

EVERYDAY DEMOCRACY

Seasonal Newsletter from the Citizen Advocacy Center and Citizens in the Western Suburbs
SUMMER 1998

Should the People Pay? The DuPage Seven's Legal Fees

All year long, but especially in the summer, interns invade the Citizen Advocacy Center! With their assistance, the Center will print more brochures, host more workshops, and be better prepared to hold open the doors of government to the people. Thank you to all of their supporters, including: the Public Interest Law Initiative, the University of Michigan Law School, NAPIL, the University of Illinois

College of Law, Elmhurst College, DePaul University College of Law, and Loyola University College of Law.

And thanks to Natalie, Patra, Steve, Monica, Tom, Keith, Ellen, Tim, Rob, and Greg for choosing to share your talents here!

—The Center

As a legal intern at the Citizen Advocacy Center, I have had the opportunity to learn about one outrageous way the County government is spending taxpayer dollars. No, it is not on an expensive toilet seat or hammer. This time the County has seen fit to pay the legal fees, over \$1 million, of former employees accused of official misconduct and obstruction of justice in their prosecutions of the murder of Jeanine Nicarico against Rolando Cruz, Alejandro Hernandez and Stephen Buckley. All three men were cleared of all charges after both Cruz and Hernandez spent many years on Death Row. The DuPage 7 include four deputies of the DuPage County Sheriff and three former Assistant State's Attorneys, one now a sitting judge.

Originally, the County Board decided to follow the typical route for these kinds of cases. Virtually all counties pay the legal fees of county employees if they are found not guilty, and not pay if they are found guilty. Recently, however, a slim majority of the County Board changed their mind and decided that they wanted to pay for the defense of the DuPage 7 right now, whether or not they are convicted.

After the County Board's flip-flop, Judge William Kelly, the judge presiding over the trial of the DuPage 7, then

entered an order requiring taxpayer dollars to be spent for the defense of the DuPage 7.

Whether the fees are paid or not is a legal issue, not a political one. Normally the elected State's Attorney would represent the people. In this case, however, the State's Attorney has worked for and with some of the DuPage 7 and, therefore, cannot represent the people without a conflict of interest. And, on top of that, the County Board fired the independent attorney who was representing the people.

The Center believes that the taxpayers need to have an independent lawyer, not the State's Attorney's Office, to advise them. On behalf of citizen Patricia Hicks, the Citizen Advocacy Center has petitioned the court to appoint a Special State's Attorney to represent the DuPage County taxpayers on the question of whether we should pay the legal fees of most of the attorneys for the DuPage 7.

If DuPage County is going to set a precedent and pay for the defense of indicted employees, let's make sure the taxpayers at least have a say in the matter!

—Greg Fike, Legal Intern
University of Illinois College of Law

Rare Opportunity: See the Living Constitution

Keeping the Center Up-to-Date

Near the end of my first semester of law school my friend and I looked forward to taking Constitutional Law in the spring. Our discussion soon turned to how much fun it would be to practice constitutional law in the real world. Alas, my friend and I decided that there could not be much of a call for constitutional lawyers anymore, so we prepared ourselves for a lifetime of taxes, real estate, and other equally exciting areas of law.

Six months later, here I am studying the First Amendment at the Citizen Advocacy Center. Much to my surprise, governments are still trying to limit their citizens' freedom of speech. Government bodies are imposing unconstitutional, content-based restrictions on public comment at their meetings, and school boards are putting vague and arbitrary limitations on student publications. Cities refuse to allow public interest organizations to hang their banners. All right here in the Chicagoland area. It turns out there is a call for constitutional lawyering in today's society.

The most important thing my research has taught me is that, if the government allows you to talk, you have the right to say just about anything you want (as long as it's not defamatory). For example, if a city council allows public comment at its meetings, it cannot restrict the content of those comments. These comments are only subject to content-neutral time, place and manner restrictions (e.g., time limits). The restrictions must be content neutral on their face and applied in a content neutral manner.

I never thought I would have the opportunity to work on constitutional issues outside of an academic setting, and I am very happy to have had this opportunity with the Citizen Advocacy Center. As long as the government keeps restricting speech, there will be a call for constitutional lawyers. I am glad I was able to answer that call, at least for a summer.

—Tom Klein
Legal Intern
University of Michigan
School of Law

This summer, I am working part-time at the Citizen Advocacy Center. I have been working on two discrete projects outside of the office.

My first project is updating the Center's brochure on federal campaign finance reform to include the most current campaign spending limits. After the spending excesses by both parties in the 1996 election, federal campaign finance reform has become a hotly debated issue in Congress and in the American electorate. There is widespread concern that the loopholes in the current campaign financing laws allow the wealthy to influence and taint the election process. Recent reform proposals have included a constitutional amendment that mandates that limits on campaign spending do not violate the First Amendment, the elimination of corporate contributions, voluntary spending limits by candidates in exchange for public financing, and more stringent disclosure laws.

I am also helping to compile recent cases on the Illinois Freedom of Information and Open Meetings Acts. Currently, I am working on what's new in enforcing your right to gain access to public records.

