

# The **ACLU** News

## Latest Updates from Your Chapter

The big story this fall has been the eavesdropping case in Champaign against Martell Miller and Patrick Thompson. After being charged with felony eavesdropping for recording sound of police conversations, their documentary video was seized from Urbana Public TV. The story was reported in the News-Gazette in mid August. At our Sept 2 Chapter meeting we decided to contact ACLU-IL, so we scanned and emailed copies of the news articles to them that night. Meanwhile, Rachael Dietkus joined up with Kimberlie Kranich and CU Citizens for Peace and Justice, who were working with Martell to set up a press conference and viewing of parts of the disputed videotape for September 10. ACLU-IL was not only interested, but sent a strong statement which was read at the news conference, asking that charges be dropped. The CU Citizens group arranged several public showings of the video. Under pressure, city officials eventually asked John Piland to drop the charges, and they were—but only those against Martell. Last week, ACLU-IL filed an amicus brief for Patrick's upcoming hearing on motions to dismiss. (see page 3 for the text of the press release that accompanied that filing). In short, fast work by Steering Committee members, fast response by ACLU-IL, and good connections with the grassroots organizers combined to have an immediate effect and raise public awareness. The banned video will show on UPTV the evenings of October 12, 20, and 27.

The Chapter is sponsoring a Marriage Equality Forum December 2nd at the Champaign Public Library from 7-9 PM. Coordinated through ACLU-IL's GLBT and HIV projects director John Knight, This panel discussion will feature a professor, a member of clergy, and same-sex couples to discuss

same-sex marriage and everyday obstacles faced by gay and lesbian families. We are currently seeking organizations to sign on as co-sponsors to help publicize the event. If you have suggestions, contact Rachael Dietkus or Bill Brown.

Five Committee members attended the State Chapters Meeting in Bloomington in May, discussing topics ranging from pending court cases and legislation to Taser use by police.

Continuing our legislator visits, ACLU-IL Legislative Director Mary Dixon, Steve Portnoy, and Bill Brown met with Tim Johnson, with the primary focus being to probe him on marriage equality. He's against it, and will do all he can to prevent it nationwide.

Five of us marched in the Labor Day parade, with a very nice banner. Let's have more next year—join the email announcement list!

Rachael attended the national ACLU membership meeting in San Francisco.

### **CALLING ALL TEACHERS!**

Members of the UIUC Student Chapter are available to come to high school classes and organizations to lead discussions on student rights and other ACLU concerns. This also helps us keep in touch with what major concerns or potential problems are on the minds of high school students.

If you are a teacher or sponsor in the Champaign County area, please contact Maeve Anderson at 413-1883, [mmndrsn2@uiuc.edu](mailto:mmndrsn2@uiuc.edu) for more information.

## URBANA REFERENDUM WOULD ADD 2 AT-LARGE SEATS

On November 2nd, Urbana voters will decide whether to add two at large seats to the City Council. The Council is currently composed of seven members elected one per ward in partisan elections. The ACLU has a long history of fighting at-large schemes because they reduce minority representation, but does not oppose mixed at-large systems in every case. Historically there has been one African-American on the Council from ward 3. A concern of opponents of the referendum is that adding two seats could dilute minority representation from 1 in 7, or 14%, to 1 in 9, or 11%. Census 2000 figures show that Urbana is 14% African-American. Steering Committee members Esther Patt and Bill Brown offer opposing arguments for the referendum:

**VOTE NO!** Since passage of the Voting Rights Act of 1965, hundreds of local governments have eliminated at-large voting. The Danville and Springfield City Councils and Urbana School Board changed from all-white bodies to more diverse composition only after at-large seats were eliminated. Champaign changed to a mix of at-large and district in 1971. For the next 30 years, every at-large seat was held by a non-Hispanic Caucasian.

The nature of at-large campaigns is the primary reason that few minorities win at-large anywhere in the country. A ward campaign is almost entirely a door-to-door effort. Little money is needed and most voters actually meet and talk with the candidate. In an at-large election, bulk mail and media buys replace personal contact between candidate and voters. Some local candidates have spent as much as \$13,000 for an at-large race.

