

# THE ILLINOIS ACLU BRIEF

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## New Staff Attorney to Champion LGBT Rights/AIDS in Midwest *John Knight joins staff to combat discrimination*

Efforts in Congress and the Illinois General Assembly to write discrimination against gays and lesbians (in marriage) into the federal and state constitutions makes clear that equal rights for all persons in our nation remains an elusive goal. The work of the ACLU of Illinois to fight this insidious discrimination got a boost this spring when John Knight joined our legal staff.

Mr. Knight, formerly a trial attorney for the U.S. Equal Employment Opportunity Commission, is the new Director of the ACLU of Illinois Lesbian and Gay Rights / AIDS Project. He assumes leadership of a project with a proud history of advancing equality for lesbians, gay men, bisexuals and transgender persons and people in the HIV-impacted communities. In a unique arrangement, Mr. Knight also will serve as a Midwest regional attorney for the National ACLU Lesbian and Gay Rights and AIDS Project.

Because of this shared partnership between the National ACLU and the ACLU of Illinois, Mr. Knight will be able to work with ACLU affiliates across the Midwest region in confronting bias and discrimination in those states.

Mr. Knight expressed great enthusiasm for the work he is undertaking in this new position. "It's very exciting to be joining the ACLU at such a critical time in the struggle for gay equality and I look forward to many challenges ahead," said Knight. "This is a great opportunity for me to put my skills and experience to work on issues that are so important to me and other LGBT people."

The ACLU of Illinois welcomed Mr. Knight's arrival. Announcing the appointment, Legal Director Harvey Grossman noted: "We are fortunate that a seasoned civil rights litigator like John Knight is bringing his experience, commitment and expertise to the effort to ensure equality for all persons here in Illinois and across the Midwest."

Mr. Knight, a graduate of the University of Chicago Law School, comes to the ACLU after five years of highly regarded service at the EEOC. During his tenure there, Mr. Knight was involved in a number of significant cases involving harassment and discrimination in the workplace. His

(Continued on page 4)



John Knight

## Blocking the Way to the Altar

A Discussion on Marriage Equality  
Presented by the ACLU of Illinois

Thursday, June 3, 2004

Thursday, June 3, 2004

6:30 –8:30 p.m.

Chicago Historical Society,

Rubloff Auditorium

Clark Street at North Avenue, Chicago

Admission is Free

Reservations Required

Phone: (312) 201-9740, ext. 329

Email: sadams@aclu-il.org



Featured Speakers:

State Representative  
Larry McKeon

John Knight, ACLU of Illinois

Patricia Logue, Lambda Legal

## Remembering Law Day . . . and Respecting the Rule of Law

By Colleen K. Connell, Executive Director

The genius of the Constitution of the United States long has been recognized in the way it structurally and explicitly protects Americans fundamental rights and liberties. The governmental structure created by the Founders protects our freedoms by defining a system that distributes power among three equal branches of government. By insuring that no one branch or individual ever garners too much power, the Constitution has worked effectively to protect our democratic form of government for more than two centuries. Additionally, the Constitution – specifically through the Bill of Rights – enumerates particular, fundamental rights that cannot be intruded upon by government without compelling or substantial justification.

The difficulty with commemorating Law Day in 2004 – a day dedicated to celebrating our adherence to the rule of law – is that Bush Administration actions since the terrorist attacks of 9/11 undermine both the structural and individual protections of liberty enumerated in the Constitution, as recognized as "our paramount source of law."

Trumpeting the specter of international terrorism, the Bush Administration, through Attorney General John Ashcroft, has sought to consolidate power in the Executive Branch by denying the Congress information it needs to exercise legitimate oversight, curtailing individual rights and then resisting review by the federal courts of whether its actions violate the Constitution. This disregard for the explicit limits the Constitution imposes on the executive branch – and its specific grant of authority to the equal legislative and judicial branches – invites the condemnation that Madison leveled in the Federalist Papers – namely that "[t]he accumulation of all powers . . . in the same hands . . . may justly be pronounced the very definition of tyranny."

