

Everyday Democracy

Citizen Advocacy Center's Newsletter, Second Edition, 2010

MAKING A DIFFERENCE AS A FORCE FOR SOCIAL CHANGE

I N T E R N I S S U E

The Center routinely hosts high school, college, and law students who work with community lawyers in answering intakes, conducting policy analysis and research, holding workshops, writing brochures and holding open the doors of government.

Thank you Wes Griffith, Jack Howard, Wells Lyons, Scott Reigle, Marc Rehmann and Warren Wilke for a fantastic summer of building democracy!

Thank you also to: Loyola

University of Chicago School of Law, Michigan State Law School, The Public Interest Law Initiative, University of Chicago Law School, University of Illinois School of Law, Washington University Law School and York High School.



Wells Lyons
2L, PILI Intern
Loyola University
School of Law

At an anti-war protest in Manhattan, I told a woman marching next to me that I was going to be a lawyer. Memorably, she said, "A law degree is a license to raise hell." This summer, as a Center legal intern, I've learned just how right that protestor was. So how did I spend my summer at the Center? Raising hell of course, in a calm and orderly way.

Shortly after my arrival we took up the case of a local citizen who was ejected from a city meeting for her allegedly disorderly behavior. Her offense? She rolled her eyes while the Mayor was talking! I think we can all agree the First Amendment demands more respect than that. Based on the Center's involvement the national media picked up the story, but misreported that the city was about to pass a law banning eye-rolling.

I had the opportunity to talk with the city's Mayor and for the first time give a public comment. It was to the city council and addressed the lack of standards for determining disorderly conduct at city meetings.

In my public comment, I asked the council to make a simple change to their municipal code so as to provide objective guidelines to evaluate disorderly conduct. The city is considering the Center's proposal later this month.

I also conducted research on Illinois high school student free speech rights, particularly in the context of high school newspapers and journalism classes. With student newspapers the amount of school censorship is determined by how the school specifically defines the "public forum" for the school paper. A school can designate the newspaper as a "limited public forum", wherein students have traditionally been given the authority to make content decisions, or a "closed, non-public forum," in which the newspaper is a part of a journalism class and students are allowed only to write about topics which have been previously approved.

I collaborated with the Student Press Law Center, a non-profit focused on student speech rights, to find model limited public forum guidelines that could be adopted by schools so as to provide greater protection to student journalist speech. These guidelines establish, as the policy, that student journalists have the right to determine the content of student media. Another

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Interns left to right: Jack Howard, Wells Lyons, Wes Griffith, Marc Rehmann, Wes Griffith. Not pictured: Scott Reigle.

TRACKING DOWN "TOO HOT FOR HAZELWOOD"!



Jack Howard, High School Intern, York High School

I found the Center by riding my bike through Elmhurst looking for summer volunteer work. In my interview I stated that I was a journalism student looking to hone my reporting skills.

When Center community lawyers talked about the different projects I could work on, I knew I found the right place. One project in particular proved to be exciting: writing a high school lesson plan on student newspapers and censorship. I decided to focus on the landmark U.S. Supreme Court case *Hazelwood School District v. Kuhlmeier* (1988). In 1983 the principal of Hazelwood East High School, just outside of St. Louis, Missouri, objected to articles on teen pregnancy and the impact of divorce on students. The case went to the U.S. Supreme Court and ruled in favor of the school district. The result was students' freedom of expression being more easily limited in school publications.

The Supreme Court stated student articles in public school papers can be censored when it can be "reasonably related to legitimate pedagogical concerns." According to the decision, "[Principal Eugene] Reynolds was concerned that, although the pregnancy story used false names 'to keep the identity of these girls secret,' the pregnant students still might be identifiable from the text." Furthermore, he believed that the teen pregnancy article's references to sex and birth control were inappropriate for the school's younger students. He also objected to the lack of time given to the divorced parents to respond to the other article, which was divulged by naming the students.

So ... what *can* students print? Since 1988, the *Hazelwood* decision essentially means that if students are contributing to a publication solely for educational purposes with school money, sponsorship and staff, they can only write what the school lets them. As a York Community High School student and student journalist for *The York-hi*, this dystopian reality was not comforting: my body became as chilled as my speech. But, to educate my peers and future high school journalists of this reality, enable them to decide if they like it and empower them to change school policy for how student journalism is viewed, I embarked on creating my lesson plan.

