

# EVERYDAY DEMOCRACY

CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, FIRST EDITION, 2007

## Local Politics and the First Amendment

At Wheaton Academy, I had the opportunity to participate in a two-week, full time externship to learn about career opportunities. Because I am considering law school, I wanted to spend time in a legal environment. My relationship with the Citizen Advocacy Center (the Center) began through a recommendation by my father's friend, who said the Center was a good place to learn about local politics and grass roots organizations. After an initial interview, I found a place where I could observe community lawyers and get hands-on experience.

My first day I was told that I would be working on a project spurred by the City of Wheaton's revision to their public comment policy which banned comments that are, "personally condescending, political, or do not speak to the issue at hand." The policy went on to state that time allocated for public participation "is a privilege, reserved for those who have a question or comment that will stimulate thought so as to make the City Council deliberations more productive and meaningful." After the policy was published, the Center spoke out and stated its First Amendment concerns. Afterwards, many people contacted the Center to voice their concerns about other municipal comment policies.

My responsibilities included learning about the First Amendment and gathering DuPage County municipal public comment policies. While I had studied the Constitution and the First Amendment, I had a lot to learn. I learned that the First Amendment bans government regulation of content related speech in non-traditional public forums, like a city council that opens their meetings to allow for general public comment. Wheaton's public comment policy that banned political speech was a clear violation of the U.S. Constitution. In addition to learning about the First Amendment, I worked with another intern from Elmhurst College and learned how to research and read municipal ordinances and public body meeting agendas.

The results of my research showed that Wheaton was the only municipality to ban political speech. Six other municipalities had policies with potential Constitutional problems and two public bodies did not allow any public comment. While some public bodies need to revise their policies because of questionable attempts to restrict the content of speech, I was pleased to discover that over eighty-two percent of the municipalities surveyed did not have any First Amendment problems.

My internship was a great experience. The Center was extremely flexible and an easy place to work. In addition to learning about local politics, the Illinois Freedom of Information Act, and civic education, I was able to attend several meetings with a community lawyer which were very insightful.

*Mr. Matt Davis  
Intern, High School Senior  
Wheaton Academy*

## Citizen Initiative Awardees

### Inspiring Civic Participation

The Citizen Advocacy Center issued our annual Citizen Initiative Awards to people who act as catalysts for democratic participation. The honorees have made a difference and inspired civic participation. Congratulations to all Citizen Initiative Award recipients.

### Deer Park Neighbors (DPN)

DPN is a community group organized in February of 2006 in response to fast-tracked development and open government concerns in Deer Park. The Center honored DPN because of their significant work in mobilizing the community and advocating for increased transparency, accountability, and responsiveness of government officials. DPN has challenged Village officials on conflict of interest issues, Open Meetings Act concerns, Freedom of Information Act compliance, due diligence in evaluating development proposals, budget and appropriation issues, and the enforcement of Village ordinances. Additionally, DPN regularly videotapes Village Board meetings and makes copies available at the Barrington library. To contact DPN, email [deerparkneighbors@comcast.net](mailto:deerparkneighbors@comcast.net)

*Citizen Initiative Awards  
continued on next page*

**Genell Scheurell of Glen Ellyn and Paula Pezza of Elmhurst—the Chicago Suburban Alliance.**

Launched in 2003, the Chicago Suburban Alliance (CSA) started with two concerned citizens discussing what could be done to address growing concerns related to teardowns and infill development. Two people grew to fifteen. Fifteen people grew to ninety people from more than thirty municipalities. The CSA meets regularly to provide advocacy assistance, educational resources, and other tools that local officials can use to manage proposed infill and teardown development. CSA also has produced model flood control ordinances, zoning ordinances, demolition policies, and guidelines for creating context design review commissions and obtaining landmark preservation status.

To contact CSA, email Paula Pezza at paulapezza@aol.com or Genell Scheurell at genell\_scheurell@nthp.org

**Fran and Casey Gaik, Village of Oak Brook.**

Fran and Casey Gaik were recognized for their dedication and perseverance in speaking out on issues of public concern while surrounded by adversity, and for holding Oak Brook Village officials accountable. After organizing a community group, regularly speaking out at Council meetings, and advocating on issues related to the Oak Brook Police Department, the Gaiks experienced intolerable backlash.

Refusing to be intimidated, the Gaiks earned national media attention for filing a federal civil rights and harassment lawsuit against the Village of Oak Brook. Eventually, the Gaiks were able to settle their lawsuit against the Village for 2 million dollars, in exchange for the Village not admitting liability. Despite the above victory, their struggle to advance justice continues due to on-going litigation with the Village.

## 2007 Legislation to Watch

The following are a few pieces of legislation that have been introduced to the Illinois General Assembly that impact Illinois politics and citizen participation.

**Pay to Play Regulation :** House Bill 0001. This legislation regulates State contractors who seek to give campaign contributions to those who award State contracts. Provisions include:

- Restricting State employees or officers from obtaining State contracts and receiving legal, banking, consulting, or other fees related to State government bond issuances;
- Mandating that State contractors with contracts of at least \$25,000 may not make political contributions to the constitutional officers in the executive branch responsible for awarding the contracts; and
- Mandating that State contract bids or offers for more than \$10,000 must include a disclosure of the political contributions to the constitutional executive officer responsible for awarding the contract. In addition, the State Comptroller is allowed to withhold contract payment for non-disclosure.

