

The **ACLU** News

VETO SESSION SCHEDULED IN SPRINGFIELD

The Illinois General Assembly returns to Springfield for a "veto session" during two weeks of November. The Illinois House and Illinois Senate will be in session on November 13, 14 and 15, and again on November 27, 28 and 29.

Issues of concern to civil libertarians expected to be debated during these six days of activity include efforts to expand the aggravating factors for imposition of the death penalty in Illinois and an effort to provide equal protection for gay men and lesbians in the state.

OPPOSE EFFORT TO OVERRIDE GOVERNOR'S VETO OF DEATH PENALTY EXPANSION BILL!

In early August, Governor George Ryan courageously exercised his veto by refusing to approve House Bill 1812. The measure would expand the existing aggravating factors under which prosecutors can seek the death penalty to include any crime that is committed "in furtherance of gang activity." Due process and equal protection challenges have already been raised due to the overrepresentation of minorities on death row; an additional eligibility factor to our death penalty law based on affiliation will only increase the existing arbitrariness in the application of that law.

Even the Champaign-Urbana News-Gazette spoke out against

CHAPTER ACTIVITIES

Steering Committee Guests

Continuing a recent tradition of inviting guests to our monthly steering committee meetings, we met with ACLU-IL communications director Ed Yohnka, who provided details on a number of current issues such as legislation, racial profiling, local civilian review boards for law enforcement, and an update on the Crue case (see article page 5). We also met with some members of the 85 Percent Coalition to discuss their arrest (and watch their video of the arrest) on charges of criminal trespass while they were demonstrating during a Senate Committee meeting in which HB 101 was not called for a vote. The group was acquitted of the charges in August.

Media Requests

Stan Levy was a recent guest on Cleveland Jefferson's radio talk show on WBCP (AM 1580). Shirley Stillinger and Stan were also on WILL-AM, on Steve Shoemaker's "Keeping the Faith" show. We are continuing to explore the possibility of airing the ACLU-IL "You Have the Right" video production series on local cable.

Delinquency Prevention

We still have a seat on the Champaign County Delinquency Prevention Policy Board, which was recently approved to receive funding from the County to cover an administrative salary. The DPPB has distributed more than a half million dollars in grant funding over the past three years to community groups working with juveniles.

HB 1812 in an editorial entitled "Demagoguery on the Death Penalty" (9/18/01), yet Rick Winkle remains a joint sponsor of the bill.

SUPPORT GOVERNOR'S AMENDATORY VETO OF HB 1039 !

The General Assembly failed to act during the spring session on House Bill 101, a measure that would add sexual orientation to the classes protected under the Illinois Human Rights Act. This basic measure of fairness is an important step in

UI Student Chapter

The student chapter co-sponsored a death penalty program in the Spring, and has been distributing "Bust Cards" specially tailored to student interests. They hope to sponsor debates or panel discussions in the coming year.

Annual Meeting Plans

Preliminary plans for the annual meeting have it scheduled for the third weekend in April with ACLU-IL Executive Director Colleen Connell as keynote speaker.

High School Essay Contest

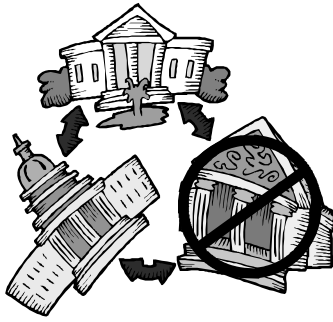
Steering Committee member Cecile Steinberg is in the early stages of organizing and seeking co-sponsors for a civil liberties essay contest for area high schools.

Informal Contacts

We are fortunate to receive a good deal of inquiry and feedback from the community, ranging from disgust with our position on the Boy Scouts' discriminatory policies to posting of the Ten Commandments in schools and other church-state issues to specific complaints about law enforcement. Some such issues are referred to the state office for determination on litigation potential. All contacts are greatly appreciated and discussed at monthly committee meetings.

assuring the rights of all persons in the State of Illinois.

All of the State's constitutionally elected officers supported House Bill 101, and it passed the Illinois House earlier in the year. Now, the full House and the full Senate will be asked to take action on the Governor's amendatory suggestion which would incorporate some part of HB 101 into HB 1039, The Motorcyclist Public Accommodation Act.



