

# EVERYDAY DEMOCRACY

CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, THIRD EDITION, 2006

During the summer, the Center hosts interns who want to work with community lawyers to answer intakes, hold workshops, produce brochures, and hold open the doors of government.

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

University of Pittsburgh Law School, University of Minnesota Law School, Marquette Law School, and Elmhurst College.

Thank you to the interns: Mr. Collins Agbahiwe, Mr. Kenneth Janosko, Ms. Katrina Kleinwachter, Mr. Nick Kreitman, Ms. Theresa Mambu, and Ms. Monika Narayen.

—The Center

As I finished my first year of

law school and described my summer internship to friends, I received confused looks. “Combating corruption? Building democracy?” “That must be something they still haven’t figured out in Illinois.” Needless to say, working to increase civic engagement and openness in government was not a common pursuit among my law school colleagues.

My Center internship was inspirational. I saw empowered citizens courageously take action to respond to public concerns they felt passionate about. I helped a pro se litigant navigate civil procedures issues and dissect Open Meetings Act cases, helped a citizen understand the procedural requirements for annexation public hearings, answered intakes, and facilitated a Center program on the George Ryan Trial and Illinois politics.

My primary project involved studying municipal Internet communication policies. The Internet is changing how public officials govern, and fellow intern Monika Narayen and I sought to determine what policies, if any, municipalities had passed to regulate elected officials’ Internet communications, particularly in relation to Freedom of Information Act, the Open Meetings Act, and the Local Records Act concerns.

We surveyed all municipalities in DuPage and Cook Counties and found that regulation of public official Internet communications is uncharted territory. Of the 161 public bodies surveyed, only 113 responded. Of the 113 responsive public bodies, only five, or 4.4%, had policies that addressed public officials usage of the Internet and open government laws. I also drafted a model Internet and Open Government policy.

## Citizen Advocacy Center's "Open Forum"

While I had wonderful experiences this summer,

I was particularly impressed with the Center’s ability to serve as a forum for non-partisan debate. The words, “The Open Forum” are etched into the Center’s storefront windows, and I am impressed with how the Center is truly a beacon for promoting public discussion and the exchange of ideas.

Center community programs typify its role in the community. For example, attorney Dan Johnson-Weinberger was a guest speaker at a Center program that focused on convening an Illinois Constitutional Convention to reform school funding. Attendees openly shared their views and debated the value of a Convention without regard to whether they wear a (R), (D), or (I) next to their name. Open discussion regarding policy and government are essential to our democracy. As a citizen, I am thankful that the Center is an “Open Forum” and initiates discussions on important issues of public concern.

*Ms. Katrina Kleinwachter  
Legal Summer Intern, IL  
Univ. of Minnesota School of Law*



2006 Summer Interns. Left to right: Kenneth Janosko, Executive Director Terry Pastika, Collins Agbahiwe, Office Manager Eddi Feret, Katrina Kleinwachter, and Theresa Mambu. Not pictured Nick Kreitman and Monika Narayen.

## An Odd Series of Three's

After starting my Center internship, my summer quickly spawned into an odd series of threes: I spent three months working on three major projects with three different lawyers. I experienced three different approaches to law and social change; worked with three other law students who had their own perspectives on life, law, and politics; and worked with an office manager who, because of her dedication, does the job of at least three people.

Numerological coincidences aside, I also updated educational brochures, created a video, and facilitated civic education lessons to high school student classes. My legal internship far exceeded my expectations. I never imagined that I would observe the inner workings of a non-profit in such a real world, understated setting. I also did not expect to research so many varied legal issues that ranged from tax payer standing, to tax law, to free speech rights.

I was fortunate to work with Center community lawyers Ms. Terry Pastika and Ms. Sarah Klaper, and volunteer lawyer Mr. Jack Uretsky. From each, I learned something different. From Terry, I learned how to take the law and apply it to a specific factual scenario and how to utilize legal principles to achieve societal change. From Sarah, I learned how to present legal theories to the court, to average citizens, and to students. From Jack, I learned that law is not a mechanical application of precedent, and to never skip any research steps. All three shared the secrets of how to use the law to uphold and advance the law.

