

EVERYDAY DEMOCRACY

CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, SUMMER 2005

Reanimating American Democratic Self-Governance.

Our American democracy—built upon the still-revolutionary promise of community-based government by the people is breathing labored breaths. Statistical researchers at UCLA report that since the 1960s, every significant indicator of political engagement by new college freshman has dropped by about half. At the grassroots today are passive spectators and beguiled consumers rather than engaged government participants. Despite the need, there are not many legal organizations working at ground level to reanimate American democratic self-governance. However, this summer I got to work for one.

Altogether, I tackled more than twenty-five separate projects during my ten weeks. Highlights included teaching eighth-graders about the Bill of Rights, helping community activists form new nonprofit associations, and monitoring DuPage County Board and committee meetings. I researched and drafted a federal Freedom of Information Act appeal that followed the U.S. Department of Labor's denial of a national nonprofit's request for the names of workers owed backwages from federal employment law settlements. The nonprofit is trying to find these workers to unite them with the money they are entitled to. Although still pending, a recent federal court decision makes victory look like a real possibility.

I also presented an evening program on library privacy—a timely topic in DuPage County where the Naperville Public Library has just installed fingerprint scanners on its public internet terminals. Nationwide, the U.S. Congress is now considering several bills that could limit the FBI's access to library records. I led a discussion on the meaning of "privacy" and whether library records deserve special protection from the government. The program was covered by two area newspapers.

Another project focused on a developing area of First Amendment law: courtroom access. A Wheaton cable access television producer has had trouble getting in courtrooms to observe trials in DuPage County's state court. The court does not consider her a member of the "recognized media" and, therefore, has excluded her from certain proceedings where only family members and media are allowed. Although still pending, the law looks to be on her side.

I also had a chance to "peek behind the curtains" of CAC, shadowing executive director Terry Pastika in some of her day-to-day administrative tasks. This inside look is priceless. Because CAC does such unique work, there is hardly anywhere else to learn how to run a democracy-building community legal organization. It is especially priceless to me, because I intend to devote my own career to reviving republican democracy in America and to someday run a nonprofit similar to CAC.

By the time this newsletter is printed, I will have returned to Idaho and begun plodding through my final year of law school. But I will take with me a wealth of know-how and inspiration. Many thanks to inimitable office manager Eddi Feret and hero community lawyers Sarah Klaper and Terry Pastika, and to the CAC Board, Advisory Council, volunteers, and members.

*Ritchie Eppink, Legal Intern
University of Idaho, College of Law*

During the summer, the Center hosts several interns who work with community lawyers to hold even more workshops, produce more brochures, and hold open the doors of government to more people.

Thank you to all of their supporters, including: The Public Interest Law Initiative, Downers Grove North High School,

University of Idaho College of Law, Northwestern University, University of Iowa School of Law, and the University of Minnesota Law School.

Thank you to the interns: Mr. Zach Biesanz, Ms. Reena Desai, Mr. Ritchie Eppink, Ms. Amy Jennings, Ms. Sandra Lemenaité, and Mr. Nehal Madhani

—The Center

**Citizen Advocacy Center
2005 Summer Interns & Staff**

With the Help of a Jolly Rancher

According to Aristotle, if liberty and equality are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost. In my opinion, that is what CAC strives for, and it was exactly why I decided to become a summer intern. My expectations of what CAC would be like were different from reality- and I'm glad for it. I expected a big building and thousands of office cubicles. Instead, I joined a group of eight people, each one dedicated to their job and equally enthusiastic about the work they were doing. No big building- just big ideas.

My very first day I was introduced to Reena, my partner on the Freedom of Information Act (FOIA) Survey. The survey was to be a compilation of responses from DuPage County municipalities and their compliance (or lack thereof) with the information we were requesting. We conducted the study throughout the summer, making a number of visits to various municipalities, clarifying our request for public employees' names and salaries, and obtaining the copy charges for FOIA requests. The study got me to look into the inner workings of county and city governments, which in and of itself was an invaluable lesson. I realized the importance of understanding how to access public information – and public officials. Reena and I held a press conference to explain the results we gathered. Not only was I faced with public speaking at this function, but I was also required to give a public presentation at CAC's intern night: Democracy Day.

Additionally, I participated in a public forum on the Open Meetings Act, updated public interest brochures, and I wrote letters to the editor. All in all, I was a sponge, absorbing the discussions on current events and the political arguments that I heard while sitting around the lunch table. We always had Jolly Ranchers at the office and I do think the sugar has something to do with the overall good atmosphere of the place. Candy or no candy, I value my experience for all that it taught me about social interactions, my surroundings, and myself.

Citizens need to know that it is their civic DUTY to question their representatives, push for change, and fight for their rights. We cannot put ourselves in the position of the victim of the decisions being made daily in our country's capital. It is our responsibility to contact our representatives and express our concerns and ideas. The thought of the power shift that would occur if each person were to make his or her voices heard electrifies me. CAC is constantly looking for ways to increase public knowledge of policy and law, both useful tools to deal with civic affairs. My hope is that more and more people will become inspired to affect change – one of the most important lessons I took away from my internship.