MAXIMUM SECURITY?

The events of September 11 were followed almost immediately by a flurry of proposed anti-terrorism measures granting broad powers to law enforcement at the expense of civil liberties. At this writing the details are still to be worked out, but it seems clear the new laws could have a chilling effect on civil liberties, with particular consequences to First and Fourth Amendment rights.

New inadequately checked executive powers involving wiretapping, increased use of secret searches (failure to notify person whose premises are searched) and indefinite detentions will certainly be part of the final bill.

In a country where we base our measure of security on the uninhibited expression of our constitutional rights, we seem to be convinced, in this time of confusion, that we will somehow be more secure without them. From dissent comes compromise and from compromise, peace. So protection of our rights enabling dissent, loudly and without fear, is more important now than ever.

FREE FAXING TO GENERAL ASSEMBLY ON CIVIL LIBERTY ISSUES

Beginning with the veto session this November, ACLU members and supporters across Illinois will have the ability to communicate their views and concerns to legislators - without leaving their computer terminal!

A new system under the direction of the ACLU of Illinois Legislative Director Mary Dixon allows members of the organization and others interested in our issues to send a fax to their representatives in the General Assembly on critical civil liberties being considered in the Illinois House and Senate. This system mirrors the ability to contact members of Congress already available through the National ACLU website.

Those who receive the ACLU "Action Alert" regarding Illinois issues will receive email up-

dates with direct links to the free fax service. If you are not on the Action Alert list, you can sign up by going to the ACLU of Illinois website at www.aclu-il.org and clicking on "Join the Action Alert List" banner on top of the page. The link also will be available broadly on the ACLU of Illinois website.

For this critical veto session, we are making plans for members and other interested persons to be able to send faxes on issues ranging from the death penalty (expansion of the aggravating factors) to equality for all Illinoisans (equal access to public accommodations for gay men lesbians). We also anticipate that we will want to reach out to legislators on "anti-terrorism" measures proposed by the Attorney General.

AMERICAN CONSTITUTION SOCIETY ORGANIZING BY MICHAEL BRODY

Students at the University of Illinois College of Law are in the process of founding a local branch of the American Constitution Society. The goal of this group is to provide a response to the organized, conservative agenda of organizations like the Federalist Society which has come to have great influence on the judiciary, its nominations process, and American society and politics. The U of I Law branch of the ACS will sponsor speaker events and debates and hold general organizational meetings. The goal of these activities will be to counter the dominant vision of American law today, a narrow conservative vision that lacks appropriate regard for the

ways in which the law affects people's lives and help to create a well-functioning network of moderate and progressive law students, lawyers and judges in our community. On the evening of November 9, 2001 at the Law School auditorium, the U of I Law chapter will hold an event featuring Judge Abner Mikva to be followed by a reception. If you are interested in joining the American Constitution Society or in attending the Judge Mikva event, please contact Michael Brody at 217-398-9441, brody@law.uiuc.edu or Geannette Wittendorf at gsmendez@law.uiuc.edu.

UPDATE ON AARON PATTERSON

Death Row inmate Aaron Patterson reports that Cook County State's Atty. Richard Devine's office has made overtures involving a possible deal that would set him free in a few years in exchange for an admission of guilt and abandoning claims of police torture. Patterson spoke via phone with a standing-room-only crowd at the Illini Union last year for a death penalty forum sponsored by the UI ACLU Student Chapter. His mother Joanne, who was at the same forum, also

spoke earlier this year at another rally co-sponsored by the Student Chapter. Aaron doesn't seem to be interested in such a deal though - he says he is innocent and wants a new trial or exoneration. In August last year, the Illinois Supreme Court granted Patterson a hearing for his claims that he was tortured into signing a false confession by former Chicago Police Cmdr. Jon Burge and his detectives.

JAMES B. HOLIMAN RECEIVES LIFETIME SERVICE AWARD

The person we are honoring tonight has from 1963 to 2000 been executive director and campus minister of Illinois Disciples Foundation (IDF), Champaign, IL. Jim Holiman found joy in good work. Let's make a brief incursion back to his youth to see how this developed.