The most obvious constitutional transgressions emerge in the post-9/11 detentions of citizens and non-citizens alike. Three distinct groups of people – U.S. citizens detained as alleged enemy combatants, non-citizen residents of the United States, and alleged combatants captured in Afghanistan or other foreign countries—have been imprisoned indefinitely by the Bush Administration and subjected to interrogation without counsel and kept under conditions of confinement that call into question the Administration's respect for any rule of law, including:

- the Fourth Amendment's protections against unreasonable searches and seizures;
- the Fifth Amendment's protections against forced self-incrimination, and the procedural and substantive protections of due process of law;
- the Sixth Amendment's protections of the right to counsel, the right to be informed of the nature and cause of the charges, and the right to confront witnesses and adverse evidence in a speedy and public trial.

In April, the Supreme Court of the United States heard arguments in several cases in which the Bush Administration argued that the courts have no right to review or rule upon the on-going (and seemingly endless) detention of individuals by the government. Perhaps the most shocking of these cases is the matter of Jose Padilla.

Jose Padilla, a native-born American, was initially arrested on a material witness warrant when he landed at O'Hare Airport on May 8, 2002. Attorney General Ashcroft subsequently announced that Padilla was an agent of Al Qaeda planning a domestic

(Continued on page 3)

## Why We Fight for the Right to Legally Marry

By David Goroff and Jay Behel

While the issue of whether same-sex couples should have the legal right to marry in the United States recently has dominated news headlines, it is one that has deeply impacted our lives for a long time. More than anything else we want to be able to legally marry in our country. By being denied the civil right of marriage, we are discriminated against in thousands of ways under federal and state law.

Soon after we met, we knew we wanted to spend the rest of our lives together. We wanted to protect our relationship and provide security for each other. We wanted others to know and respect how much we mean to each other and to treat us accordingly. In short, like tens of millions of other Americans, we wanted to marry.

We knew that our relationship partakes of what is most holy and sacred in this world. Fortunately, our faith, Reform Judaism, the largest branch of Judaism in the United States, agrees. In 2000, it authorized its Rabbis to perform weddings for same-sex couples. On June 4, 2000 we were married by a Rabbi in front of more than 200 of our friends and family. We danced, laughed, and were toasted by our closest friends. Fully embraced by our faith and friends, it was the happiest day of our lives. When opponents of our right to marry say that all major faiths oppose allowing same-sex couples to marry, we know that this, like so many other claims, is false.

In our Ketubah, the Jewish marriage contract we signed at our wedding, we vowed to "forge a union of everlasting and unconditional love, an equal and committed partnership." We have done just that. We remain completely committed and completely in love and our family has grown. Our son was born in June 2002. He is a gloriously happy child, and parenting has been every bit as transformative as marriage.

Unfortunately, our faith's vision for us as a married couple is subverted by civil law. Both Illinois and the United States have so-called "Defense of Marriage" Acts which prevent us from legally marrying. The Supreme Court of the United States has recognized that the right to marry is a basic civil right protected by the United States Constitution's promises of equal protection and due process, one that is fundamental to an individual's right to the pursuit of happiness. Indeed, the Supreme Court has held that the right to marry is so important that it may not even be denied to incarcerated felons. This fundamental right, however, is presently denied to us and to all gay and lesbian Americans. For us it is heartbreaking that we do not enjoy fully the promises the Constitution makes to all Americans. Now, the President supports a constitutional amendment to make this injustice permanent.

