

Money & Politics of Tort deform

With refreshing candor, the president of the Business Policy Group complained in the February 8, 1998 [*Chicago Tribune*] *Voice of the People* that organized Illinois businesses and professional interests were “heavily shortchanged” because they “committed millions of dollars to assure a successful legislative effort only to have the law [the Illinois Civil Justice Reform] judicially sliced to pieces.”

Isn't it disturbing to know that business and professional interests spent “millions of dollars to assure” our legislators' votes on tort deform? It is no secret the Illinois State Medical Society, the Illinois Manufacturers Association, and a group called the “Illinois Civil Justice League” — a misnomer if there ever was one — spent all kinds of resources to assure the passage of legislation to protect wrongdoers from being held accountable in court by ordinary citizens.

In December, the Illinois Supreme Court wisely put an end to the

resulting folly “tort deform” and ruled the whole law completely unconstitutional. What does that tell you?

Indeed, business interests have spent lots of money trying to make everyone think that all kinds of people are filing frivolous lawsuits and clogging the courts. The fact is that our courts are clogged primarily with divorce cases and businesses suing businesses. Nine of ten people who are harmed from dangerous products and doctors

never get their day in court. It usually costs them too much to get to court, or they are up against well-heeled doctors and companies that can afford the best defense. That's why it is big news when a jury awards some large amount of money — because it happens so infrequently. Even then, the amount is often reduced by the judge.

From our perspective, it is a good thing that the Court “sliced to pieces” this law, and we can't feel too sorry for the businesses and

beware hidden costs of cellular prepay

Cellular telephone companies may surprise consumers who prepay for telephone service by claiming unused service money at the end of the service period.

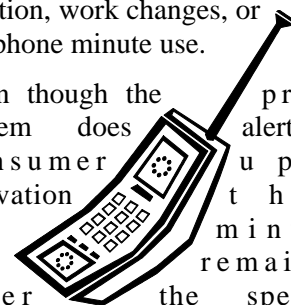
When a telephone subscriber prepays for service, the cellular company has been given the right to wipe out minutes that remain if these minutes were not used within a specified time period. Example: A subscriber purchases 50 minutes for \$30 on December 1, 1997, and if not used by February 1, 1998, the cellular company automatically erases the minutes that remain.

may be inconvenient to take out a long contract due to change of location, work changes, or low telephone minute use.

Even though the prepay system does alert the consumer upon activation that minutes remaining after the specified service period will be wiped out, it is easily forgotten because the cellular prepay service does not submit a monthly bill which would serve as a reminder of the number of minutes remaining.

Also, there is no means for the consumer to check the accuracy of

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Many consumers use the cellular prepay system to avoid long-term contracts with \$200 to \$300 cancellation charges because it

Hidden Costs

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the minutes remaining for use except through an automated voice which responds when a call is placed and gives the remaining surplus minutes. A subscriber can dial a special number and get information concerning the quantity of remaining minutes; however,

there is no written statement submitted on a regular basis that permits tracking of these minutes and how they were used. In other words, the cellular prepay service is not obligated to remind consumers that they may lose money. This is not fair, and consumers must be alerted to the details in their cellular phone contract.

Write or call your local state Senator and Representative and register a complaint. Send a copy of this article to their attention.

—Ken Doenges

Member, DuPage Citizen Corps

Is it really Free & Painless?

The first time you exercised your rights under the *Freedom of Information Act*, much to your surprise, it went without a hitch. You requested information from your local government body and you were supplied same in a friendly and timely manner. Not bad, you thought!

The second and third requests were handled similarly, but this time, it took all of the seven working days for them to respond. You wondered why it took so long, but brushed it off as within the law.

The fourth request threw you for a loop. They presented you with what they called an “FOI Request Form,” a form you never saw before, and told you that you must fill this out before they can provide the information. You labored over the form giving them all of your personal information, shy of your social security number.

One question really stumped you: Why were you asking for this information? You really did not know what they were after, and you did not want to say anything wrong after all, so you wrote, “for my own education.” Being proud that you were able to finally complete the form, and now feeling important, you handed it to the receptionist.

You heard nothing in seven working days, so you called them and inquired into the status of your request. You find out that the information has been sitting there for over a week — Where have you been, you should have known this! Embarrassed by your absent-mindedness, you pick up the information with little fanfare.



Request No. 5. The secretary tells you that you do not have to fill out an FOI Form, that she will just make copies for you. You are forever thankful to her because look at all the trouble she saved you. If she would only handle all my future FOI requests, the world would be a whole lot better. So much for luck.

Request No. 6. The secretary was not available so you had to fill out the FOI Form. A week and a half later, you receive a letter from the City Clerk, advising you that the information you requested did not exist. What do you say? “I know it

exists, I saw the document with my own eyes!” In a telephone conversation with the Clerk, you find out what the problem was. You dummy, you asked for a “specification,” instead of a “request for proposal.” Shame on you, you should have known better! You have to go back and fill out a new FOI form with the proper terminology.

More than a week passes, and learning from experience, you pick up the telephone and again find out the information is ready to be picked up. When you get there, you are approached with “that will be \$6.50, Mr. Citizen.” What’s this, a charge for free information?!