I wanted to include the original articles submitted by the Hazelwood students. What began as a simple task became an investigative chase. Unfortunately, and remarkably, there were only short article excerpts on the Internet. How, after all, was I supposed to find articles over twenty-five years old that were never even *published*, in an age long before a scanner could put something on the internet?

I decided that I wouldn't give up that easily; I called East Hazelwood High School, the scene of the crime. I talked to the Principal's Secretary, Ms. Shirley Butin, who was very helpful in asking if I would like to have the school's packet on the historic *Hazelwood* ruling sent to the Center. However, when I asked if the articles were in the packet, she said no. I was in disbelief, thinking that no one had these pesky articles.

As I was about to hang up, she asked if I would like to talk to the Principal at the time of the censorship and gave me his number. I was incredulous with my good fortune: I was going to talk to the man who censored the articles that caused the Supreme Court to limit student journalists' rights – my rights.

I called him right away. According to Dr. Reynolds, students in the newspaper production class had a journalism substitute teacher. He appealed to my experience with substitute teachers - those who can't control a class and similarly couldn't stop bad journalism from taking place. According to Dr. Reynolds, the substitute caused students to become "misguided" and to consequently take some "liberties." The students intended to print a six-page newspaper instead of the regular four-page one. The failure to print a four-page newspaper was discovered by the journalism adviser who called Dr. Reynolds. Dr Reynolds said he immediately got his hands on a red pen to mark up the newspaper to remove two pages. The pages that he objected to, in turn, changed journalism history by prompting the *Hazelwood* decision.

In response to my question of where I could get a copy of the original articles, he told me that the censored articles had been published in their entirety in 1985 in *The St. Louis Globe-Democrat*, which was no longer in operation. I thought the articles had been lost to the ages as I read the newspaper's obituary on Wikipedia. However, all was not lost! In disbelief, I discovered that a 10-million-square-foot "morgue" of the *Globe* is preserved at the St. Louis Mercantile Library. I called and talked to an archivist asking for *Hazelwood* articles published in a *Globe* article titled "Too Hot for Hazelwood." The archivist knew just what I was looking and sent us copies, which will now be integrated into my lesson plan. The same lesson plan that I will be facilitating to my journalism peers this fall at York High School!

My experience at the Center has been very rewarding. Never had I thought that a bike ride through downtown Elmhurst would result in creating a lesson plan that I myself will teach or taking a walk through Constitutional history in a very personal manner.

Jack Howard

A FULFILLING & PACKED SUMMER



Wes Griffith, IL, Legal Intern, University of Chicago School of Law

I was eager to start when I arrived for the first day of my internship, however, the sheer range of problems addressed by the Center left me unsure what my first day and summer would have in store for me. Even though I didn't know what I was specifically going to work on,

I was excited to get started and apply the theory I had learned in my first year at the University of Chicago Law School to real world problems. I didn't have to wait long.

On my first day I started applying the skill set that I'd spent the last year developing, and I was given that chance in an unexpected way. Within the first few hours of arriving, I was given an opportunity that most first year legal interns never see in their entire summer – I got to meet with clients and conduct an intake on who is qualified to sign a petition to stop the creation of a special service area. As I sat there listening to the citizens' concerns and applying my year's worth of law school theory to try and distill legal problems, I knew that the Center was going to be an awesome place to spend my summer. Also uniquely, I was given the opportunity to see the clients' case through in a holistic manner rather than just researching a small piece of this or that claim. I researched each of the problems that we identified and presented my finding to the clients. It was empowering and fulfilling to be the point person on something and know that I provided information to the client that they would otherwise not have access to.

While I thought my experiences on that first day and first project were unique opportunities for a first year law student, as my summer progressed I came to realize that at the Center these unique opportunities were frequent. Throughout the summer I worked on projects ranging from stormwater ordinances to First Amendment law - diving into hundreds of cases trying to find the one that would help me advance my client's claim and working on those problems with a degree of freedom that I hadn't imagined I'd experience this summer. Beyond the legal research I met with several clients, collaborated with my fellow interns and members of the community, worked on public speaking, wrote and had published letters to the editor, updated legal self-help brochures, facilitated an evening community education forum on municipal budgets, attended community trainings and met Illinois' former Attorney General Jim Ryan as well as the Center's founder who was also Ralph Nader's 2000 and 2004 campaign manager. The summer was packed – to say the least – with a series of great opportunities for professional and personal development. I'd recommend it to any law student considering spending their summer working in public interest.

