

# The **ACLU** News

## *'L' is for Liberty - Your Chapter turns 50*

As some of you may have noticed this spring, the volume number on this newsletter turned over from XLIX to L, representing 50 years of continuous activity as a chapter of the ACLU of Illinois. From a search of local newspapers, it appears there were a couple of earlier attempts at organizing a chapter, but it was never sustained more than a few years. In 1960 an article in the state newsletter *'The Brief'* notes intervention by an ACLU staff attorney in a case involving the prosecution of three students who violated the Champaign handbill ordinance by distributing a handbill entitled *'What Can You Do for World Peace?'*. In the fall of 1960 some organizing meetings were held for several downstate chapters, and the first annual meeting of the Champaign-Urbana chapter held in November of 1961 attracted more than 100 attendees. Among the newly formed executive committee was Prof. Victor Stone, still an emeritus member of our steering committee.

Though Victor has not been well enough to provide more detail, we have a number of long-time members and additional records from which we hope to gather a representative sample of activities over the past 50 years. Look for a display or pamphlet at our annual meeting this spring! If you have a story about the local chapter to contribute, please send it to Bill Brown ([urbanabill@yahoo.com](mailto:urbanabill@yahoo.com)).

### Religious Instruction at the UI

Some issues never seem to go away. As steering committee member Harry Hilton notes, he was looking into this issue for the Faculty Senate and American Association of University Professors in the early 60s. The Chapter and ACLU-IL also filed FOIA requests in the late 90s for detailed information on UI courses taught by priests at St John's Catholic Chapel.

This summer the issue was reignited by the sudden dismissal of Kenneth Howell, an adjunct professor of religious studies who had been paid by St. John's Catholic Newman Center to teach degree-credit UI courses in Catholic studies. The ACLU of Illinois filed a FOIA request on July 22 for "all records that relate or refer to any arrangements between UIUC and the Roman Catholic Church concerning UIUC classes about Catholicism". Among the records requested were those that specify the Church's role in selecting instructors, paying their salaries and directing the content of courses. The following week, the Faculty Senate recommended dissolution of the long-standing arrangement with the Newman Center that allowed their funding of instructors and the UI announced that the University will pay the salaries of Catholic studies instructors. The latest FOIA process is proceeding, but slowly.

### ACLU Files Suit for Right to Record Police in Public

Responding to a series of incidents in which individuals in four counties in Illinois have been charged with violating Illinois' eavesdropping law for making audio recordings of public conversations with police, the American Civil Liberties Union of Illinois asked a federal court to rule that the First Amendment bans such prosecutions. The lawsuit, *ACLU v. Alvarez*, filed in federal district court in Chicago, argues that individuals (and organizations such as the ACLU) may make audio (and video) recordings of police who are performing their public duties in a public place and speaking in a voice loud enough to be heard by the unassisted human ear.

The suit challenges the constitutionality of Illinois' eavesdropping law, which criminalizes the recording of certain non-private conversations, one of a small handful of states that does so. ACLU-IL legal director Harvey Grossman notes "Organizations and individuals should not be threatened with prosecution and jail time simply for monitoring the activities of police in public".

Though based on a case in Chicago, the suit stems in part from the local case in the summer of 2004 where Martell Miller and Patrick Thompson were charged with felony eavesdropping for recording police interactions with the minority community on the streets of Champaign. In that case, charges were eventually dropped following public outcry from the ACLU and other local organizations, and the filing of an amicus brief by the ACLU in the case against Thompson.

## TRAFFIC DATA STUDY SHOWS BIAS IN CONSENT SEARCH REQUESTS

A study analyzing data reported by the Illinois Department of Transportation reveals that police officers from the City of Champaign, the City of Urbana and the University of Illinois at Urbana-Champaign request permission to search the autos of African-American drivers after routine traffic stops at much higher rates than white motorists, despite the fact that police are more likely to find contraband when they search those white motorists.

The data demonstrates that for the most recent year reported (2009) African American motorists were asked for permission to search by police at higher rates in Urbana (2.8 times more likely), Champaign (2.4 times more likely) and on the University campus (1.7 times more likely). The findings are consistent with analysis of traffic stop data across the State of Illinois.

A consent search often occurs when a law enforcement official lacks probable cause or even reasonable suspicion that criminal activity is afoot, yet nonetheless asks a civilian for permission to search their vehicle or person. Illinois State Police data indicate that more than 95% of motorists grant consent when asked.

This common law enforcement technique contributes both to racial profiling and to suspicionless intrusions on personal privacy. Accordingly, consent searches should be banned. We urge police in Champaign, Urbana and on the University campus to adopt this policy.

UI police chief Barbara O'Connor attended our October steering committee meeting and one of the issues we raised was that the UI department seems to be asking for many more consent searches than either of the others departments. She assured us she would look into the reasons and follow up with us.

