

# The **ACLU** News

## Immigrants and Refugees Have Rights

### **SANCTUARY CITIES**

A reaffirmation of Urbana's sanctuary status got strong support from the Champaign County American Civil Liberties Union.

In a council meeting last Dec. 5, ACLU chapter president Carol Spindel urged the council to expand and update "local policies that protect constitutional rights and liberties for all immigrants and refugees."

"Urbana identifies as a welcoming city," Spindel said, "so enacting local policies will not only protect that identity, it will also prevent our local law enforcement from the burden of being forced to take on national law enforcement responsibilities."

Two weeks later, Ward 4 council member and ACLE steering committee member Bill Brown spoke in support of the resolution and voted for it. It directs the city to continue its long-standing practice of not gathering and maintaining information about any person's citizenship status unless required to do so by a court order.

The resolution commits the city to work with others to defend the human rights of immigrants; to defend immigrant communities from hate crimes; to assist them with language barriers; and to oppose any plan to strip federal funding from sanctuary cities. It passed with a single dissenting vote, by Michael P. Madigan of Ward 6.

The measure came in response to President Donald Trump's campaign threats of mass deportations and

financial reprisals against sanctuary cities. On January 25, 2017, President Trump did sign an executive order allowing him to freeze federal funds from "sanctuary jurisdictions." The national ACLU immediately offered legal help to cities facing this threat.

### **MIGRANTS AND REFUGEES**

The most recent issue of the ACLU's magazine featured a cover picture of President Trump with the caption "See you in court!" That happened very quickly. In January the ACLU joined other rights organizations in filing class action lawsuits challenging provisions of President Trump's January 27 executive order suspending the issuance of visas and other immigration statuses to nationals in 7 majority Muslim countries. (See inside)

ACLU Illinois, in coordination with other state affiliates, filed a Freedom of Information Act request in early February to obtain specific information on how Trump administration officials are interpreting and implementing the president's executive order on immigration. Of concern is whether the federal court stay of implementation is being honored, what guidance Customs and Border Patrol have received, and how many people have been detained or turned back under the order. The full FOIA request is at <http://www.aclu-il.org/wp-content/uploads/2017/02/2017-02-02-FOIA->

### **SAVE THE DATE**

Annual Meeting Sunday April 2

Featured Speakers: Ricardo Diaz, CU Immigration Forum

Brant Houston, Professor and Knight Chair of Investigative Reporting, UIUC College of Media and CU-CitizenAccess

Migrants and Refugees in Champaign-Urbana

3:00 - 5:00 p.m.

Stone Creek Events Center 2560 S Stone Creek Blvd. Urbana

Conversation, hors d'oeuvres and drinks before the program begins at 3:45 p.m.

Suggested donation \$25/person or what you can afford

## STEERING COMMITTEE CONTACT INFORMATION

The local ACLU Steering Committee meets on the first Thursday of each month at 7:00 pm, at the Siebel Center, 201 N. Goodwin Ave, Urbana. Contact us for the meeting room.

### OFFICERS

President:	STEERING COMMITTEE
Carol Spindel	Amani Ayad
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**STEERING COMMITTEE ALWAYS SEEKS NEW MEMBERS!** For additional information or to volunteer for the committee, contact one of the members listed above or email: [info@aclu-cu.org](mailto:info@aclu-cu.org)

## LOCAL ACTIVITIES

### HOSTING THE MANDELA FELLOWS

Last July 4, the local ACLU chapter hosted the Mandela Fellows at Carol Leff's house near the end of the Fourth of July parade route for a lunch and discussion of the ACLU's role in advocating for rights protection. The Mandela Fellows program was part of President Obama's Young African Leadership Initiative. The civic leadership component of the program brought 25 young African professionals, teachers, non-profit workers, government employees, and community leaders from across the continent to campus for a six-week summer program run by the African American Studies program and the Cline Center for Democracy, with a focus on the development of vibrant civil societies to support democracy. At our session we provided food, information and especially discussion and networking to help them connect with relevant local people in their areas of interest.

