

# *The* **ACLU** *News*

## DEFENDING FREEDOM OF SPEECH

As soon as the University of Illinois released the September 18 issue of "Ethics Matters" the ACLU heard from angry employees. The publication, distributed by the ethics office at the direction of University President Joseph White, described partisan political activities from which University employees must refrain, including wearing a campaign button or attending a rally on campus, even when the worker is not on duty.

We contacted the ACLU of Illinois immediately. The Legal Director, Harvey Grossman, sent a letter to President White criticizing the overly broad interpretation of the law. Grossman said: "These restrictions are beyond the bounds of the 'State Officials and Employees Ethics Act,' which more narrowly prohibits employees from engaging in political activity during working hours or misappropriating state property or resources for a political campaign." Pointing out that the campus is both a workplace and public space, Grossman said: "University employees should not be prevented from engaging in partisan political activities held at public forums on campus."

Grossman's letter asked that President White advise all University employees that while on campus property, they may:

- 1) attend a partisan political rally, provided that the employee at that time is not on duty;
- 2) wear a partisan political button on their person, provided that the employee at that time is neither on duty nor in the workplace of the University; and
- 3) display a partisan bumper sticker on their car.

Four days later, President White issued a mass email to all University employees stating that they were free to engage in these three activities.

Sadly, this is not the first time in recent years that University administrators have had to be asked to correct communications that claimed institutional authority to restrict employees' speech. Ironically, the University is engaged in a year-long celebration of the First Amendment. A faculty/staff committee was appointed to plan programs to raise awareness of our constitutional rights.

The committee held a forum on October 10 to discuss the state ethics law and how it might infringe upon the academic freedom of faculty and the free speech rights of all employees.

Cary Nelson, President of the American Association of University Professors (AAUP) on campus and Esther Patt, President of Champaign County ACLU discussed some past attempts by the University administration to restrict speech. Last year, Chancellor Herman responded to protests by reversing an initial ban on use of Chief Illiniwek imagery in the homecoming parade and in 2001, the ACLU sued the University because of then-Chancellor Aiken's order prohibiting faculty and staff from communicating with athletic recruits to tell them the University was using a racial stereotype as its sports mascot. (The ACLU won the suit, the University appealed and ACLU won the appeal).

Champaign County ACLU will continue to monitor and respond to University policies that may infringe upon the First Amendment rights of faculty, staff or students. Many AAUP members feel the state's ethics law, when applied to an institution of higher education, violates the academic freedom rights of teaching staff. At the October 10 forum, AAUP and ACLU members discussed working on legislation to amend the ethics law to allow more political expression by faculty and teaching assistants, even when they are on duty.

## FREEDOM TO VOTE –PROTECTING THE BALLOT

The important gains achieved with passage of the Voting Rights Act (VRA) of 1965 and the 2007 update to the VRA could be undermined by state legislation requiring voters to present photo identification issued by the state. So explained Colleen Connell, Executive Director of the ACLU of Illinois at an October 16 forum sponsored by Champaign County ACLU. Although efforts to impose the voter identification requirements in Illinois have not moved through our legislature, in most of the key battleground states in recent Presidential elections, legislators have considered or will be considering requiring all voters to present state-issued photo ID.

Prior to Connell's talk at the forum, attendees viewed ACLU's Freedom Files program "Protecting the Ballot" which explained, among other problems, that 16% of all senior citizens and 25% of all African Americans in the nation currently have no form of state-issued photo identification. Obtaining the documents needed to obtain the ID can also be difficult for many reasons. Many older African Americans who were born in southern states have no birth certificates on record. In Atlanta, there is no Division of Motor Vehicles office located within city limits. It is hard to believe that the ID requirements would be found to be in compliance with VRA but with the current courts, there is good

reason to fear that millions of people could be disenfranchised by new voting laws. The fact that there has never been a proven case of voter impersonation, the sole type of fraud supposedly prevented by strict ID requirements, shows that the intent of the laws must be voter suppression.

Connell also discussed voter intimidation strategies used by some to discourage people from voting, such as putting out flyers in targeted neighborhoods with "warnings" that voters will be arrested for outstanding parking tickets or past due bills. On November 4, if you witness any voting irregularity at your polling place, call the ACLU to report it. Remember too, that if your right to vote is denied, you have the right to cast a provisional ballot.

### MOVING ON...

Steering Committee member Stan Levy, who is also a past Chapter President, is moving to Ohio to be near family, though he assures us that he would like to remain involved.

Carol Spindel is working out of state on a new writing project, so has taken a break from the Steering Committee.

### **In Illinois, if you registered by mail you must bring an ID to the polling place**

#### **Acceptable forms of ID include:**

**A current and valid photo ID, or**

**A current utility bill, bank statement, paycheck or other government document that shows your name and address.**

**If you believe you are registered in the precinct, yet you are denied a ballot, you have the right to request a provisional ballot.**

#### **To report voting irregularity:**

**Call the Champaign County Clerk's office at: 384-3724**

**Call the Illinois ACLU intake number: (800) 572-1092**

## DEFENDING FREE SPEECH ON PUBLIC ACCESS TELEVISION

Last spring, ACLU members attended city council meetings, gathered signatures at the Farmer's Market and wrote letters to local newspapers to support the City of Urbana's refusal to censor a program aired on its cable television station UPTV (Urbana Public Television). The subject of the controversy was a program called "Wake Up America" which is a classic example of extreme hate speech.