(Continued on page 3)

### INSIDE THIS ISSUE

#### Hospital Merger Causes Concern

The take over of a suburban Chicago hospital by a Catholic health care system posed serious threats for many of the community residents. A special concern was whether the hospital would continue to provide basic health care – including reproductive health care services for women in the community. These concerns were brought directly to the state agency that approves hospital mergers at a downtown rally. *Read the story on page 4.*

#### Police Spy on Peace Group

An internal Chicago Police document reveals that local peace groups were targeted for infiltration and spying before an international business conference in Chicago. *Read the story on page 4.*

#### Morris Dees to Speak to ACLU of Illinois

Nationally-known civil rights attorney and leader of the Southern Poverty Law Center Morris Dees will speak to the ACLU of Illinois' annual Bill of Rights Celebration in October 2004. The annual event gathers together hundreds of ACLU of Illinois members and supporters to honor heroes of civil liberties' efforts here in Illinois and across the nation. The speech by Dees will be a high point of an evening that honors a number of Illinois' residents. *See more on Page 4.*

#### An Update on the Docket

Wonder what is happening with a number of critical ACLU of Illinois cases previously reported in the *Illinois Brief*? See an update on three key cases on Page 2.

## People You Should Know – Bill Cottle

Goldwater Republican. Navy veteran. Lawyer. Accountant. Partner in “The Film Group, Inc. This was Bill Cottle’s resume on the morning of August 23, 1968.

By that evening, the Goldwater Republican became a civil disobedient, with a distrust in the integrity of the federal government he had once so strongly believed in.

How did this conservative businessman and filmmaker wind up detained in the basement of the downtown Chicago Hilton hotel during an anti-war march?

It was easy in 1968. And it happened to Bill Cottle.

As Cottle remembers, anti-war sentiment in the country was at an all-time high. Vietnam War protest marches were staged throughout the country and on college campuses. Martin Luther King, Jr. and Robert Kennedy were assassinated a few months prior. Lyndon Johnson had withdrawn from pursuing another term as President.

Cottle, acting as a grip carrying equipment, and two other members of The Film Group, Mike Gray, acting as cameraman, and Jim Dennett, acting as soundman, went to Grant Park on the third day of the 1968 Democratic Convention to film events they thought would be of some interest. (The Film Group was a small, local film company whose primary business was the production of television commercials and industrial films.) Bill volunteered to act as a grip because Gray and Dennett couldn’t find anyone else willing to take the risk – others in the Group were concerned about what the police were doing. Bill naively believed, “Don’t bother the police and the police won’t bother you.”

He was wrong.

The group filmed what started out as a peaceful demonstration – in brief, hundreds of people carrying children on their shoulders, walking down Michigan Avenue to the cheers of onlookers lining the street, and under the watchful eyes of police, the National Guard and overhead helicopters. It turned ugly when the National Guard demanded the crowd turn back and they continued their march, stating their First Amendment right to do so. Tear gas was dispensed, mayhem occurred, and people were detained without being told of their rights or the charges against them. Bill Cottle and Jim Dennett were among them. They were grabbed from behind by the police as the Group was filming in front of the Conrad Hilton Hotel, and were taken into the basement of the Hilton.

The Goldwater Republican became a civil disobedient and demanded to know the reasons for their detention. Cottle identi-

fied himself as an attorney, and both he and Dennett were released after several hours, outraged and changed by the experience. The result of this outrage, “American Revolution 2,” was also the beginning of an unwanted intimacy with the Chicago Police Department’s infamous “Red Squad.” Despite the fact that the Film Group was under surveillance by the Red Squad, its phones tapped and its employees harassed, “American Revolution 2” premiered in Chicago in May, 1969, complete with the “Red Squad” photographing the attendees. (As Cottle remembers, The Film Group, Inc. was one of the plaintiffs in one of ACLU’s oldest cases, *American Civil Liberties Union v. City of Chicago*, also known as the “Red Squad” case.)

The many favorable reviews garnered by “American Revolution 2” included a four-star rating by *Chicago Sun Times* movie critic Roger Ebert. The *San Francisco Chronicle* called it “a chilling Chicago documentary.”

John Stuart Mill in his classic essay from *On Liberty*, “Of the Liberty of Thought and Discussion” wrote words that are as true when they were written in 1859 and to the tumultuous 1960s as they are today:

“The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more who hold it.”

We applaud Bill Cottle.