URBANA								
year	race	stops	consent searches	% requested	request ratio	consent granted	contraband found	%found
2004	White	1946	51	2.62%	0.7			
	Black	1225	24	1.96%				
2005	White	1707	9	0.53%	1.5			
	Black	1005	8	0.80%				
2006	White	2131	3	0.14%	3.5			
	Black	1401	7	0.50%				
2007	White	1854	10	0.54%	2.1	10	5	50%
	Black	1160	13	1.12%		13	4	31%
2008	White	2194	17	0.77%	1.6	15	7	47%
	Black	1332	17	1.28%		15	5	33%
2009	White	2240	5	0.22%	2.8	5	3	60%
	Black	1458	9	0.62%		9	2	22%
CHAMPAIGN								
year	race	stops	consent searches	% requested	request ratio	consent granted	contraband found	%found
2004	White	5862	42	0.72%	1.7			
	Black	3219	39	1.21%				
2005	White	6287	13	0.21%	3.3			
	Black	3120	21	0.67%				
2006	White	5579	11	0.20%	1.6			
	Black	2921	9	0.31%				
2007	White	5476	11	0.20%	2.5	10	4	40%
	Black	2790	14	0.50%		9	1	11%
2008	White	5219	20	0.38%	2.7	17	4	24%
	Black	3037	32	1.05%		29	10	34%
2009	White	4633	9	0.19%	2.4	8	3	38%
	Black	2745	13	0.47%		11	1	9%
UNIVERSITY								
year	race	stops	consent searches	% requested	request ratio	consent granted	contraband found	%found
2004	White	3511	25	0.71%	3.1			
	Black	907	20	2.21%				
2005	White	3728	26	0.70%	2.0			
	Black	1011	14	1.38%				
2006	White	3590	31	0.86%	2.5			
	Black	1098	24	2.19%				
2007	White	3315	30	0.90%	3.7	24	11	46%
	Black	1018	34	3.34%		27	11	41%
2008	White	3102	29	0.93%	3.5	29	13	45%
	Black	1039	34	3.27%		33	10	30%
2009	White	3994	51	1.28%	1.7	50	21	42%
	Black	1126	24	2.13%		23	6	26%

**Comparing the use of consent searches over 6 years and among the three largest police departments in Champaign County.** “Request ratio” is the ratio of % of black motorists stopped who were asked for consent to search vs. % of white motorist asked the same. In other words, a “request ratio” of 2.0 would mean a black motorist is twice as likely to be asked for a consent search. These search numbers do NOT include any searches resulting from probable cause, reasonable suspicion of wrongdoing or incident to an arrest.

This chart was generated from public data available on-line from the Illinois Department of Transportation at <http://www.dot.il.gov/trafficstop/results09.html>

## FILM PREMIER FILLS ART THEATER FOR *MCCOLLUM V BOARD OF EDUCATION*

"*The Lord is not on Trial Here Today*", a new award-winning documentary by former steering committee member Jay Rosenstein, attracted some 200 people to the Art Theater in downtown Champaign for its first public showing. The film details the personal saga of Vashti McCollum and her family during the years 1944-48 as she challenged the Champaign school district policy (common nation-wide at the time) of "released time" for religious instruction in the classroom, taught by outside clergy and laypeople from various faiths.

The one-hour film was followed by a discussion with Jay and former Champaign mayor Dannel McCollum, who related the events involving his family and how his older brother Jim responded to national attention. When asked about any blowback from the case when he ran for mayor some 40 years later, he noted that it was "not a plus" and that unlike the current mayor, his races were always well-contested.

Jay generously made the event a fundraiser for the ACLU, and at our suggestion the Roger Baldwin Foundation of the Illinois ACLU received a portion of the proceeds. In addition, Dan McCollum donated several dozen copies of his 2008 book "The Lord Was Not on Trial" which were sold at the event, commenting that the ACLU needs the resources "now more than ever".

See also: [www.jayrosenstein.com](http://www.jayrosenstein.com)

**Dr. Allan Levy**, a valuable member of the Chapter Steering Committee for more than 15 years, died on September 29th. We will sorely miss the benefit of his quick wit, insightful comments and detailed research of issues. Allan often helped us avoid the occasional misstep and no doubt it will take us longer to reach correct conclusions! To Allan's friends and family we owe a debt of gratitude for sharing his time and talents.

## STEERING COMMITTEE CONTACT INFORMATION

The local ACLU Steering Committee meets on the first Thursday of each month at 7:00 pm, in room 3405 of the Siebel Center, 201 N. Goodwin Ave, Urbana. Meetings are open to members—if you would like to be placed on the agenda, please contact Bill Brown or any other committee member ahead of time.

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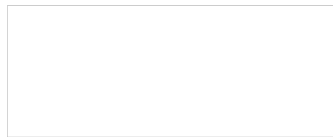
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**We're on the Web!**  
**WWW.ACLU-CU.ORG**

**Fall Gathering  
Sunday November 14th!**

**CHAPTER CO-SPONSORS FIRST C-U PRIDE FEST**

The local chapter joined the LGBT Resource Center at the University of Illinois and many other local groups to help the UPCenter of Champaign County produce Champaign-Urbana's first Pride Fest in late August. The community event included displays at both city libraries, various art exhibits and participation by a number of businesses.

The ACLU information table attracted a good deal of interest and we hope to have some new members. The state ACLU organization was helpful with providing relevant information and giveaway stickers (as well as some very festive "Statue of Liberty" crowns that went fast). Gay Pride events around the country are held for the purpose of affirming an open and inclusive community atmosphere as an antithesis to the shame once expected of LGBT individuals.

The UPCenter of Champaign County (UP stands for "Uniting Pride") is a new charitable community center formed to promote educational and community-building activities to further the well-being and development of the lesbian, gay, bisexual, transgender, questioning, and ally community of Champaign County.  
See also: **unitingpride.org**

**Illinois ACLU Files Suite  
to Compel Release of Data  
Collection Policies**

Since 2003, the Illinois State Police have operated the Illinois Statewide Terrorism and Intelligence Center (STIC), a "fusion center", that integrates the gathering, storage, sharing, and analysis of information about suspected criminal activity among federal, state, and local law enforcement agencies in Illinois. Fusion centers have been a focal point for controversy because they collect and share massive amounts of personal information about members of the public, often without adequate safeguards, oversight, and transparency.

STIC has direct access to dozens of public and private record systems containing sensitive information about many members of the public, including criminal background, digital photographs, and employment, medical, and credit history.

The ACLU suit is asking the court to order the ISP to share critical information about their use of these databases and their use of the internet to collect information about private citizens.