The majority of Caucasian voters will vote for a minority candidate who they perceive to be the best choice. But their perception in an at-large race is based primarily on the candidate's media image. As a result, many qualified people do not even run for office. Those who do are at a great disadvantage without a large amount of money and endorsement by the community's opinion leaders.

While proponents of at-large seats for Urbana do not intend to dilute minority influence, that will be an unfortunate side effect. They do intend to reduce the percentage of liberals on the city council by diluting the student influence. At-large advocates feel that students have a disproportionate voice in government.

The populations of Wards 1, 2, 3 and 4 include a large number of students. Voter turnout in municipal elections is very low everywhere, but it is even lower in these four wards. At-large advocates say that representation in government should be proportional to voter turnout rather than population.

Does a person who lives on Windsor Road deserve a greater voice in government than a person who lives on Bradley Avenue? Those who answer "yes" support creating two at-large seats for Urbana city council.

Speculation about a city-wide African American voting block is interesting but it is contradicted by decades of local experience and political science research. For this reason, the Champaign County branch of NAACP opposes creating at-large council seats in Urbana. We should carefully study any alternative election system before concluding that it would be an improvement.

- Esther Patt

**VOTE YES!** The 1965 Voting Rights Act was enacted in response to situations such as states electing legislators one per county, to represent vastly different numbers AND different populations; hence, it became known as "one person, one vote". It also prohibits the use of any procedures that abridge the right to vote of any member of a protected class. In 1982 the act was clarified: proof of discrimination does not require intent, but merely conditions such that the "totality of circumstances" would result in less opportunity for minorities to participate in the political process.

Under the proposed addition of two seats, per-person representation is still equal and examination of the totality of circumstances reveals that political opportunity for minorities actually increases. More choices will lead to greater voter participation in wards where seats often go unchallenged, and the successful at-large candidates will have a broad support base for seeking higher office.

A diverse racial and economic political base is crucial. Both Carol Moseley-Braun and Barack Obama began their careers in the state legislature from the relatively diverse Hyde Park area, which includes housing projects, the University of Chicago, and "lakefront liberals", rather than from safer minority districts. While Urbana is no Hyde Park, certainly there are parallels.

Any ward map that preserves cohesiveness will usually result in wards that lack the racial and economic diversity found in Urbana as a whole. The fact that ward 3, more than any other ward, fails to reflect the broader demographic characteristics of Urbana, practically dooms the council representative to political stalemate due to the perception they only represent a narrow constituency. Sixty percent of African-Americans in Urbana do not live in ward 3, but the concentration in ward 3 dilutes the minority voting power in the other 6 wards. The chance of electing a second minority member is greater in at-large elections.

We know African-Americans are electable; Phyllis Clark is in her 12th year as City Clerk (besides Mayor, the only position elected citywide). Urbana elections are partisan, providing a built-in support mechanism of precinct captains and political gurus, and therefore are not comparable to nonpartisan school board and Champaign Council elections.

Living in arguably the most progressive city in one of the most diverse downstate counties in Illinois, it seems irresponsible NOT to offer additional citywide political opportunities. To immediately improve political opportunities for minorities, I support this referendum.

- Bill Brown

## MOST RECENT PRESS RELEASE ON EAVESDROPPING CASE

American Civil Liberties Union of Illinois  
For Immediate Release  
October 6, 2004

CHAMPAIGN - Noting that the First Amendment guarantees the "right to collect information regarding government's actions," the American Civil Liberties Union of Illinois today filed a friend of the court brief requesting that a state court in Champaign dismiss a criminal eavesdropping charge against Patrick Thompson.

Mr. Thompson has been charged under the Illinois Eavesdropping Act by the office of Champaign County States Attorney John Piland. The charge stems from a recent incident in which Mr. Thompson used a hand-held video camera to record law enforcement activity in public places, including conversations in ordinary speaking volumes between police officers and civilians.

The video was part of an effort by Mr. Thompson and another man to document law enforcement activities in Champaign. The pair had concerns about discriminatory law enforcement tactics being directed against the African American community in Champaign. The video was intended to be shown on the local cable access television station.