*\*During the 1960’s and 1970’s the “Red Squad” conducted a massive campaign of infiltration and spying on over 800 lawful community organizations based solely on their political beliefs and associations. The police actions included surveillance of the subjects’ lawful political activities, illegal wiretaps and break-ins, unlawful use of informers and infiltrators, and disruption of meetings, demonstrations, and other lawful activities.*



Bill Cottle, ACLU Supporter

## THE ILLINOIS BRIEF

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## An Update on the ACLU of Illinois Legal Docket

### *B.H. v. Samuels*

For more than a decade, the ACLU of Illinois has represented children in the custody of Illinois Department of Children and Family Services, seeking adequate care and services for children under the Department’s care. This spring, the ACLU of Illinois has been in federal court seeking to compel the Department to produce – after a long delay – a detailed plan making clear that DCFS will provide adequate services and placements for mentally ill children for whom they have responsibility. At a court date in April, DCFS asked for additional time, seeking a delay that would have lasted until after Labor Day before finally submitting this long-overdue plan. The ACLU of Illinois argued against such a delay, and asked U.S. District Court Judge John F. Grady to consider ordering the DCFS to take specific steps to address the longstanding problem. The ACLU suggested that the agency might, for example, increase investment in specialized foster homes that could care for troubled children. The Judge asked the ACLU to submit a draft proposal and supporting material.

The next hearing is scheduled for late May. Cooperating counsel is Heidi Dalenberg of Schiff Hardin & Waite.

### *Davis v. Chicago*

We are actively involved in discovery in this lawsuit that challenges the widespread practice of Chicago police officers to stop and frisk civil pedestrians in the absence of reasonable suspicion,

consent or any other lawful justification. Our plaintiffs in this matter include Shani Davis, a speed skater who finished second in the recent 2004 World Allround Championships. Another plaintiff is former ACLU of Illinois employee Damien Joyner. The current discovery is aimed at identifying the names of police officers who stopped and frisked certain plaintiffs. Cooperating counsel is Edward Feldman of Miller, Shakman & Hamilton.

### *Scott v. Bevard*

A tentative trial date of July 26th is in place in this case, challenging the racially discriminatory treatment, illegal search and harassment of three African American high school students by Illinois State Police Troopers outside Peoria in November 2000. The students were traveling to a high school basketball tournament in the car of a white assistant coach when they were stopped by the Illinois State Police. The young men were removed from the car, detained, frisked and the car was searched. One of the students, Corey Scott, was subjected to racial epithets and put in fear of his safety during an interrogation regarding the presence of illegal drugs in the car, though no narcotics were found as part of the search. The case will be tried in the United States District Court in Peoria. Cooperating counsel are Richard J. O’Brien, David B. Johnson and Jamie L. Secord of Sidley Austin Brown & Wood and Donald R. Jackson of Peoria.

## Illinoisans March for Women’s Health



ACLU of Illinois Supporters head to the March for Women’s Health in Washington, DC

Nearly one million gathered in our nation’s capitol on Sunday, April 25th, and the ACLU of Illinois was well represented. Illinois mothers, wives, women, friends, sisters, husbands and sons stood strong with others from across the nation committed to protecting women’s health and reproductive freedom. The March featured a host of prominent national speakers, including entertainers, politicians, activists, lawyers and physicians. ACLU National Executive Director Anthony Romero addressed the March. At a breakfast meeting that morning, more than 200 ACLU of Illinois supporters gathered to hear Congresswoman Jan Schakowsky, ACLU National Washington Office Director Laura Murphy, ACLU of Illinois Executive Director Colleen Connell and ACLU of Illinois Board member Lois Lipton. We thank you for your support!

### Join the ACLU of Illinois Action Alert Team

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[www.aclu-il.org](http://www.aclu-il.org)

**Remembering Law Day** *(Continued from page 1)*

attack with a “dirty” radioactive bomb. Padilla, however, has never been formally charged with that crime. Instead, approximately one month after his arrest, he was designated as an “enemy combatant” by an executive order of the President. He was then transferred to a military brig in South Carolina where he has been denied access to counsel until recently, when the government acquiesced and allowed Mr. Padilla to see counsel although only in the presence of government officials. And, because he has not been charged or tried, Mr. Padilla (and another U.S. citizen captured in Afghanistan and held under similar circumstances) has not been able to see any evidence gathered, challenge its credibility or present any countervailing facts that may prove his innocence. (Similarly, the trial of Zacarias Moussaoui has been stalled by the government’s appeal of a court order directing that Mr. Moussaoui have access to key witnesses and information consistent with the Sixth Amendment.)