## LOCAL ACTIVITIES

### THE SUPREME COURT

As the hearings for a judicial appointment to the Supreme Court loom, you might find it useful to think about the points that ACLU Illinois Director Colleen Connell made in her talk "Justice Scalia's Death and What the 2016 Presidential Campaign Means for the Supreme Court" at the Friday Forum election year series at the campus YMCA last fall. The full talk is accessible on line at <https://www.youtube.com/watch?v=pJRcnSDwFAE>

### URBANA FLAG-BURNING CASE

(adapted from the ACLU Illinois website.)

A 22-year-old Urbana resident, unlawfully arrested and jailed for burning an American flag last July 4<sup>th</sup>, filed a lawsuit in federal district court on January 11 2017, seeking to have Illinois' outdated flag desecration law declared unconstitutional. Bryton Mellott was arrested in July 2016 after he burned a flag to express his concern about discrimination toward people of color, women and LGBT people. Photos of the event were posted to Mr. Mellott's personal Facebook page. Mr. Mellott was arrested and held even though the Supreme Court of the United States has recognized flag desecration as protected speech since 1989 (*Texas v. Johnson*). Shortly after Mr. Mellott refused to take down his Facebook post, two Urbana police officers appeared at Mr. Mellott's workplace, read him his rights and arrested him. He was escorted out of the retail establishment in handcuffs, in full view of his co-workers and customers, to be held in a cell for five hours before the case against him was dropped. ACLU Illinois is part of the legal team representing Mr. Mellott in the case.

### ACLU CHAPTER ADVOCATES EQUAL TREATMENT FOR ALL SCHOOL CHILDREN

When we learned last November that a proposed collaboration between the Housing Authority of Champaign County and the Urbana School District would involve disparate treatment of children whose families receive federal housing vouchers when implementing school attendance policy, Champaign County ACLU joined with parents and community members to protest the proposal. Our statement said in part:

"Students have a legal right to privacy of all of their school records. It is wrong to single out only those children whose families receive housing assistance to be required to waive their privacy regarding attendance records when other students are not required to do so. It is wrong to single out the students whose families are receiving housing assistance to face a more severe penalty for truancy than the other students in the school district. To do so would be totally contrary to the principle of equal protection under the law. If Urbana school board members wish to address the problem of truancy, the target population for any program should be children who are truant, not all children of families receiving rent subsidies."

School officials responded by saying they would need to see a different proposal to address these concerns before they could

## CIVIL LIBERTIES CONCERNS? WRITE CONGRESS

Our Senators

Senator Dick Durbin

<https://www.durbin.senate.gov/contact/email>

711 Hart Senate Building, Washington, D.C.  
20510, Phone 202-224-2152

Senator Tammy Duckworth

<https://www.duckworth.senate.gov/content/contact-senator>

524 Hart Senate Office Building, Washington DC 20510,  
Phone 202-224-2854

Our Representatives

13<sup>th</sup> District Rep Rodney Davis

<https://rodneydavis.house.gov/contact>

1740 Longworth House Office Building Washington, DC  
20515

Phone 202.225.2371

15<sup>th</sup> District Rep. John Shimkus

<https://shimkus.house.gov/contact/email-me>

2217 Rayburn House Office Building, Washington DC 201515,  
Phone 202-225-5271

After the November election, a group concerned about the possible direction of the new administration (the core of whom had worked on the Hill) put together a Google doc as a practical guide for congressional advocacy:

*Indivisible: A Practical Guide for Resisting the Trump Agenda: Former congressional staffers reveal best practices for making Congress listen.*

It is available on-line at <https://www.indivisibleguide.com/>

### ACTIVITIES CONTINUED..

proceed with discussion about collaboration with Housing Authority.

#### ON THE CAMPUS

Following a request to the local ACLU from University of Illinois' Innovation Living Learning Community, in January, Steering Committee member Melissa Schoeplein served as a judge for the "Extreme Entrepreneurial Lock-In," a competition to create an idea for a business or product focused on democracy and engagement in the democratic process. The students presented creative solutions to connect citizens to local government and elections including proposing the creation of apps, a non-profit organization, and a text-alert system built into mobile phones to help people register to vote, find their polling place, and learn about candidates. Most teams plan to apply for the university's Cozad New Venture Competition for funding to implement their ideas.