"The charges against Mr. Thompson reflect an abuse of Illinois' eavesdropping statute," said Adam Schwartz, staff counsel with the ACLU of Illinois in

announcing the filing of the court brief. "The recording here took place in the open in a public space and recorded voices audible to other members of the public in the area. Under the Constitution, members of the media and the public have the right to record such activities of police in order to monitor their activities."

The ACLU of Illinois brief filed today cites a series of specific court decisions ensuring the right of citizens to document law enforcement activity. The only limitation on such monitoring is that the public or news media cannot interfere with legitimate police activity. There is no allegation in this case that Mr. Thompson interfered with the police, only that he recorded their interactions with local citizens.

The brief for the ACLU of Illinois also makes clear that the conversations recorded by Mr. Thompson were not private. The brief notes that the conversations recorded were monitored in a publicly accessible place and were conducted in an average speaking voice audible to passersby. Under these conditions, the ACLU tells the court, the persons engaged in such conversations can have no reasonable expectation that such conversations are private.

"Prosecuting Mr. Thompson for his action violates his well-recognized First Amendment right to use a recording device in a public place to monitor governmental activity," added Schwartz. "The court should dismiss these charges."

To read a copy of the ACLU of Illinois amicus curiae brief go to:  
[http://www.aclu-il.org/legal/courtdocuments/  
champaignbrief.pdf](http://www.aclu-il.org/legal/courtdocuments/champaignbrief.pdf).

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Links for additional web-based information related to stories in this newsletter:

Martell & Patrick's organization: [www.veya.org](http://www.veya.org)

Against at-large: [www.noatlarge.org](http://www.noatlarge.org)

For at-large: [www.plus2forurbana.org](http://www.plus2forurbana.org)

League of Women Voters Candidate Forums: [www.prairienet.org/lwv](http://www.prairienet.org/lwv)

Clarence Shelley: [www.news.uiuc.edu/news/02/0322shelley.html](http://www.news.uiuc.edu/news/02/0322shelley.html)

## AWARD PRESENTATIONS FROM THE ANNUAL MEETING, APRIL 18, 2004

*Introductory  
remarks by Stan Levy  
in  
presenting the  
Victor J. Stone  
Award  
for lifetime service to  
Clarence Shelley*

Clarence Shelley and I started at UIUC on the very same day, July 1 1968. We were both outsiders, having come here for specific purposes. His role was to provide leadership and direction for what was called the Educational Opportunity program. Mine was a more generic staff role for the then Dean of Students. One of the early personal memories of our interaction, in mid August 1968, we were attending a meeting at the financial aid office. By that time a record, but indeterminate, number of new African-American students was due to enroll about September 15th. Shelley's comment as we left the meeting:

“We are in great shape if this were March 15.”

Many of you know the history of that fall semester. Inadequate preparations, insufficient staff, not enough financial aid, and an infamous sit-in at the Illini Union, where the Chicago Tribune persisted for many years claiming damages by the students in excess of \$50 K, affected the community's perceptions of these new students. Most were first time college students from Chicago, Philadelphia, and Mississippi, recruited specially for the program called “Project 500.” Chancellor Jack Peltason, following the death of Dr. King, had pledged to enroll 500 new African-American students; in actuality about 625 registered.

Shelley was the front man for the EOP/Project 500 staff, a novel comprehensive program for students of color new to the university environment. The challenges were numerous and portentous. The naysayers were not always very quiet and unobtrusive. The barriers for success at UIUC were real for many of these students, made even more complex for the EOP students. Shelley literally took on the issues and the hostility, usually more than one item at a time. There were times when he was vilified publicly as well as privately both on campus and in the community for the role he played. Neither vilification nor obstructionist tactics slowed him down, pursuing the goals of opportunity and success for these students of color.

This one man has succeeded against almost all odds in changing the character of the University of Illinois at Urbana-Champaign. His initial focus was the African-American student; he soon championed the Latino/Hispanic students. There were many policies that were wrong and needed changing; there were other ground rules that had been changed that needed restatement. Both got his attention.

At stages in the SEOP program counselors would literally go to a student's room and wake him up to get him to class. It was very hands on, maybe even excessively paternalistic, but it worked.