My first major project started my first day. I was tossed into working on an appellate brief that involved Freedom of Information Act and Election Code issues. I was a bit overwhelmed by being given the task of helping to draft a legal document that I had done only once in a legal writing class, regardless of the fact that it involved state law of a place I had just moved to for the summer. Armed with LexisNexis, I pushed through my uncertainties and helped complete a brief that I hope will play a role in setting new precedent in Illinois public disclosure laws.

My two other projects required me to compare Illinois Freedom of Information Act and Open Meetings Act statutes with other state open government statutes. My goal was to identify weaknesses in Illinois' statutes and to propose reforms. I discovered that many states do a better job of guaranteeing public access to government than Illinois' while others do an abysmal job. For example, Connecticut has very strong provisions that ensure open government due. Connecticut's statutorily created Public Access Commission addresses open government problems and enforces public access laws. In Illinois, the public has to file a law suit to ensure enforcement of open government laws, which is a lengthy and expensive process.

Overall, my experience met and exceeded my expectations. Being an academic at heart, I never expected to learn so much without stepping foot in a classroom. For me, that is the best lesson I learned this summer. Working at the Center has increased my initiative to work more directly with those seeking legal help when I return to Pittsburgh in the fall.

## Analyzing Students' Right to Freedom of Speech

During my Center internship I investigated the contemporary legal applications of a fundamental Constitutional right — the Freedom of Speech. My primary project was to analyze the freedom of speech implications of a new high school district school board policy that restricted off-campus student speech made while "blogging". I analyzed this cutting edge field of First Amendment debate by holding community meetings, submitting letters to the editors, talking to journalists, and having an impact on how the media reported on off-campus speech policies.

I read First Amendment case law and analyzed their relevancy to off-campus speech rights of public school students. While still in college, I learned valuable research skills such as how to use Lexis-Nexis and other tricks of the trade from legal intern Collins Agbahiwe. Center community lawyers Terry and Sarah provided invaluable guidance in helping Collins and I create an educational brochure called "A Guide to High School Students Off-Campus Speech". Through my Center internship, my knowledge of the First Amendment increased exponentially and I became more comfortable in learning how to use the law to advance social justice issues.

Overall my summer experience was excellent. I realized the dream that many high school student activists have: learning how to legally support claims that a school administration was overstepping its power and invading privacy. I had the opportunity to work with the Center's great staff who made it possible for me to intern while working 30 hours a week, staying involved in other social justice events, and commuting to the Center from another county. I can only describe my time as positive, and recommend that other students volunteer at the Center, regardless of what time constraints they may have. It is a great feeling to be building the institutions of American Democracy from the ground up.

*Summer Intern  
Mr. Nick Kreitman  
Elmhurst College, Junior*

*Mr. Kenneth Janosko  
Summer Legal Intern, IL  
University of Pittsburgh Law School*

# First Hand Exposure to Public Interest Lawyering

During my Center internship, I worked on issues that involved citizen access to the political process, open government, referendums, and the First Amendment. Through every project I learned about public interest lawyering and felt that I was able to make a difference by giving citizens a head start on how to take initiatives to make changes in local government.

My first project pertained to Community High School District #128 and their student policy regarding extracurricular activities. The policy sought to regulate what materials students can place on internet blog sites, such as Myspace.com. I felt this policy infringed on a student's right to the Freedom of Speech, both on and off-campus. Along with fellow intern Nick Kreitman, we conducted legal research to address our concern.

We analyzed the Supreme Court case of *Tinker v. Des Moines Independent School District*, which set the standard of a school's limit on regulating student speech. We studied court trends and analyzed how legal standards applied to off-campus student expression. We concluded that student off-campus speech that does not "materially and substantially" disrupt school operations cannot be regulated by school officials. Additionally, we learned that policies cannot be overbroad or vague. Moreover, school policies must properly define terms such as "inappropriate behavior" or "offensive" in order to not infringe on students' freedom of expression. Nick and I created a *Student's Guide to Free Speech*, facilitated a public forum at the Libertyville Township Hall, and voiced our First Amendment concerns by writing letters to the editor and contacting school officials.

Along with improving my legal research and writing skills, I improved my oral presentation skills. I helped facilitate a Democracy Workshop for city clerks and public officials in which I discussed First Amendment rights during the public comment portions of meetings. I explained permissible time, place, and manner restrictions and impermissible content regulation. I also facilitated a Center program on how citizens can place referendums on the ballot. I explained the differences between binding and advisory referenda, back-door versus front-door referenda, general rules and requirements for initiating a petition, and provided tips for how to avoid common mistakes. I also distributed the educational brochure that I created on how to get and stay on the ballot.