*Sandra Lemenaité, Intern
Downers Grove North H.S.*

OH FOIA, WHERE ART THOU?

I have worked at a large law firm, a library, and even retail, but no other opportunity has compared to my experience at CAC. Working at CAC provided a unique balance of learning to analyze legal issues and address important public concerns.

As my main project, I worked with high school intern Sandra Lemenaité to conduct a survey of DuPage County and all of the municipalities and townships within the County borders for two purposes: first, to determine how much the public bodies charge in copy fees for Freedom of Information Act (FOIA) requests; and second, to audit public body compliance with FOIA requests. The information requested included the names of employees and their salaries. Acquiring this information required a lot of time, patience, and persistence on my part – all of which should have been unnecessary. Not only did I have to deal with public bodies simply not calling me back, but also village clerks “informing” me that salary information of public employees was private. In a legal system filled with ambiguous statutes, a statute could not be clearer than the FOIA stating that public employee salaries are public records and must be disclosed upon request. While 35 out of the 48 public bodies surveyed complied with CAC's salary request without any follow-up, 13 public bodies required us to call at least once or even appeal their responses in order to compel the information. Gathering all the information was time-consuming, frustrating, and surprising. It took a month and a half to receive all the requested information.

What did I learn from this experience? For one, nothing comes easy – not even when the law specifically allows access to it. Accessing public information from the government could be as easy as requesting it, or as tedious as making several phone calls, appealing the denial, and even resorting to filing a lawsuit. I hope this survey sparks real change in the way public bodies handle FOIA requests in DuPage County.

I also worked on CAC's lawsuit against the DuPage County Election Commission. The case addresses the public's access to voting ballots and other election materials via the FOIA. The FOIA states that public records must be disclosed unless specifically exempt, therefore, election materials are subject to FOIA. In this case of ballots, no such exemption applies. While working on this case, I researched the Illinois Election Code and had the unique opportunity to assist in drafting the amended complaint. I learned the strategy and process involved in drafting a complaint, which provided me with a fruitful taste of being a lawyer.

Additional summer projects included writing a letter to the editor, researching TIF issues in Oak Brook, presenting a controversial topic to community college students for debate, and creating a lesson plan on third-party barriers to the Presidential ballot.

As a result of my internship, I learned about a wide range of local government issues, but more importantly, I learned how to “flex my civic muscles” and how to teach others to do the same. CAC is a valuable and exceptional asset to the DuPage County community which I am proud to be part of.

*Reena Desai, Legal Intern
University of Minnesota Law School*

A "Patriotic" Experience

I still remember my first day at CAC, arriving overly early and overly dressed. Having only read the website and seen their video, I was not sure of the kind of assignments to expect. All I knew was that CAC focused on helping citizens utilize available governmental resources and educating the community at large about current democratic issues. My mission finally became clear when I met with Ms. Terry Pastika, the executive director, who assigned my first two projects for the summer – a brochure on DuPage County's government and a Brown Bag Lunch on the Patriot Act II.

While the DuPage County brochure seemed simple enough, I was told that I would be leading the discussion on the Patriot Act II. My experience as an undergraduate had rarely provided opportunities for public speaking, so the task appeared even more intimidating. However, I began to research eagerly the Act and was able to obtain a copy of the draft of the bill. The more of the 80-page document I read, the more I was appalled. The draft of the bill allowed for greater surveillance of Americans at the expense of our most fundamental civil rights: the right to privacy and provisional checks and balances. Despite the Act's nearly incontestable stance on civil rights, I worked to present a balanced view of the provisions for the forum. In the end, the attendees agreed that Patriot II had gone too far in expanding governmental powers in the name of fighting terrorism.

After tackling the DuPage County brochure and the discussion and brochure on the Patriot Act II, I worked on researching the issue of Social Security. I examined the imminent crisis the program faces and the leading proposals to reform the program, including Bush's privatization plan. I worked extensively on the issue, reading resources from AARP publications to the report by the President's Commission on Social Security, and arrived at one conclusion: the program needs serious help in order to survive. Once the Baby Boom generation starts retiring in 2009, Social Security will face a devastating crisis and current generations will have to choose to either repair the program now or suffer in the future.

Whether it was spent leading a discussion with the community about the Patriot Act II or researching the convoluted social welfare program known as Social Security, my experience has been extremely satisfying. Simply being there was an educational experience. Both Sarah and Terry always involved me in the ongoing cases, in meetings, and in discussions whenever possible. In addition to engaging in meaningful conversations with CAC lawyers, I was also surrounded by several law school interns who happily shared their work and experiences with me. I cannot think of a more conducive and rewarding environment for a pre-law student. Working here only confirmed my decision to attend law school, and I sincerely thank the wonderful CAC staff for the opportunity and their help.