Jim Holiman grew up in the 30's and 40's in Hot Springs, Arkansas. His father was an active member of the KKK.

Jim's first conscious jolt about the world was from the shock of seeing the violence of WW II in combat pictures, of hearing the disturbing stories from the wounded servicemen in the army-navy hospital at Hot Springs, and of the final hell of Hiroshima exploding in a ball of nuclear flame.

The economy of Jim's hometown was under the dominance of the Tom Pendergast machine of Kansas City. In Junior High, Jim joined the Rams, a Tom Pendergast gang based at Lakeside High School, and worked as a runner between the school and the downtown central gambling book. Soon he became "pack master" of other runners. The work was dangerous as well as illegal.

His gang of friend customarily rendezvoused at the confederate statue on the downtown triangle. With the noise of cars whizzing on all sides, they felt comfortable since they couldn't be overheard. One day a green Oldsmobile, that the boys admired as the greatest car ever built, pulled up to the side of the monument and the Rev. Hayes H. Webster of First Christian Church in Hot Springs asked the boys if they'd play on the church's basketball team. They were delighted to load into that very special high-powered car. They did form a ball team that Jim played on until his graduation. Under Rev. Webster's coaching, they won all their games, and in the meantime the minister and his wife inculcated some basic values to these young punks.

The minister challenged Jim to form a high school chapter of Youth Alliance for the Integration of Schools. This idea was abetted by the Holiman maid, Ms. Amanda Jones, whom they called Mattie. Jim often drove her home at 5 o'clock and soon observed that she became a different person after she left the white domain. Jim discovered that she was both an intellectual and a leader active in the NAACP in Hot Springs. She sometimes invited him in for cookies and they read her W.E.B. Dubois book together.

Jim did start the high school Youth Alliance for School Integration at some personal cost at both

home and school, but he got a taste of justice ministry and liked the feeling. Jim wrote a class paper on why the schools should be integrated. He got an F and was expelled from school. A letter to his parents said that those who were for integration were communists.

Recognized in 1952 as Youth Leader of the Year by the Hot Springs ministerial alliance for his leadership in school integration, Jim was given a Bible which happened to be bound in red leather. The newspaper described it as a communist bible. Later, on September 25, 1957, Jim watched as federal troops escorted nine African-American students into the Little Rock school building.

When the minister's wife suggested that Jim might become a minister, he considered that a joke. The minister steered him toward a scholarship at Phillips University in Enid, Oklahoma. That was the turning point. From there he went to theological schools in Lexington, Kentucky and Indianapolis, and served several congregations in the Midwest.

Coming to IDF in 1963, Jim's work has focused on social justice issues. He has provided an open and supportive organization for the expression of free thought and a home base for organizations working for social change. And IDF has indeed been a sanctuary for social justice causes with Jim Holiman as mentor and friend—from lobbying for the Equal Rights Amendment to:

- opposing the Viet Nam war
- working for racial and economic justice
- advocating for health care for the poor
- housing a food co-op
- providing sanctuary for those fleeing for their lives from Central America
- helping establish and support a campus chapter of Amnesty International
- providing homes for the Progressive Resource/Action Cooperative and the Alliance for Welfare with Justice
- promoting the retirement of the Chief

...And there are many more.

Jim Holiman believes that it is not enough to be good, one must also do good. He has walked the talk. And while he has retired as director and minister of Illinois Disciples Foundation, his concern for social justice is steadfast.

So we can say thank you, Jim Holiman and wish you well in the new directions that your retirement leads. As you prepare for your next round of service, we gratefully present the Victor J. Stone lifetime service award for this round.

Introductory remarks
by Amy Kummerow
as she presented the
Victor J. Stone award
for lifetime service to
Rev. James B.
Holiman

*"His father was an
active member of
the KKK"*

*"...it is not enough
to **be** good, one
must also **do**
good"*

Introductory remarks
by Jerry Landay as
he presented the
W. Ellison Chalmers
award for
exceptional
contributions to the
local community in
the cause of civil
liberties to
Jay Rosenstein and
Carol Spindel

*"This much is
clear. If you can
make the Board of
Trustees angry at
you, you are well
along the road to
success."*

CAROL SPINDEL AND JAY ROSENSTEIN RECEIVE W. ELLISON CHALMERS AWARDS

I've just encountered an interesting reference to one of my favorite historical figures, Ulysses S. Grant. In his early years, at West Point, he was so somber that it was said he could remain silent in several languages.