“You see, Mr. Citizen, we must charge you 25¢ per page to cover our administrative and copying costs. You have made too many FOI requests and you are starting to disrupt our everyday operation.” The charge is paid in protest.

Later, upon reviewing the information you received, you find that they did not copy an attachment, very much a part of the whole story. They respond, you did not ask for the attachment, but if you must, they will go back and copy it for you for another \$3.50.

Request No. 7. A thick envelope

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arrives in the mail for you. You open it up and find a four page letter from the Clerk, salutations and greetings. The letter does not state the subject, but you read a whole lot of line and verse from the Freedom of Information Act. You assume this pertains to request No.7. You finally get the picture after you finished reading page three. These are their reasons, straight from the FOIA, why they are declining your request.



You think, "They cannot do this to me, I am a citizen. I have my rights!" Wanna bet? The list was too long to fight—it would take an attorney to win this one, so you contemplated another angle, forgoing legal costs.

Request No. 8. The disappearing act—every show has one. They advise you verbally that the information you requested has been "discarded," in other words, destroyed. No, they will not confirm this in writing, why should they? You sit there in amazement wondering why the file was destroyed since the project has not been officially completed. Boy, following government is getting tough.

Request No. 9. Also denied, because "the powers that be" should have the

right to discuss it before it becomes public. And you thought it was already a public document.

Request No. 10. A request to review an entire file. OK, you can review the file, but they are only going to give you 30 minutes. They are very busy, you see, and cannot afford you all the time you want. The file is 12 inches thick. You wonder if you should prepare by taking a speed reading course.

Request No. 11. For some reason they do not trust you now. Since you have been a bad person, all of your future reviews of files must be in the presence of a hall guard. You wonder if you may also be subject to a strip search before you leave, just so they know you are not stealing any of their documents.

Request No. 12. There will now be a 35¢ charge per page for your requested information. All the administrators must have gotten a raise!

Request No. 13. Ah forget it, I am tired, I think I'll go home and get some rest. When I awake, all fresh, I want to reread that Freedom of Information Act and see if I missed anything. I must have!
-Ron Klimek,
Member,
DuPage Citizen Corps

Making a federal case Out of It

On January 22, CAC community lawyer Myrrha Guzman appeared before a federal appellate court arguing that Congress requires community input in a real public hearing before federal funds are issued for airport expansion projects.

The Center believes that the dog and pony show staged by the DuPage Airport Authority (DAA) in 1994 did not meet federal requirements. The DAA sponsored the event in dispute as an Open House on a Friday before Christmas. The event provided no information to consider the economic or environmental costs, no policymakers showed up, no one answered the many public queries about the justification for this project, and no complete record of the event was ever made, as Congress requires.

Can a government agency hold a cocktail party, for example, and label it a "public hearing," and be eligible for public funds? We don't think so! Citizens deserve a chance to give meaningful input into major projects that will affect the community.



I Cyber Town Hall regularly features public officials who you can talk to live on-line. Past guests include Congressman Henry Hyde, Representative Lee Daniels, and Addison Mayor Larry Hartwig.
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I discuss amongst yourselves- topic: TV and our consumer society. To participate see WWW.NEWDREAM.ORG

I See the Money See the Federal Election Commission reports for the Presidential

and House campaigns on WWW.FEC.GOV
Illinois public officials' records:
WWW.CRP.ORG/CPI/ Statewide
candidates: WWW.ILCAMPAIGN.ORG

I Citizen Advocate Check out your Citizen Advocacy Center and download a Citizen Guide from
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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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Everyday Democracy

Deform

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professionals who

spent millions of dollars "to assure" that injured people wouldn't have their day in court. Indeed, the Citizen Advocacy Center — we testified against this legislation in 1995 — would like to ask the complicit businesses out there to ask their members, shareholders and boards whether they think that spending millions of dollars to lubricate the legislative process to enact patently unconstitutional laws that keep injured citizens out of court is a wise way to spend corporate assets.

If businesses want to "assure a legislative effort," why don't they start by seeking to reform a system that hits them up for payola to "assure" legislative efforts in Illinois?

FOR MORE INFORMATION CALL THE COALITION FOR CONSUMER RIGHTS (312) 939-4566.

Grown-up Peter Pan children demand truth

The Citizen Advocacy Center is co-counsel with Gessler, Hughes & Socol, Ltd., in a case against the Central Intelligence Agency for information regarding the airlift of thousands of children from Cuba in the early 1960's.

Operation "Peter Pan," run by the CIA through three Presidential administrations, brought some 14,000 children without their parents into the United States, many with visas issued by the Catholic Church. Families were split apart, and some were never reunited.

Maria de los Angeles Torres, a professor at DePaul University

and a former "Peter Pan," filed a lawsuit against the CIA to seek the release of documents about the largest airlift of children in the western hemisphere. After she waited six years for answers to her Freedom of Information Act requests, the CIA finally told Ms. Torres that the agency could not find a single document about the operation.

This lawsuit is telling the CIA "to go back and look again." The American people and the children who were separated from their families, many now in the Chicagoland area, deserve to know what happened.