Wes Griffith

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intern, Jack Howard, advocated for adoption of these standards by reaching out to high school journalism teachers.

I also researched statutes that could provide a statewide solution to student censorship issues. Laws in Massachusetts and California provide students with greater free speech rights than have been found under the Federal Constitution and such an approach would certainly be worth trying to replicate in Illinois.

This summer I also participated in journalist trainings on redistricting and citizen trainings on balancing the budget, helped citizens learn about the referendum process, updated the website and worked on a few additional client intakes. I've learned a lot about citizen participation at the local level and about what I can do as a community lawyer. I've helped a lot of people and I've been able to work on issues that I find important. Without a doubt, my summer at the Center has been the best job I've ever had. It's refreshing to see how a small group of concerned individuals, equipped with an understanding of the law and driven by their passion for justice really can be a force for social change.

Wells Lyons



AAAClipArt.com

FIRST HAND EXPERIENCE IN MAKING A DIFFERENCE



*Marc Rehmann, 1L, Legal Intern,
Michigan State University Law School*

When I was offered an internship at CAC, I envisioned three fulfilling months – ones spent discussing everyday issues with those affected

by them. I hoped to become engaged in policy while aiding those searching for legal assistance. I didn't want to be an intern sitting at a cubicle with no window in sight; I ended up getting a front row seat to every intake that walked in. From the day I arrived in late May, when I was handed three 10-pound binders filled with documents in response to a Freedom of Information Act request, the CAC provided that kind of first-hand experience I had hoped for when applying for a summer position months before.

Whether it was taking on new tasks or deciding on strategy with co-workers to address an issue, I've experienced a summer learning the law. My time at CAC consisted of diving into a plethora of law topics ranging from easements, protests, redistricting and a few issues in between. Yet the topic I became most engrossed in, and an assignment I was given on my very first day, involved an issue at the crux of CAC – the ever-evolving possibility of having a more open-government and ensuring the purity of our First Amendment right. I spent the better part of my summer determining whether a non-profit company working on behalf of DuPage County, Choose DuPage, is subject to Illinois' open government laws. This task involved me delving into thousands of documents, talking with clients, meeting with political officials representing both the county and local levels, attending meetings to witness our open government – or a lack thereof – and obtaining an archived case almost 30 years old from the Circuit Court of Cook County.

Like most inquiries into the law, the questions involved are not as clearcut one might think. They involve finding the facts, tying them to the law, and telling a story. This summer, more so than any other – especially due to the project I alluded to above – I learned the reality of what it means to be a community lawyer and challenging the sometimes untouchable, powerful status quo. It is that lesson that motivated me to change careers from a reporter to a lawyer; it is why I envisioned spending a summer at CAC.

I truthfully can say that my summer at CAC has taught me that my newfound knowledge of the law can be put to common good. Once again, thank you for an engaging and life-altering summer.

Marc Rehmann

HANDS ON SUMMER EXPERIENCE

*Warren Wilke, 2L, Legal Intern,
University of Illinois School of Law*



Shortly after walking into the Center, I was tasked with

making FOIA requests in pursuit of access to documentation of any public business conducted on State Senators' and Members' of the House of Representatives personal email accounts and personal cell phones. While this time-consuming project remains ongoing, its importance cannot be understated as technology continues to affect how our public officials legislate with little to no accountability. State officials routinely use private email addresses to conduct official state, but how are records of those communications maintained? This is the question I worked on answering this summer. The same week that I started my internship, I also met with a client who brought to the Center's attention the lack of transparency with respect to activities of local law enforcement and Immigration and Customs Enforcement (ICE) agents in DuPage County. I conducted background research to aid in the understanding of local arrests and police inquisitions.

While interning here I attended several community meetings, observed public comments and assisted in hosting workshops - which included the Center's training session for Illinois journalists on redistricting. During this training, the interns participated in a map drawing simulation with journalists that used the same software as state legislators to draw districts.

Sometimes my work consisted of informing people of their rights. One client I helped feared a potential defamation claim. After conducting research and applying the facts to the her cause, it became clear that our client, who was the leader of a citizen group, was the target of an intimidation effort aimed at reducing her involvement in local government. I also learned that sometimes a short phone call

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RELEVANT & REWARDING WORK

Hands On Experience continued from previous page.

and a simple conversation is all that is required for a person to gain the confidence to act within their rights.