I do not intend to be silent about the two honorees I'm privileged to introduce to you. What they have done, words, and marrying word to image, is very hard to do. It's doubly hard to do it as excellently as they have, triply hard to find access to an audience for their work in the age of Barnes and Noble blandness, and even harder to suffer the slings and arrows of people who fearfully cling to the way things are—things our honorees want to change. This much is clear. If you can make the Board of Trustees angry at you, you are well along the road to success.

I'd like to call Carol Spindel and Jay Rosenstein forward, to receive the Chalmers awards. I want to introduce you... in the fullest sense of the word... to two Fighting Illini.

The W. Ellison Chalmers award recognizes exceptional contributions to the local community—in the cause of civil liberties. In the case of these two honorees, I would suggest, their contributions illuminate the world of women and men well beyond Champaign-Urbana. William Ellison Chalmers was professor in the Institute of Labor and Industrial Relations. He was a tireless community worker for race relations and the rights of black people.

Carol Spindel is well suited to the task of cross-cultural cultural rambler. Her father was a Sephardic Jewish retailer in Memphis. Her mother came from Little

Rock, and was a white Southern Baptist broadcast executive of a black radio station. Carol boasts that she's one of the few who has had latkes and collard greens at the same sitting.

Her first book, *In the Shadow of the Sacred Grove*, brought dimension to her second book *Dancing at Halftime*. *Sacred Grove* is a memoir about the year she spent in an Ivory Coast village coming to know its people, and them to know her, while her husband Tom, a geographer, carried out an intensive research study of the village. When Carol arrived in Urbana to teach writing, she en-

countered the Illiniwek issue, studied it deeply, and wrote *Dancing at Halftime*. It was accepted by the University Press, then dis-accepted because of the publisher's concern about what the Trustees would think. She re-wrote it for the New York University Press, and *Dancing at Halftime* is now in its second printing.

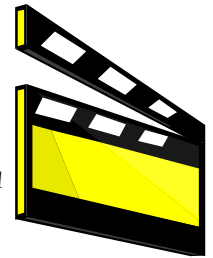
We learn that Chief Illiniwek is not the product of our noble Midwestern heritage, but the product of Buffalo Bill Cody's wild west shows, and the Boy Scouts, and organization founded in Britain. Our attachment with the native Americans, she writes, "tells us very little about indian people, but a great deal about ourselves."

Tom Bassett, would you also rise to share in this honor.

Jay Rosenstein is tough, creative, and lucky. When he was a student in my documentary course, he helped lead a class project about rape and gender oppression on campus called *A Different Set of Rules*. It made the PBS program pool, and a hundred stations carried it. The chancellor took on Jay and his classmates by complaining about the documentary to the local newspaper. Jay prevailed. This doubled the audience. Other universities ordered videotape copies because they saw the work as a manual for dealing with this shared campus problem. Jay went on to produce *In Whose Honor?* And PBS's Point of View series took it on, helping define it as a national issue.

This time, it was members of the Board of Trustees who took him on, in an unprecedented move, when Jay's colleagues at the Department of Journalism named him a tenure-track, assistant professor in electronic journalism. Jay is a great teacher, and a model our students need. Jay again prevailed. And the Trustees received a broadside from him very much in the spirit of the message of the documentary for which we honor him: "Racial stereotypes have no place in education."

For three years, Jay labored on *In Whose Honor?*, largely at his own expense, while holding down a job. The strong support of his wife, Gail, made that possible. Would you please honor Jay Rosenstein, and also his wife.