Shelley could say, and regularly did say, things to students that no one else would likely dare even consider saying.

On encountering a student from the program on the quad: “Boy, where are your books? You never go anywhere on this campus without them”.

Or to the student who came in to see him for an appointment in jeans and a rather torn

(maybe stylish) t-shirt: “You do not come to see me this way”. The student turned around and left the office, returning maybe a half hour later dressed appropriately.

Clarence Shelley communicated behavioral and ethical standards to students and staff alike. Recognized and acknowledged nationally for his knowledge and efforts, his focus was always on the local community of students and faculty. He took on any number of assignments and created some for himself. One example long before they became popular—a Sunday afternoon discussion at the McKinley Foundation for Black males only, “What it means to be a Black Male.”

He held many titles at UIUC: Associate Dean of Student Personnel and Assistant to the Chancellor for 9 years, Dean of Students for 11 years, Assistant Vice Chancellor for seven years, and Associate Vice Chancellor for nine years. In 2002 he became the third recipient of the Chancellor’s Medallion, which recognizes individuals whose service to the campus has exceeded all expectations and precedents.

It is a great personal pleasure as someone who was privileged to work with Shelley for over 25 years to be able to present this Victor Stone award in behalf of the Champaign County Chapter, A C L U.

It is indeed with great pleasure that I can present recognition to Hiram on behalf of the Chapter.

When we first came to this area in the mid 1970's, it was with great astonishment that we heard that a mathematical colleague was mayor of Urbana. Like most people, I had just assumed that mathematicians dwelt in too high an ivory tower to be effective community leaders. Hiram proved this idea to be hogwash. *[editor’s note: Steve and Esther Portnoy are professors in statistics and mathematics, as is Chapter treasurer Ward Henson—it must be the undeniably logical aspect of civil liberties that seems to attract mathematicians!]*

Hiram was especially active in moving forward in the area of civil liberties. As an alderman (1967 - 1973) he supported the development of a Human Rights Commission and Ordinance. As mayor (1973-77), with truly extraordinary foresight, he was instrumental in having sexual orientation added to the ordinance. He continued to be active in the community, but always provided time to support our local Chapter.

His political prowess was especially useful in facilitating contacts between local media and organizations and the Illinois Affiliate Staff. He has been our representative to the Illinois ACLU, regularly attending meetings in Chicago, for the past 5 years. Whenever something was needed by the Steering Committee, Hiram was first to step forward—from arranging events (in particular negotiating contracts for annual dinners), to fund raising for the Roger Baldwin Foundation, to more mundane chores like mailings—Hiram was always there.

He has been especially helpful to me this year, especially in our effort to visit local legislators in support of the efforts of the ACLU legislative liaison, Mary Dixon. Thus is it with great admiration and thankfulness that I present the Horace Norton award for Service to the Chapter to Hiram Paley.

*Introductory  
remarks by Stephen  
Portnoy on present-  
ing the Horace W.  
Norton Award  
for service to the  
chapter  
to  
Hiram Paley*

*Introductory  
remarks by Susan  
Cohen on presenting  
the W. Ellison  
Chalmers Award  
for exceptional con-  
tributions  
to the local  
community to  
Nancy Cantor*

It is my great pleasure to present Chancellor Nancy Cantor with the W. Ellison Chalmers Award for exceptional contributions to the local community in the service of civil liberties.

This award is named in honor of Professor Chalmers, who was on the faculty in the Institute of Labor and Industrial Relations from 1947 to 1968. This was a time of great change both locally and nationally in terms of attitudes towards civil liberties; some of those changes were positive and some of those changes reflected the darkest time (until the present) in our history relative to the freedoms that the ACLU is committed to defending.

Nancy Cantor came to the University of Illinois in the summer of 2001, most recently from the University of Michigan, (which none of us held against her) and before that from Princeton. She received her undergraduate degree from Sarah Lawrence College and her PhD from Stanford. She is an outstanding scholar for certain, but that is but a small part of who she is and why we are so fortunate to have her as our Chancellor, even for a short period of time. Why she is deserving of this award is the subject of my short remarks.

Many of us in the room are academics and educators, and we are fond of talking about the importance of “role models” to our students. What sort of person is a role model in the service of civil liberties?