The Bush Administration argued before the Supreme Court that it can jail Padilla in a military brig indefinitely and that Padilla can be held without charges or trial in any judicial forum, civilian or military, until the terrorist threat from Al Qaeda has ended. In short, the Department of Justice argued that the President has the authority to declare individuals “enemy combatants” and place them beyond the reach of the courts and the protection of the specific individual rights enumerated in the Constitution.

This argument is startling in its breadth and in its impact. The Executive Branch claims the power to act as investigator, prosecutor, judge and arbiter whenever it asserts that the subject may be involved in terrorism. In short, the basic American principle of “innocent until proven guilty” is turned on its head – one is guilty with no chance to prove innocence.

Another matter before the Supreme Court in April involved the detention of persons at the Guantanamo Bay military base in Cuba. While most of the persons detained at the base were captured in the Afghanistan conflict, others were snatched off the streets of other Arab and South Asian countries. The Administration consistently has resisted creating any process for evaluating whether the persons held at the military base truly

were associated with terrorists, or simply were individuals caught up in the wrong place at the wrong time.

When challenged by families of the detainees, the Bush Administration argued that no domestic or international tribunal has the right to review these detentions. The Administration insisted that it has the absolute authority to treat these individuals in any fashion it wishes, with no regard for applicable domestic and international law. This position is a stunning rejection of international efforts to codify and safeguard the rights of prisoners captured in wartime. One of the most important of these international protections is the Geneva Conventions of 1949, ratified by the U.S. Senate and incorporated in American military regulations, requiring that the status of captured persons be determined by a competent tribunal if there is any doubt that the captives are prisoners of war to whom the protections of the Geneva Conventions should apply.

The Administration’s refusal to submit the detention of individuals detained in the indefinite war on terror to judicial review is not limited to the cases argued before the Supreme Court. More than 1200 non-citizens, many of whom were resident aliens, were rounded up immediately after 9-11. The Administration refused to submit these detentions to public or judicial scrutiny (despite the fact that none of those detained were ever charged with terrorism).

The abuse endured by many detainees while in DOJ custody makes clear that the specific protections of the Constitution are not abstract niceties but rather essential protections against government misconduct. As a DOJ Inspector General report made clear last summer, many of these detainees were routinely barred from access to their families and systematically denied any meaningful opportunity to retain legal counsel. Other detainees were abused, verbally, emotionally and even physically, while in custody. Confronted with evidence of this abuse, Attorney General John Ashcroft said he offered “no apologies” for his Department’s actions.

Although most of us have been fortunate not to have suffered the loss of our liberty through detention, the basic freedoms enshrined in our Constitution also have been attacked over these past two years.

The Bush Administration has acted unilaterally to justify law enforcement investigations and surveillance based not upon reasonable suspicion, but based on individual’s race, ethnicity, religion or political views. Consider that the Attorney General acted quickly after 9-11 to relax guidelines first promulgated by Edward Levy that required “reasonable indication of criminality” before subjecting a religious or political organization to surveillance.

Released from the Levy guidelines, recent news reports indicated that the FBI resumed collecting extensive information on anti-war protestors, again targeting Americans for investigation based on their political views rather than allegations of unlawful activity. Based on years of experience here in Chicago and elsewhere, we know that law-abiding Americans, including members of the clergy opposed to some aspect of the government’s foreign policy and civil rights leaders and activists, now will be subjected to highly intrusive investigations based solely on their unpopular beliefs or membership in political or religious organizations.

The Administration has undermined other critical constitutional protections. Shortly after 9/11, for example, the Attorney General issued a rule claiming the authority to conduct electronic surveillance of attorney-client conversations without a court order. Federal law enforcement officials long have had the ability to monitor such conversations, with a court order – a critical element to assure that monitoring these most confidential conversations are necessary. The Administration simply seeks to ignore this important oversight.

