includes two seats at the Nov. 1 Celebration)
- Friend of Freedom (\$500, includes one seat at the Nov. 1 Celebration)

I/we will attend: Oct. 4 Patrons’ Party Nov. 1 Celebration

Additional Bill of Rights Celebration Tickets (for Nov. 1)

Individual Dinner Tickets (\$125 per person; \$85 of each ticket is tax-deductible)

Name(s): _____

Please list me/us: as written as anonymous

Address: _____

Phone: _____ Email: _____

My/our check, payable to “ACLU Foundation of TN,” is enclosed.

Please charge credit card # _____ Security Code: _____ Exp: _____ Amount \$ _____



P.O. Box 120160
Nashville, TN 37212

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“Photo ID,” continued from p. 2

for a photo ID (see “What if I don’t have any ID?” below).

What ID can I show to vote?

You can use a Tennessee driver’s license, a U.S. passport, a photo ID issued by the Tennessee Department of Safety and Homeland Security, a photo ID issued by the federal or any state government, a U.S. military ID, or a state-issued handgun carry permit with your photo, even if they are expired. You cannot use college student IDs, even from public universities. You cannot use photo IDs that are not from the federal government or a state government.

What if I am a first-time voter?

If you registered to vote by mail, you have to vote in person the first time you vote [unless you’re a permanent absentee voter]. If you bring expired photo ID to the polls or qualify for an exemption from the photo ID law, you will need to show a current utility bill, bank statement, government check, paycheck, or any other government document that shows your name and address. Please note that if you registered during a voter registration drive conducted by a third party, this is considered registering by mail. Check with your local election commission if you have any questions about how your registration was processed.



What if I don’t have a photo ID?

You can get a free ID by going to the nearest Driver Service Center, showing them proof of citizenship and two proofs of TN residency and signing an affidavit stating that you do not have a valid government-issued photo ID for voting purposes. If you are low-income and can’t afford a copy of the documents required to get a free photo ID, you may still vote if you sign a form stating under oath that you are indigent and have been unable to get a photo ID for voting without paying a fee. **If you are having trouble getting a photo ID, please call ACLU-TN at 615-320-7142.**

More information on your voting rights can be found at <http://www.aclu-tn.org/voting-rights-resource-center.html>.