All my goals and expectations were met this summer. I worked with a variety of individuals on particular issues concerning local government and used newly learned legal skills. I sharpened my research skills to discover statutes and case history to address issues of public concern. I also learned how to better organize legal concepts and express legal theories in memos, brochures and presentations. I am very glad to have been given the opportunity to intern at the Center.

Mr. Collins Agbahiwe,  
Summer Legal Intern, 1L  
University of Houston Law School

## Volunteer Lawyers Making a Difference

Summer interns work under the direction of Center community lawyers and volunteer lawyers. Thank you to Mr. Jack Uretsky, Esq. for helping to mentor legal interns and contributing his legal expertise to the Center's internship program!

## Putting Power Where It Belongs In The Hands of Citizens

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As a high school senior about to enter my freshman year of college, I searched for opportunities where I could learn more about what I planned to study: political science. After several phone calls I was fortunate enough to learn about the Center.

When I tell people that I'm a political science major, the first thing they ask is, "so do you want to be President when you grow up?" Invariably, my answer is no. I am, however, unsure about what life direction to pursue. Public office? Law School? It is for this reason that the Center appealed to me. The Center allows for a very different career than I had never considered. I quickly realized that the Center is a group of highly dedicated and intelligent individuals who are committed to the ideal that this country is not about the select few in power, but rather the many who aren't.

The Center puts power into the hands of those who have ideas and goals for how to improve their lives and the lives of those around them. The Center even offered me, a high school graduate, an opportunity to access that power. I worked with legal intern, Katrina Kleinwachter, on a project which sought to research the policies that various municipalities in DuPage and Cook County have regarding e-mail and Internet usage among elected officials. Through our investigation, I learned that I didn't need a large research grant or a political campaign to learn about my government. All I really needed was commitment and knowledge of how to exercise my rights. I exercised my right to the freedom of information and my right to know what public officials discuss via Internet communications.

Margaret Meade once said "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has." After interning at the Center I learned that any person and any group of individuals have that power. Not only did the Center help me realize this, but it left me with an

**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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I entered law school motivated to work for others. As such, my first year was rather deflating. I do not know how I could have returned to law school without my Center internship, which has been nothing short of empowering. I regained confidence and respect for the legal profession.

My first impression of the Center intrigued me. Raised in DuPage County and having lived and worked in Cook County, I am no stranger to the Illinois political system. Regardless, when one thinks of the Center's mission, "To Build Democracy for the 21<sup>st</sup> Century," images of Afghanistan and Burma come to mind, not the Land of Lincoln. However, my first day at the Center, I realized that our democracy is weak.

While I researched a multitude of issues this summer, my main project was monitoring, researching, and analyzing the General Assembly's newest public-private partnership prospect: the Illinois Tollway.

## Regaining Confidence and

The Illinois Tollway is comprised of 274 miles of tolled, controlled-access highways. Since 1967 the Tollway and its oases have been operated by the Illinois State Toll Highway Authority, a State administrative agency. Last year, the Tollway generated \$310 million in revenue, which is almost twice its cost to operate and finance.

A public-private partnership is a contractual agreement between a public agency and a private sector entity. The United States is one of the last developed countries to explore public-private partnerships with public infrastructure. Two years ago, the City of Chicago leased its Skyway for 99 years to a Spanish-Australian company for \$1.83 billion and the State of Indiana recently engaged in a 75-year lease to the same company for \$3.85 billion.

As one can imagine, Tollway privatization is far-reaching. Center volunteer lawyer, Mr. Jack Uretsky, provided me with invaluable guidance while I researched various issues related to Illinois law and the Constitution. I also attended public hearings and commission meetings, and met with other organizations opposed to the privatization. The culmination of my internship was testifying on behalf of the Center at a State Senate Appropriations Committee.

Through my internship, I learned a lot about myself, the attorney I want to be, and the importance of citizen participation in a democratic system. For the first time, I feel confident about studying law and becoming an attorney who can and will work for others. I will never forget the first time I personally witnessed attorneys and legal workers using the law to positively impact people's lives, and the reaction of those we helped!

*Teresa Mambu  
PILI Legal Summer Intern, IL  
Marquette University Law School*