—Monica Patel
Legal Intern, Northwestern
University School of Law

\$elling Your City

In DuPage County several municipalities have begun public relations or marketing programs with the purpose of expanding economic development, attracting new residents, and developing new recreational facilities and

programs. I sent a survey to village managers and the like to find out which of the 34 municipalities in DuPage have these programs. I want to know the purpose and cost of their

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There is hope!

To make a long story short, I have always had very little faith in government. I always believed that the elected officials in America were supposed to uphold the ideas of the citizens they represent, but constantly found that the only ideas they held had nothing to do with the beliefs of the community that elected them. Seeing this year-in and year-out made me feel like there was no chance that this would ever change. I eventually accepted that corruption was inherent in politics, and I accepted that I would always be voting for the lesser of two evils.

When I first started voting, I thought that my vote counted for something. I thought my vote

gave me access to the political realm. It was like a slap in the face when I realized that all of the promises given to me by these politicians, my former grade school teachers, and particularly, the Constitution of the United States, were half-truths. I gave up. I no longer voted for the candidate I thought would advocate my ideas. Instead, I voted for the candidate that would not mess up the system as it was. Hope for a government that was ruled by the people, for the people faded, and I was not the only one. People don't care about the atrocities that modern politicians commit because their hope is gone. Without hope, there is only apathy. People begin to accept corruption as a part of a politician's job description.

This just isn't the way it is

supposed to be. All elected officials should be held accountable to the people for their actions. They should advocate the community's goals above their own. They should follow the rules that their predecessors made to make America a better place to live. Is it too much to ask for politicians to do their job? It shouldn't be. This is why I identify so much with the Citizen Advocacy Center. I used to believe that nobody cared, that there was no chance to change the system. Through its efforts in the community, the Citizen Advocacy Center has given me hope that, over time, the country will truly become a government of the people, by the people, for the people.

—Keith Allen
Legal Intern

University of Michigan

TIF Abuses Proliferate

As a legal intern for the Citizen Advocacy Center, I had an excellent opportunity to evaluate the complicated and bankrupt realm of tax increment financing programs in Illinois (TIFs). TIF programs operate at the intersection of public policy, statutory law and local politics, thereby providing a rich case study for examining how institutions and economic development interact. TIF districting provides a local redevelopment tool for generating economic activity in stagnant areas, but TIFs are highly prone to both misuse and abuse. My summer project required me to

develop a constitutional challenge to TIF plans in Pilsen, an immigrant Mexican-American neighborhood in Chicago.

Even in the "best" scenario, a TIF can gentrify an area, displace lower income residents who can no longer afford rising property taxes, and skim money from the coffers of non-municipal local taxing bodies such as school districts, who may then pass on additional taxes to the residents. In the worst scenario, municipalities twist the requirements of the vaguely drafted TIF statute to authorize a TIF in an area that is not in fact "blighted." This explains why DuPage County, not known for blight, has over 40 TIFs. Such

abuse makes a mockery of the legislature's intentions of using TIFs to fight economic stagnation.

On the bright side, the Illinois General Assembly will address TIF reform in its fall veto session. I'm preparing testimony for an Illinois House hearing this summer. For the sake of fair and effective government, I hope the legislature addresses the current TIF abuses and passes meaningful reform. If not, organizations like the Citizen Advocacy Center and empowered citizens will continue to challenge TIF plans and seek democratic accountability and fiscal responsibility from their local governments.

—Natalie Brouwer

Everyday Democracy is a publication of the *Citizen Advocacy Center*, a non-profit, nonpartisan, 501(c)(3) corporation. Submissions from citizen advocates in the western suburbs of Chicago are encouraged. The *Center* is an educational and charitable organization dedicated to building democracy for the 21st century by strengthening the public's capacities, resources, and institutions for self-governance.

If you are interested in more information, becoming a volunteer, or making a tax-deductible contribution to the *Center*, please feel free to contact or visit us.

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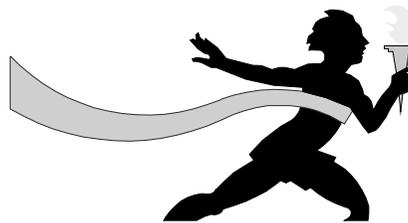
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programs so that by the end of the summer I can prepare a cost benefit analysis.

Municipalities that have public relations programs tend to also have web sites. At the beginning of my investigation I had a negative view towards spending tax dollars to hire public relation firms to develop these programs. However, midway through my

investigation, I am finding many positive aspects of these programs. The development of web sites allows citizens to easily locate information about their community. The majority of the web sites allow citizens to e-mail their elected officials. This allows the people in the municipalities to have an easy means of access to their elected officials, a fundamental facet

We Need **You** to Meet the Challenge!



If the Center raises \$10,000 from individual donations, the Woods Fund of Chicago will match every dollar of the next \$5,000 we raise.

Thanks to many generous donors, we are now over half-way to our goal!

Can you help us? Please support the Center's ongoing efforts to protect our public assets, to improve civic skills, and to make our local institutions more accountable. Please make a donation in the enclosed envelope today.

Our deadline is September 1, 1998!