For many people, defending hate speech is the hardest part of being a civil liberties advocate. Some people even argue that really vile hate speech is so extreme that it does not deserve protection. But, the essence of our first amendment right to free speech is that government

cannot censor any speech based on its content. As an organization, we certainly do not support the message in the Wake Up America series. When we support the free speech rights of people whose ideas we consider vile, we help ensure the free speech rights of all people and our own rights to express our beliefs, regardless of community opinion about those beliefs.

We were pleased that Mayor Prussing and the Urbana City Council adopted new guidelines for UPTV programming that continued the city's policy of refraining from any censorship of programs based on their content.

### NEW LOCATION FOR STEERING COMMITTEE MEETINGS

The local ACLU Steering Committee meets on the first Thursday of each month at 7:00 pm. After several years of meeting in a conference room at Campbell Hall, we now meet in room 3405 of the Siebel Center, 201 N. Goodwin Ave, Urbana. At the Campbell Hall location, members and guests had to be let in the back door at night, but the Siebel Center building is open, allowing for easier participation. Meetings are open to members—if you would like to be placed on the agenda, please contact Esther Patt or any other committee member ahead of time.

#### OFFICERS:

President:  
Esther Patt  
706 S. Coler #3, U 61801  
344-8394  
estherpatt@hotmail.com

Vice-President:  
Susan Cohen  
3506 S. Vine, U 61802  
384-7871  
s-cohen3@uiuc.edu

Co-Secretary:  
Shirley Stillinger  
1003 S. Busey, U 61801  
344-6743  
shirley.stillinger@gmail.com

Co-Secretary:  
Marsha Woodbury  
310 W. Iowa, U 61801  
marsha@uiuc.edu

Treasurer:  
C. Ward Henson  
1702 Trails Dr., U 61802  
365-0024 (h)  
henson@math.uiuc.edu

#### STEERING COMMITTEE:

Bill Brown  
304 W. Nevada, U 61801  
urbanabill@yahoo.com

Mary Cory  
309 S. New, C 61820

David Gehrig  
304 W. Elm U 61801  
zemblan@gmail.com

Elaine Gallagher Gehrmann  
502 W. Oregon, U 61801  
gehrmann@aol.com

Carol Inskeep  
606 E High, U 61801  
carolinskeep@yahoo.com

Stuart Laird  
306 N. State St. #6, C 61820  
369-9612 (h)  
stuart@laird.com

Carol Leff  
604 W Washington, U 61801  
leffc@uiuc.edu

Stephen Portnoy  
208 W. Florida, U 61801  
367-8853  
sportnoy@uiuc.edu

Lynne Rudasill  
4016 Windsor Rd., C 61822  
rudasill@sbcglobal.net

Richard Schnuer  
2003 Rebecca Dr, C 61821  
351-2948  
rschnuer@alumni.tufts.edu

Paul Wisovaty  
112 E. VanAllen, Tuscola 61953

EMERITI

Harry Hilton  
1513 Maplecrest, C 61821-4401  
352-8372 (h), 333-2653 (o)  
FAX: 244-0720  
h-hilton@uiuc.edu

Allan Levy  
3 Lyndhurst Place, C 61820  
359-8148 (h), 333-9181 (o)  
a-levy@uiuc.edu

Stan Levy  
Stanlevy@comcast.net

Hiram Paley  
706 W. California, U 61801  
384-8165  
hpaley@gmail.com

Victor Stone  
1804 Pleasant, U 61801  
367-7846 (h), 333-1843(o)  
FAX: 367-6806  
vstone@law.uiuc.edu

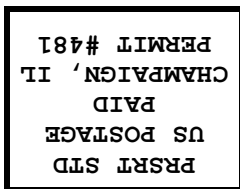
#### LAW SCHOOL CHAPTER:

Tristan Bullington  
tbullin2@law.uiuc.edu

---

**Fall Gathering  
Sunday November 16th!**

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



**American Civil Liberties Union of Illinois  
Champaign County Chapter  
P.O. Box 2651, Station A  
Champaign, IL 61825-2651**

---

## **LOOK FOR ACLU AT YOUR WORKPLACE**

If you are an employee at the University of Illinois, Parkland College, federal, state or local government or local schools, you can use payroll deduction to donate to the Roger Baldwin Foundation of the ACLU. Donations to Roger Baldwin Foundation are tax-deductible and are used for education and litigation. You will find the Roger Baldwin Foundation of ACLU listed in your charitable fund drive booklet under COMMUNITY SHARES OF ILLINOIS.

## **SEASON TWO OF ACLU FREEDOM FILES NOW AVAILABLE**

Season two of the ACLU television series *Freedom Files* is now available on DVD. The 2-disc set can be ordered online at: [www.aclu.tv](http://www.aclu.tv). A teacher's guide is also available which features a curriculum guide for each episode. Using the Teacher's Guide, each episode can be easily integrated into curricula on American history, social studies, civics, media literacy and current events. The Champaign County Chapter has provided DVD sets to many area high schools.

The nine new episodes are: "Freedom to Vote: Protecting the Ballot," "Freedom to Parent: Lesbian & Gay Families," "Freedom to Marry: Same-Sex Couples," "Freedom from Government Spying: Surveillance," "Freedom from Abuse of Power: Torture and Unlawful Imprisonment," "Freedom to Dream: Rights of Immigrants," "Freedom to Live: The Death Penalty," "Freedom to Know: Sex Education," "Freedom to Learn: School to Prison Pipeline".