#### INFORMATION ON WHAT TO DO IF STOPPED BY THE POLICE OR IMMIGRATION AUTHORITIES

The ACLU has produced wallet-size reference guides in English and Spanish with instructions on *What to do if you are stopped by the police or immigration authorities*. We are happy to provide multiple copies of these guides, as we have in the past, to anyone who would find them useful. They are always distributed and appreciated at our summer sessions at the Farmer's Market; high school teachers have also found them useful for their students. If interested, know of anyone who would be interested, contact ACLU President Carol Spindel [cspindel,7@gmail.com](mailto:cspindel,7@gmail.com).

#### President Trump's executive order of January

**27, 2017** temporarily banning travel from seven Muslim-majority countries raises several legal and constitutional questions that triggered multiple lawsuits.

One constitutional issue is whether the order discriminates religiously in violation of the First Amendment. The language of the executive order avoids the words Muslim or Christian, but note how this is finessed (emphasis added):

"...the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality."

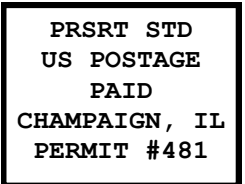
Since the countries affected by the ban are majority Muslim, Muslims cannot qualify for these religious persecution priorities. Interviewed on January 27, the President explicitly said that protecting Christians was a priority.

Another issue raised by the ACLU falls under the heading of constitutional due process guarantees. Earlier Supreme Court rulings have established that even undocumented immigrants have the right to due process of law, and of course in this case, those seeking to enter the United States were documented.

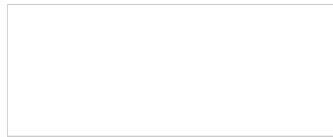
<https://www.aclu.org/blog/speak-freely/well-see-you-court-why-trumps-executive-order-refugees-violates-establishment>

**American Civil Liberties Union of Illinois  
Champaign County Chapter**

P.O. Box 2651, Station A  
Champaign, IL 61825-2651



OR CURRENT RESIDENT



**Annual Meeting  
Sunday April 2  
Migrants and Refugees in  
Central Illinois**

## **Pending ACLU Issues In Illinois and Champaign-Urbana**

### **Reproductive Rights**

Last summer, at the Urbana Market at the Square, Champaign County ACLU members collected signatures on more than 60 letters to Governor Bruce Rauner in support of two reproductive rights bills that have subsequently become law: The Contraceptive Coverage Act and an amendment to the Health Care Right of Conscience Act.

This session, we are working for passage of House Bill 40 that repeals provisions of a 1975 statute. When Illinois passed the Illinois Abortion Law in 1975, it included what is known as a “trigger” provision, which states that if the US Supreme Court ever overturns or modifies *Roe v. Wade*, Illinois will revert to its pre-Roe law that criminalized abortion and made some birth control illegal. House Bill 40 would also change Illinois law so that abortion is not treated differently from any other medical care under the state Medicaid and state employees' health insurance plans. Hearings are scheduled to start February 8.

### **Court Fines and Fees**

Of growing national concern is the imposition of heavy court fines and fees, what the ACLU National Prison Project called an “offender-funded criminal justice system,” which weighs heavily on those too poor to pay. In Illinois, you can't be jailed for inability to pay as such, but you can be jailed, for example, for failure to make your court appearances regarding your fines and fees. The local ACLU steering committee has begun to explore ways to improve information available to those without the ability to pay about their rights as well as gathering further information on the extent of the local problem.

### **Examining Police Pedestrian Stops for Racial Disparity**

We are participating in an ACLU project to examine pedestrian stop and frisk (also known as Terry stops) in Illinois. Through the Freedom of Information Act (FOIA), we obtained the pedestrian stop and frisk data for the Urbana, Champaign, and University of Illinois Police Departments. This is the first year this data has been collected. Undergraduate students at the University of Illinois Department of Geography are working with us to enter the information and analyze it using the geo-spatial skills they are learning in their classes. The Champaign County NAACP has partnered with us and once the information has been analyzed, we will be looking at it together.