**Strategic Lawsuits Against Public Participation (SLAPP) Reform:** Senate Bill 1434. This bill attempts to provide protection to citizens who exercise their First Amendment rights regarding local community issues. Major components are:

- Creating the Citizen Participation Act to protect citizens from civil actions as a result of exercising their First Amendment rights;
- Mandating that when a SLAPP suit is filed, and a motion is filed to dispose of the suit, a judge must rule within 90 days; and
- Mandating that courts must grant the SLAPP disposition motion unless there is clear and convincing evidence that the people defending the SLAPP do not have immunity.

**Judicial Campaign Finance Reform:** Senate Bill 0222. This bill seeks to remove money from politics in the judicial election arena. Major provisions are:

- Creating the Judicial Campaign Reform Act and a voluntary public financing program for Illinois Supreme Court and Appellate Court judicial elections; and
- Establishing mandatory contribution limits for all judicial elections.

**Lobbying Reform:** House Bill 0008. This bill attempts to regulate the influence of lobbyists in the political arena. Major provisions include:

- Imposing revolving door restrictions on the executive branch and the legislative branch officers and employees; and
- Empowering the Secretary of State's Inspector General with the authority to investigate lobbyist wrongdoing.

*Legislation to Watch continued on next page*

## CAC Welcomes



The Center welcomes our new community lawyer Ms. Susanna Stone. Susanna graduated from the University of Illinois Law School. During her law school training, Ms. Stone completed a summer internship at the Center where she helped organize community groups, monitored local government agencies, and worked to build democracy.

The Center is happy to welcome Ms. Stone back as a community lawyer! Ms. Stone has a strong dedication to public interest law and will be working on the Center's youth civic education program, our Midwest States Open Government Project and answering individuals' and community groups' questions of public concern. Come in for a cup of coffee and meet our new star community lawyer!

## Up Coming CAC Programs

**April 4th—Citizen Advocacy Center Guest Speaking**  
Wheaton Rotary. Cantigny, 7 AM

**April 12th—*Rising Energy Costs & Efficiency: Solutions Through Individual Action and Policy Reform.***

The program will focus on understanding energy issues, learning how individuals can lower current and future energy costs, and impacting energy policy reforms at municipal, state and federal level and in the private sector. The program will be facilitated by David Segel, a preventive risk manager, who has served in organizational and consulting positions and focused on assessing the economic, planning, environmental and policy aspects related to energy use. Located at the Center, 7 PM

**April 27th—*Open Government Training Seminar with an Illinois Attorney General's Public Access Counselor.***

Join us for a Freedom of Information Act and Open Meetings Act training conducted by the Illinois Attorney General's Deputy Public Access Counselor, Mr. Scott Sievers. Forum located at the Center, 12:00 PM—2 PM. Registration required.

Training is free and open to:

- General Public
- Public Officials
- Municipal Clerks
- Journalists

*Legislation to Watch continued*

**Campaign Finance Reform:** House Bill 3497. This legislation attempts to address the flow of money into political campaigns. Major components include:

- Setting campaign contribution limits for individuals, corporations, unions, and associations to political action committees (PAC) of public office candidates, established political parties, political party committee person candidates, and legislative caucuses;
- Limiting statewide office holders to individual contributions of \$3,000 per person and PAC contributions to \$5,000;
- Limiting legislative office holders to individual contributions of \$1,500 per person and PAC contributions to \$5,000;
- Limiting municipal, township, and county public officials to individual contributions of \$1,500;
- Regulating the solicitation by corporations, labor organizations, and associations of employees and employee families for campaign contributions

For information about these bills go to [www.ilga.gov](http://www.ilga.gov). or contact the Center

## **Thank You Citizen Advocacy Center Supporters!**

The Center received two matching challenge grants in 2006:

Raise \$4,000 in contributions of \$100 or more

Raise \$5,000 in contributions of \$250 or more.

**Thanks to all our generous supporters, we were able to meet and exceed the challenge for both grants. Thank you to all those who contributed!**

**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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*“A popular government without proper information or the means of acquiring it is but a prologue to a farce or a tragedy—or perhaps both. Knowledge will forever govern ignorance; and the people who mean to be their own governors must arm themselves with the power which knowledge gives.”*

*James Madison*

In January, the Center received a two year, \$90,000 grant from the Joyce Foundation to implement a Multi-State Open Government Project. The project goal is to research and analyze Freedom of Information (FOI) and Open Meetings (OM) statutes in the Great Lakes states of Illinois, Michigan, Minnesota, Ohio and Wisconsin. The Center will engage in a

**Citizen Advocacy Center's  
Midwest Open Government Project**

comprehensive, comparative analysis that will highlight each state's strengths and weaknesses and produce a tool box of resources that the public and public officials can use to improve government accessibility, transparency, and accountability.

The Center will analyze the black letter and investigate how effectively the laws are being implemented. In our analysis phase the Center will review the various statutes, pertinent case law, and secondary sources. The Center will also interview people who regularly utilize open government statutes to obtain opinions about how effective the statutes are in holding open the doors of government. Interviewees will include government

officials, journalists, academics, and good government organizations in each of the five states.

Based on our comprehensive research, the Center will then issue a comparative analysis report evaluating statutory text and actual practices. The project's culmination will be a “Best and Worst Statutory Practices” FOI and OM guide, an analysis of the perceived effectiveness for each state's statutes, and dozens of resources that state legislators, advocates, and average citizens can utilize to improve government transparency and access to government across the Midwest region.