

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

## LOCAL FOCUS ON CRIMINAL JUSTICE

In January, the Law School chapter of the American Civil Liberties Union held a forum with the three Democratic and Republican candidates running for State's Attorney in Champaign County. Members of the public filled the Law School's auditorium to listen to the candidates answer questions from a panel of questioners comprised of members of the ACLU, The Criminal Law Society and The Federalist Society. In the hour-long debate candidates tackled issues such as treatment of juveniles, factors considered in charging decisions, the use of plea bargains, and racial disparities in the Champaign County criminal justice system. The event was very enlightening and highlighted the diverse views of those running for office.

In February, Randy Rosenbaum, the Champaign County Public Defender was a guest at the monthly steering committee meeting to answer questions raised by ACLU members in recent months. He explained that according to state statute, the Public Defender can only provide representation for criminal matters and cannot help clients with ancillary matters. Issues such as unwarranted traffic stops, illegal searches or improper use of a taser by a law enforcement officer might arise during plea bargaining of a criminal charge, but if the client wishes to pursue any civil remedy such a filing a civil suit or a complaint with a Police Review Board, other representation must be sought.

Rosenbaum also explained the use of station adjustments in juvenile cases. For minor offenses, this is an approach similar to adult diversion that allows the accused to perform community service with police supervision as an alternative to being prosecuted for a crime. He said that his office sees very few minors being charged for criminal offenses who had not already benefited from the option of a station adjustment for a previous offense.

Overall he is seeing better charges now. Felonies have

gone down, with fewer obstructing justice charges. There has been an increase in the number of armed violence and conspiracy charges. If you are stopped with an empty crack pipe and gun in the car, a class x felony is now charged, which is armed violence. It should be only weapons possession and drug possession. The intention of the law was to jail drug dealers who have stashes of drugs in the car and guns to defend them.

The Public Defender's office is very understaffed and overworked. When asked what would be his top priority if he could hire one more person, Rosenbaum said his highest priority is funding to hire a social worker for mitigating sentences.

### Annual Meeting to Feature Robert McChesney

We are honored to have Robert McChesney, host of WILL radio's Media Matters and co-founder of the media reform organization Free Press as the featured speaker at the annual meeting of Champaign County ACLU on Sunday, April 6. We will begin with brunch at 11:30 a.m. at the Great Impasta in downtown Champaign, followed by a brief meeting to elect the officers and steering committee for the coming year, awards presentations and McChesney's talk.

At the meeting we will present the Victor J. Stone Award for life-time service in the cause of civil liberties to Robert McChesney. The W. Horace Norton Award for service to the ACLU chapter will be awarded to Rachael Dietkus who served as President of our chapter from 2005-2007.

## FREE SPEECH CHALLENGED

How do we balance the compelling need to stand up against hate and intolerance while protecting the constitutionally guaranteed right to freedom of speech? While the ACLU's position is that more speech is the best antidote to hate speech, the University of Illinois and some community members have advocated different approaches.

In response to the airing of anti-Semitic programming on UPTV, Urbana's public access cable television station, a group of local residents have advocated that the City eliminate the entire public access aspect of its television station. If hate speech can't legally be banned from the station, they argue it would be better to eliminate all programming. ACLU members attended UPTV meetings to express our concerns and were assured that the City will not censor any programming. Instead, a strong statement of non-discrimination and tolerance now appears on screen before every program aired on UPTV.

At the University of Illinois last fall, an initial announcement that images of Chief Illiniwek were prohibited in the homecoming parade was retracted after complaints to U of I Chancellor Herman that the policy violates first amendment rights of participants. Soon thereafter, the University announced that a special web site had been created for students to report any incident of bias or intolerance. Complaints to the site about racial stereotyped-theme parties in a private residence and in a fraternity resulted in the Office of the Dean of Students asking the students involved to participate in tolerance education programs. At this time, we do not know if participation in the education was voluntary. Last month, the University's Housing Division removed from a bulletin board in a residence hall a student's poster that contained a medically accurate, labeled drawing of a woman's vulva - after Inclusive Illinois, the University's diversity awareness initiative, received an anonymous e-mail complaining the poster was offensive.

To further explore these issues, we sponsored a forum, "Talking Back to the First Amendment", to address questions such as: Are First Amendment rights adequately defended in the current political climate? Is some speech so destructive that it should not be protected by the First Amendment?

Panelists Paul Weichsel, Chair of the Jewish Community Relations Committee of the C-U Jewish Federation and Chime Asonye, the Student Trustee at the University of Illinois explained why they and others believe that hate speech should be subject to certain restrictions. Wendy Shelburne, Assistant Professor of Library Administration at the University, discussed her work collecting and studying hate speech on the internet and the educational value of having access to the web sites that reflect the activities and beliefs of hate groups. Filling in for ACLU's Colleen Connell, Steve Helle, a lawyer and Professor of Journalism at the University presented the ACLU perspective that freedom for the speech we hate is necessary to protect everyone's freedom of speech; if government has the authority to limit offensive speech, any of us could find our beliefs declared offensive and our speech restricted.