Similarly, the Administration has undercut Congress’ important role in our constitutional system of checks and balances. The Justice Department failed to provide timely and regular reports to the appropriate committees of Congress on the use of the new powers contained in the USA PATRIOT Act. Faced with this defiance, House Judiciary Committee Chair James Sensenbrenner (R-Wisconsin) threatened the Attorney General with contempt of Congress if the DOJ did not share information with the Congress. The Administration claimed that such oversight undermined our national security, but finally relented.

Finally, the Administration has sought to avoid having the ultimate “check” – the eyes of the public – on its activities. Since 9/11, the Bush Administration has refused to provide information under the Freedom of Information Act, often defying legitimate court orders that it do so. Time and again, the Administration has acted in secret, out of sight of public scrutiny.

The Bush Administration has justified each of these actions as being necessary to protect the American public from further attack. Considered individually, each of the actions raises troubling questions about their efficacy and legality. Taken collectively, however, the actions suggest an Executive Branch acting in reckless disregard for our Constitution and the system of justice it secures.

Throughout our nation’s history, American courts have dealt with a host of difficult cases – from organized crime and narcotics’ cartels to matters involving espionage and terrorism. In each matter, charges have been brought, verdicts secured, and judgments handed down. Through this all, the courts have respected constitutional principles, protected witnesses and court personnel and kept confidential information out of public view. The cynical approach of the Bush Administration – arguing that public charges, open court proceedings and due process are a threat to liberty and freedom – undermines public confidence in our constitutional system, the very system we claim to be protecting at home and seeking to export to the world.

The threat of terrorism is not an excuse for undermining our most fundamental constitutional values. Rejecting government efforts to suspend constitutional protections during the Civil War, the Supreme Court in *Ex parte Milligan*, observed:

*The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances . . . for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence.*

The Court’s language and logic are just as pertinent today.

**Right to Legally Marry** *(Continued from page 1)*



Jay Behel and David Goroff with their son, Eli

Opponents of our right to marry often say that we can do everything legal marriage would give us “by contract.” This, too, is false. The General Accounting Office has calculated that there are more than 1,000 rights that are extended only to those who are legally married under federal law (some now calculate the number at 1,132 rights). While we pay taxes and work as hard as any other American family, we do not have the right to family medical leave or COBRA. If one of us dies, the other does not get Social Security survivor benefits no matter how much we have paid into the fund. We cannot file a joint tax return and pay far higher taxes. We are denied inheritance benefits. On federal forms we must describe ourselves as “single” when we are not. Even if Illinois were to authorize “civil unions” for

same-sex couples – indeed, even if it were to grant us the right to marry under state law – every one of the federal benefits would remain out of reach.

But Illinois law also insists that we be treated as strangers. We are denied the right to own our own home as “tenants in the entirety,” a status reserved for legally married couples which offers the most significant protection against creditors and allows the home to pass to the surviving spouse without the need for probate if one of us dies. Instead, we must own property as “joint tenants,” as if we were business partners. We cannot obtain insurance as a family. We do not qualify for the spousal privilege, meaning that our most personal and private conversations might be subpoenaed. Rosie O’Donnell learned this when her partner had to testify at her trial. If a terrorist were to kill one of us, the other has no standing to sue as a surviving family member for the wrongful death, even if he witnessed the act. Now two Illinois representatives want to amend this State’s Constitution to make these disparities permanent as well.

While we have powers of attorney, wills and other legal documents that express our wishes, we have no confidence that hospitals, nursing homes or funeral homes will respect these in emergencies. We cannot assume that we will be treated as the family members we know we are, nor do we have any confidence that potentially hostile courts will enforce these documents, especially if they are challenged by others they view as “real” family members. A gay friend who died wanted to be buried next to

his partner who predeceased him but his parents vetoed that decision after his death. There are tens of thousands of such stories.