- A person who is willing to speak up on issues that are important not just to the presumed majority, but especially to those in a minority.
- A person who is willing consistently to defend the rights of a free and independent press, even when the opinions being expressed are contrary to ones own.
- A person who treats everyone with respect, even when being personally and unfairly attached in public discourse.
- A person who builds a community by encouraging professional, intellectual and social interactions between diverse groups.

How has Nancy Cantor demonstrated these traits?

- By defending the rights of individuals to express their opinions in a public setting without fear of reprisal, from either the police or other individuals.
- By defending the rights of the editorial staff of a newspaper to publish a letter to the editor, even though the letter is personally offensive and whose only purpose is to inflame hatred, while being pressured by alumni and donors to fire the editor and punish the paper.
- By never responding in kind to personal attacks on her character, and steadfastly holding to the rights of free expression of divergent opinions.
- And by putting her money where her mouth is by funding cross campus, cross cultural, cross community initiatives to bring us all closer together.

We have been fortunate on many levels to have had the privilege of Nancy as our Chancellor. I have been personally privileged to have gotten to know Nancy through my relationship with the Illini Media Company and my service on the Athletic Board. Perhaps part of what makes her so special to me is the fact that we both grew up on the upper west side of Manhattan and never imagined that we would find ourselves living in the middle of the prairie.

The University of Illinois has become a better place because of Chancellor Cantor’s commitment to the ideals that the ACLU holds dear, and it is fitting that we bestow the W. Ellison Chalmers award on her as she leaves us for the wilds of upstate New York. Our loss is Syracuse’s gain.

Please welcome Vice Chancellor William Berry who will be accepting this award on Chancellor Cantor’s behalf.

## EMAIL LIST REMINDER

In an effort to improve communication among our 700+ members, two email lists are available. The "Announce" list is for timely announcements of local events or requests to contact legislators on pending legislation. The "Members" list is for general discussion of civil liberties issues. Complete information and sign-up is available on our web site, [www.aclu-cu.org](http://www.aclu-cu.org).

E-mail addresses of subscribed members are kept confidential.

## 2004 Fall Gathering

Please join us Sunday November 7th at the home of Susan Cohen and George Monahan for our annual Fall Gathering post-election social and fundraising event. Wine and cheese and other snacks will be provided.

There should be a flyer insert in this newsletter providing a response form. If your copy is missing the insert, you may respond on-line at: [www.aclu-cu.org](http://www.aclu-cu.org) or just show up at the door, but advance response helps us in planning.

## ACLU Officers & Steering Committee

The local ACLU Steering Committee meets on the last Thursday of each month at 7:30 pm, in the conference room at Campbell Hall (WILL studios) in Urbana. Meetings are open to members—if you would like to be placed on the agenda, please contact Steve Portnoy or any other committee member ahead of time.

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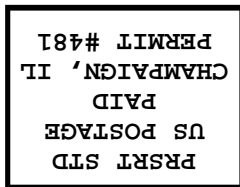
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**We're on the Web!**  
**WWW.ACLU-CU.ORG**



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## **UPCOMING CANDIDATE AND ISSUE FORUMS**

Friday, October 15 7-8 PM  
Urbana City Council Chambers, 400 S Vine  
County Auditor Race  
Referendum on Urbana Council Expansion

Wednesday, October 20 7-9 PM  
Champaign County Farm Bureau,  
801 N Country Fair Dr., Champaign  
Illinois House/Senate Uncontested Races  
103rd State Rep. District  
Referendum on Developmental Disabilities Board

Monday, October 18 7-9 PM  
Parkland College, Tony Noel Center (building on  
West side of campus)  
Referendum on County Election Commission  
County Circuit Clerk  
County Coroner  
Recorder of Deeds  
State's Attorney  
US Congress 15th District

### **...AND RALLIES:**

Unity March '04  
Saturday, October 23 9 AM  
Start at: Scott Park or Douglas Park  
March will continue to West Side Park, in support of  
dropping the remaining eavesdropping charges and  
forming a citizens' review board.

Thursday, October 28  
Emergency Contraception Rally  
Location TBA