During the two-hour forum, audience members spoke passionately with diverse viewpoints. One proposed restrictions on public access channels such as to only air locally produced programming, while another defended such channels as the ultimate vehicle for free expression. Several gave personal stories of how hate speech has affected them, and one expressed frustration that too many people consider the first amendment infallible.

## CIVIL UNION LEGISLATION ADVANCING THIS YEAR

One of ACLU of Illinois' top legislative priorities this year is passage of HB1826, the Illinois Religious Freedom Protection and Civil Unions Act. This bill would allow all couples, including same-sex couples to enter into a civil union that provides "the same protections, benefits and responsibilities under law" as are granted to spouses in marriage while stating that nothing in the law would interfere with or regulate religious practices of any faith with regard to marriage.

State Representative Naomi Jakobsson is a co-sponsor of the bill. All other area legislators need to hear from as many constituents as possible, asking for their support. It only takes a moment to send a short, simple message to your legislator asking for a "yes" vote on House Bill 1826. If you need to find out who your state legislator is, you may do so by entering your address at: <http://tinyurl.com/7ug4a>

104th District	Rep. Bill Black 7 E. Fairchild Danville, IL 61832
105th District	Rep. Shane Cultra 104 W. Lincoln Ave. Onarga IL 60955
110th District	Rep. Chapin Rose 1113 Lincoln Ave. Charleston IL 61920

### Annual Chapter Elections

The local ACLU Steering Committee meets on the first Thursday of each month at 7:00 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 Esther Patt or any other committee member ahead of time.

**At the annual meeting on April 6th, the Champaign County ACLU membership will be asked to vote on the following slate of officers and steering committee members for 2008-2009:**

#### OFFICERS:

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

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

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

Co-Secretary:  
Marsha Woodbury  
310 W. Iowa, U 61801  
[marsha@uiuc.edu](mailto:marsha@uiuc.edu)

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

#### STEERING COMMITTEE:

Bill Brown  
304 W. Nevada, U 61801  
[urbanabill@yahoo.com](mailto:urbanabill@yahoo.com)

Mary Cory  
309 S. New, C 61820

David Gehrig  
304 W. Locust U 61801  
[zemblan@gmail.com](mailto:zemblan@gmail.com)

Elaine Gallagher Gehrmann  
502 W. Oregon, U 61801  
[gehrmanns@aol.com](mailto:gehrmanns@aol.com)

Carol Inskeep  
606 E High, U 61801  
[carolinskeep@yahoo.com](mailto:carolinskeep@yahoo.com)

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

Carol Leff  
604 W Washington, U 61801  
[leffc@uiuc.edu](mailto:leffc@uiuc.edu)

Stan Levy  
3006 Meadowbrook, C 61822  
352-7103, 352-4277 (fax)  
[levymeadowbrook@insightbb.com](mailto:levymeadowbrook@insightbb.com)

Stephen Portnoy  
208 W. Florida, U 61801  
367-8853  
[sportnoy@uiuc.edu](mailto:sportnoy@uiuc.edu)

Lynne Rudasill  
4016 Windsor Rd., C 61822  
[rudasill@sbcglobal.net](mailto:rudasill@sbcglobal.net)

Richard Schnuer  
2003 Rebecca Dr, C 61821  
351-2948  
[rschnuer@alumni.tufts.edu](mailto:rschnuer@alumni.tufts.edu)

Carol Spindel  
608 W. Delaware, U 61801  
337-6809  
[cspindel@uiuc.edu](mailto:cspindel@uiuc.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](mailto:h-hilton@uiuc.edu)

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

Hiram Paley  
706 W. California, U 61801  
384-8165  
[hpaley@gmail.com](mailto:hpaley@gmail.com)

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

#### LAW SCHOOL CHAPTER:

Tristan Bullington  
[tbullin2@law.uiuc.edu](mailto:tbullin2@law.uiuc.edu)

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**Annual Meeting  
Sunday April 6th!**

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

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PERMIT #481

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

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## **RAISING FREEDOM'S VOICE IN ILLINOIS**

The ACLU of Illinois annual Membership Conference will be held in Peoria this year on Saturday, April 5. Speakers will include U.S. Representative Ray LaHood, State Senator David Koehler and Rich Miller, political pundit from Capitol Fax.

Learn more about what you can do to respond locally to fulfill the promise of the Bill of Rights. Attendance for ACLU members is free but registration is required.

Please go to [www.aclu-il.org/conference](http://www.aclu-il.org/conference) to register.

## **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 ordered a DVD set to be played on public access TV.

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".