Mr. Nehal Madhani, Intern
Northwestern University

My summer at CAC was amazing! While some of my friends were stuffed in cubicles doing dry research, I was working hard to make a difference I could see.

One of my first projects was to host a Brown Bag Lunch on medical malpractice reform. This was highly relevant because the General Assembly passed a bill capping non-economic damages in medical malpractice cases, but the bill was not yet signed by the Governor. Setting a maximum limit on non-economic damages at first seems like a great way to control skyrocketing malpractice insurance costs—it gives the image of stopping greedy trial lawyers and patients from “winning the malpractice lottery” from unquantifiable, unverifiable injuries like pain and suffering. As it turns out, however, very high non-economic damages account for a very tiny amount of malpractice insurers' costs (about 1%), certainly not enough to account for premium increases of over 450% over a ten-year period. Further, non-economic damages extend well beyond the typical “pain and suffering” and actually include things like loss of a spouse and disfigurement and loss of a limb, meaning that some patients will not be adequately compensated for certain types of injuries. The Illinois Supreme Court has twice ruled that caps are an unconstitutional violation of separation of powers and that they place an arbitrary price on certain types of injuries; it will be interesting to see how it treats this legislation.

Another project I undertook this summer involved researching City Centre, a nonprofit corporation charged with managing the downtown Elmhurst area. City Centre is funded in part by the Special Service Area tax whereby the downtown business and property owners pay extra in taxes to cover City Centre's costs which include marketing and special maintenance of the downtown area. I also learned that City Centre's primary revenue source is from Tax Increment Finance money. I researched whether or not City Centre kept track of how it spends TIF money, and whether or not City Centre is subject to the Open Meetings Act because it is supported by tax dollars. I had the opportunity to talk with City Centre staff and Elmhurst aldermen regarding this issue.

Other projects I worked on included drafting part of an appellate brief for CAC's Open Meetings Act litigation, citizen intakes ranging from the Freedom of Information Act to the First Amendment, and researching how to file an amicus curiae brief in Illinois.

Zach Biesanz, Legal Intern
University of Minnesota Law School

**CAC Cable Access Show,
Everyday Democracy, airs
Saturdays at 3 PM on Comcast Ch. 19 in
DuPage and western Cook County**

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, please feel free to contact or visit us.

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Hands– On, Front Row Action

Witnessing the effect of a state Supreme Court decision on the lives of citizens and monitoring the meetings of county officials are just two of the invaluable experiences I gained at CAC. At the end of a grueling first year of law school, filled with case law briefings and maddening hypotheticals, I was ready for some hands-on, front-row, legal action. I arrived at CAC knowing only that its three-person staff worked primarily on local government issues in DuPage County and the municipalities inside the county. I learned that CAC engages heavily in public education on civic tools, strategizing for grassroots organizations, legal research for individuals inquiring about local government operations, and, less frequently, litigation. I had the opportunity to participate in each of these services.

Education is the most effective method to accomplish CAC's main objective: empowering citizens to participate in government. I worked on four education projects that focused on different sections of the citizenry: educating eighth graders about the Bill of Rights and Patriot Act, hosting students from Westwood College of

Technology, facilitating a Brown Bag Lunch on Illinois school funding, and teaching a section of the Illinois Open Meetings Act at a Democracy Workshop.

For community organizations, CAC goes beyond education and provides organizing assistance. I worked with community lawyer Sarah Klaper with a community group trying to save a local theatre. After listening to the goals and concerns of the group's members, Sarah helped the group to develop ideas for dealing with the press, accessing local officials, and rendering support from influential sources.

In addition I had the opportunity to work with individuals seeking to influence government. I helped answer public inquiries regarding the Freedom of Information Act, the Open Meetings Act, the First Amendment, and several other topics. This experience honed my newly acquired research skills, as well as helped me become comfortable working with clients.

I also participated in an event that most law students hunker for – a lawsuit. I drafted a pleading for a Freedom of Information Act lawsuit against the DuPage County Election

Commission and also worked with an individual who acted as his own counsel in a lawsuit against the City of Park Ridge.

My primary project was to study a 2002 Illinois Supreme Court case addressing municipal planning and zoning: *People ex rel. Klaeren v. Village of Lisle*, 737 N.E.2d 1099. This case changed the procedures used at municipal public hearings on special use permits. As part of this project, I surveyed changes made by DuPage County municipalities following *Klaeren*, wrote a 40-page legal research paper for law school credit, and created an educational brochure for citizens.

My internship surpassed all expectations. I learned a lot of new information about the operations of local government and developed the skills I acquired during my first year of law school. In the end, it satisfied my need to observe the law beyond the books and renewed my eagerness to learn the law.

*Amy Jennings, Legal Intern
University of Iowa, School of Law*