Labels such as alternative, conspicuous and non-traditional provide accurate descriptions that help others understand our family. But under current law our family is not merely different, it is legally invisible and illegitimate. It is manifestly unjust for our son’s family to be treated unequally under the law.

There are many same-sex couples who have hopes and dreams similar to ours. By contrast, those who oppose our right to marry cannot show anyone who is harmed. No heterosexual married couple will lose a single right if their gay neighbors may marry. No straight couple will forgo their right to marry if gay or lesbians Americans can. No religious faith would have to change its views if civil law were changed. The institution of marriage as experienced by all other Americans would not be different if it were opened up to gay and lesbian Americans.

From the abolition of slavery to the extension of the franchise to women to the civil rights legislation of the 1960s, American history has been about expanding essential freedoms. Although forward movement often has been slow and painful, progress toward greater liberty has been our Nation’s hallmark. Never before has the Constitution been changed to deny basic freedoms to a minority group. If a ban on the right of same-sex couples to marry were to be written into our Constitution, the discrimination we suffer today would become an essential part of our Nation’s core docu-

ment. We would be marked as second-class citizens and our family would be stigmatized for the rest of our lives. Much as sodomy laws were used to justify discrimination against gays and lesbians in the workplace, in housing and elsewhere, so such an amendment would provide fodder for other mistreatment of same-sex families.

As Americans, we are taught to believe that ours is the freest country on Earth. In so many ways this is true. But when it comes to the treatment of gay and lesbian citizens, the U.S. sadly lags behind. In June 2003, Canada, like the Netherlands and Belgium before it, authorized same-sex couples to marry. Under Canadian law, non-citizens may marry. On September 12, 2003 we were legally married in Canada. The Canadian officials we met were thrilled for us and genuinely enjoyed helping us. If we were a straight couple, our Canadian marriage would be recognized in the U.S. As a gay couple it is not.

In our own country, interest groups are spending millions and using all their political leverage to ensure that same-sex couples may never marry. We see politicians who see endorsement of a constitutional amendment as an easy way to shore up flagging support. We see colossal misrepresentations of who we are. People’s fears and prejudices are fed on a daily basis. A lot of venom is spewed. It frightens and saddens us but it also spurs us to fight ever harder for equal rights for all in this country and it reminds us once again of the importance of the ACLU in helping wage this struggle.

*David Goroff is a member of the ACLU of Illinois Board of Directors. His partner is Jay Behel.*

## Chicago Police Report Reveals Infiltration

For long time ACLU of Illinois members and supporters, it may seem as if the Illinois Brief is repeating stories from the 1960s and 1970s. The truth, however, is that a report issued by the Chicago Police Department reveals that officers of that organization once again reveals that police infiltrated and spied on local peace activists. The story, broken by the Chicago Sun Times in February 2004, is the latest chapter in a three decades long effort by the ACLU of Illinois and other civil rights activists to assure that those persons engaged in peaceful political protest are not targeted for surveillance by the Chicago Police Department.

According to an internal Chicago police audit (required under a modified consent decree in the Chicago Police Spy Suit, a case brought by the ACLU and others), police officers infiltrated the planning of

several protest groups leading demonstrations in opposition to the Trans-Atlantic Business Dialogue (TABD) a meeting of international business leaders that took place in downtown Chicago in September 2002. Among the groups leading the demonstrations at the TABD was the American Friends Service Committee, a peaceful organization formed in 1917 and one of the original plaintiffs along with the ACLU of Illinois in the Spy Suit.

According to the police report, Chicago police also made video and audio recordings of the protests that accompanied the business conference in Chicago.

"This is reminiscent of the work of the Red Squad," said Harvey Grossman in response to the CPD report. "The American Friends have been a peaceful organization committed to advancing their anti-war message for more than 70 years."

"Why would they be singled out for surveillance?" Grossman added.