During my interview for the summer intern position at the Center I was asked, "What do you hope to gain out of working here this summer?" My response was, "Hands-on experience, a lot of it." Since that conversation I have had the pleasure to work on diverse and demanding projects from big to small during my summer at the Center.

Warren Wilke



Scott Reigle, IL, Legal Intern, Washington University Law School

Nobody goes to law school with the hope that their work will feel irrelevant; however, for many legal interns whose summer internships more closely resemble indentured servitude involving photocopying and trips to the coffeemaker, irrelevance is more or less their unfortunate

reality. I did not have this problem during my Center summer internship. What attracted me to the opportunity to work at the Center was a desire to be involved in public policy issues. On my first day I was handed a project researching possible corruption and unethical practices that stemmed from a federal program administered at the state level and went all the way down to the county and municipal government level. However, my task did not end at merely researching procurement practices and case law relating to political contributions. I was also given the task of proposing changes to state ethical standards to address and prevent some of the more shady practices that are currently not prohibited by law. It was rewarding to know that my recommendations could help close loopholes that allow questionable political contributions to go unchecked.

Some of the issues I worked on were ripped from the headlines. When a community member was removed from a public meeting for what was called disrespect but amounted to little more than facial expressions, it made the front page news in Elmhurst papers. Additionally, because of the Center's involvement, it was also reported in more than 20 news outlets that including international media. The community member came to us for help because of the Center's reputation as a champion of individual rights and I had the opportunity to be the primary legal researcher on the issues involved in the situation. These included violations of the First Amendment rights of free speech and assembly, as well as violations of the Illinois Constitution and the Open Meetings Act. The work that I did on these issues was quoted at public meetings, in newspapers and other media sources. The proposal I drafted to remedy the issue is going to be considered by the public body.

Community education is a cornerstone of the Center's efforts to promote democracy. I was given the task of putting on a community education forum on the Illinois state budget deficit. The resulting program was an informative and interactive session in which the staff of the Center and members of the community engaged in lively debate looking at the actual Illinois budget numbers in an effort to create a proposal for a balanced budget.

The story of the community budget forum is a very telling one about the internship program and the Center itself. At its core, the Center promotes independent and creative efforts to produce work that will benefit the citizenry as a whole. In the end, what is created is a public better able to govern itself. To think that I was able to affect that through my internship with the Center is a humbling thought indeed, but I know that I would not have had the opportunity anywhere but here.

Scott Reigle



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Everyday Democracy is a publication of the *Citizen Advocacy Center*, a non-profit, nonpartisan, 501(c)(3) corporation.

We are 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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YOU ARE INVITED TO THE ANNUAL: CITIZEN INITIATIVE AWARDS WEDNESDAY, SEPTEMBER 15TH, 7 PM AT THE CENTER

The Center created the Citizen Initiative Award to recognize those who act as catalysts for more citizen participation in the democratic process. Recipients of this award have demonstrated significant and informed civic participation in their communities and by their example have inspired others to build democracy.

Every year, the Center hosts a community forum to celebrate those who have taken to heart the values of democratic participation. This year, the Center is proud to have Mary Beth Tinker present our Citizen Initiative Awards.

Mary Beth Tinker was one of the plaintiffs in the landmark 1969 United States Supreme Court case of *Tinker v. Des Moines Independent Community School District*. When Mary Beth Tinker was a middle school student she, her brother and some friends wore black armbands to their public school to protest the Government's policy in Vietnam. When school officials asked them to remove the armbands, they refused. Subsequently, the students were suspended from classes

until they agreed to come to school without the armband. The students' families filed a law suit against the school district. The question of student free speech rights posed by Mary Beth Tinker and others was heard by the U.S. Supreme Court.

The Court famously ruled that students in public schools do not leave their First Amendment rights at the schoolhouse gate. For more than 50 years, the ruling in *Tinker v. Des Moines Independent Community School District* has become the standard by which public schools throughout the United States have evaluated student's rights to free expression

Join us to celebrate our work and meet our newest Citizen Initiative Awardees as well as meet Mary Beth Tinker – an inspirational person for all of us dedicated to building democracy and participating in the democratic process! The Citizen Advocacy Center is located at 182 N. York Rd. in Elmhurst.

Please RSVP by September 12, 2010 to 630.833.4080 or cac@citizenadvocacycenter.org.