UPDATE ON UI LAWSUIT FOR 1ST AMENDMENT RIGHTS

BY ED YOHNKA

Lawyers for the ACLU of Illinois continue to pursue a lawsuit seeking to guarantee the free speech rights of students and faculty at the University of Illinois - Urbana campus. The case, *Crue, et. al. v. Cantor*, grows out of an effort by individuals opposed to the use of Chief Illiniwek as a symbol at University athletic events to contact potential student athletes and make these potential students aware of the controversy. In early March, Chancellor Michael Aiken issued an email message declaring that anyone in the University community who plan communications with potential student athletes must clear those communications - in advance - with the Athletic Department.

Within a few hours of the email being delivered, our supporters in Urbana-Champaign brought the content of the message to the attention of lawyers in the Chicago offices of the ACLU of Illinois. Working quickly, we were able to identify clients and file a complaint in federal district court challenging the constitutionality of this broad restriction upon the University community.

U.S. District Court Judge Michael Mihm acted quickly in issuing a temporary restraining order to block enforcement of the rule, finding that the pre-clearance provision clearly violated the First Amendment rights of students and faculty to voice their views on a matter of public controversy. The judge specifically noted that the Illiniwek matter was a public controversy.

In response to the judge's rebuke, Chancellor Aiken sent a second campus wide email on June 5 specifically purporting to retract the

requirement for pre-clearance from the Athletic Department when communicating with potential student athletes. Still, the Chancellor's June 5 message called upon members of the University community to "abide by the rules of the NCAA when dealing with potential student athletes."

After issuing this second message, the University moved to dismiss the lawsuit arguing that the issue was moot. The ACLU disagreed. Indeed, our lawyers acting on behalf of the plaintiffs filed an amended complaint, asserting that the second email demonstrated the University's continued reliance upon NCAA rules, a reliance that could lead to further restrictions on speech. Moreover, the ACLU noted that the University had not taken any steps to assure that such restrictions would be enforced in the future - other than their public assurances that they respect free speech rights.

On October 11, 2001, Judge Mihm concurred with the ACLU's arguments, rejecting the University's motion to dismiss the lawsuit altogether. In addition, the court granted an ACLU motion to amend the complaint to challenge the chill on free speech created by the University's second message.

The ACLU hopes that the final result in this case will ensure that members of the University community can speak out on the Illiniwek issue without fear of punishment and retribution by the administration, and that individuals will be able to enforce this right in court should the University ever seek to violate these rights in the future.

ACLU Officers & Steering Committee

The local ACLU Steering Committee meets on the 1st Thursday of each month at 7:30 pm, in Rm. H of the University of Illinois College of Law in Champaign. Meetings are open to members—if you would like to be placed on the agenda, please contact Stan Levy or any other committee member ahead of

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HOTLINE ESTABLISHED TO REPORT INCIDENTS OF UNFAIR INVESTIGATION OF ARAB AMERICANS

Responding to concerns that followers of Islam and persons of Arab descent throughout the State of Illinois may be targeted unfairly for investigation by law enforcement officials in the wake of the September 11 terrorist attacks, the ACLU of Illinois announced a telephone hotline number to provide individuals an opportunity to report such incidents if and when they occur. The hotline number, (312) 201-9740, operates from 9:00 a.m. to 5:00 p.m. Monday through Friday.

In addition, the Chapter has been in contact with the UI Muslim Students Association and the Central Illinois Mosque and Islamic Center to offer our resources.

In the days since the attacks upon the World Trade Center and the Pentagon, Arab Americans in Illinois and across the nation have reported investigative contacts by law enforcement officials. Although national, state and local political and religious leaders have spoken out to praise the many law-abiding, peaceful Muslims and Arab Americans who contribute to the success, the richness and the diversity of our society, the far-flung and aggressive investigation seeking links to the September 11 terrorists has created unease in the Muslim and Arab American communities.

2001 FALL GATHERING

In September you should have received an announcement and RSVP form for our annual Fall Gathering fundraiser. If you misplaced it, you can call Cecile Steinberg at 359-2607. Suggested donation is \$20 per person, \$5 for students and limited income.

Sunday, October 28
5:00 PM to 7:00 PM

at the home of Ed and Loretta Dessen,
2502 N Cunningham Ave., Urbana
(long driveway just north of the Park Inn)

Join us for wine, snacks and free speech!