## Hospital Merger Raises Concern Basic Reproductive Health Care At Risk for Community

Women on Chicago's West Side and the nearby suburban areas who have depended upon West Suburban Hospital for basic reproductive health care services will be forced to look out of their community for such services because of a takeover of their hospital by Resurrection Health Care System, a group affiliated with the Catholic Church. Catholic health care directives followed by Resurrection prohibit the provision of basic reproductive health care services, including: dispensing of condoms and contraceptives, provision of emergency contraceptives to survivors of sexual assault who may become pregnant from the assault, the performance of tubal litigations, and assistance with fertility treatments including in vitro fertilization.

State officials approved the merger of West Suburban and Resurrection Health Care on March 10th, despite vigorous opposition from community leaders and a coalition of organizations that included the ACLU of Illinois. The Merger Watch Coalition included the Westside Health Authority, South Austin Community Coalition, Oak Park neighborhood and religious organizations, Planned Parenthood and African American Women Evolving, and health care providers from West Suburban Hospital.



*Demonstrators gather to speak out against the merger of West Suburban Hospital with Resurrection Health Care.*

"We are deeply concerned that women seeking access to basic reproductive health care services in the Austin neighborhood and Oak Park will be forced to travel many miles to access these basic services," said Connie Y. Chung, an ACLU of Illinois attorney.

In an effort to overcome some opposition to the merger, West Suburban officials did commit to providing reproductive health care services at various neighborhood clinics. However, these clinics are only open during regular business hours and they cannot perform the full range of services that are being lost at the hospital.

"This compromise still poses an especially chilling prospect for women seeking reproductive health care services, particularly for women who need emergency contraception after a sexual attack," added the ACLU's Chung. "Rape victims will be bounced around from the hospital to a clinic to a pharmacy that may well be outside of their communities in order to get a necessary emergency contraception prescription. This policy is cruel and insensitive."

### New Staff Attorney *(Continued from page 1)*

efforts in these cases resulted in the EEOC Chairwoman honoring Mr. Knight with the Chair's Opportunity to Reward Excellence (CORE) Award. Prior to his work at EEOC, Mr. Knight was Director of the Homeless Assistance Project at the Edwin F. Mandel Legal Aid Clinic at the University of Chicago Law School. In that position, he oversaw litigation and advocacy on behalf of homeless persons in Chicago, including a lawsuit against the City of Chicago that challenged the City's treatment of homeless persons who congregated on Lower Wacker Drive.

"We're at a crucial stage in the long-term effort to assure equal rights for gay men and lesbians in our nation," said Matt Coles, Director of the National ACLU Lesbian and Gay Rights/AIDS Project. "We are better positioned to meet the challenges and opportunities of these times with top-notch lawyers like John Knight as part of our Project."

## Morris Dees to Speak at BRC

Morris Dees, co-founder of the Southern Poverty Law Center in Alabama, will address the ACLU of Illinois and its supporters on this occasion. The son of an Alabama farmer, Mr. Dees helped found the SPLC after a successful career with a book publishing company that he founded while still in college at the University of Alabama. According to Mr. Dees, the SPLC was founded because of his firsthand experiences in witnessing and confronting the prejudice and racial injustices still present in the South more than a century after the end of the Civil War.

Joining Mr. Dees on the dais is a remarkable roster of civil libertarians – individuals who have distinguished themselves as champions of rights and freedoms in Chicago, across Illinois and throughout our nation. Chicago lawyers Jack Block and Martin Castro are being honored with the Edwin A. Rothchild Civil Liberties Award. Long time ACLU

supporter (and a personal friend to ACLU founder Roger Baldwin) Irwin Askow and civil liberties' champion Lois Lipton are to be honored with the Roger Baldwin Lifetime Achievement Award. Mary Morten, a tireless advocate for civil liberties in Chicago's gay and lesbian community, is being presented the John R. Hammell Award. Finally, three devoted volunteers for the ACLU of Illinois – Judy Gaynor, Esther Saks and Alan Saks – are being honored with the Annetta Dieckmann Award.

Co-Chairs for the 2004 Bill of Rights Celebration Dinner are Frona C. Daskal and William N. Weaver, Jr.

*If you would like more information about the 2004 BRC, please call Marcia Liss at 312/201-9740, ext. 303 or email Marcia at mliss@aclu-il.org.*



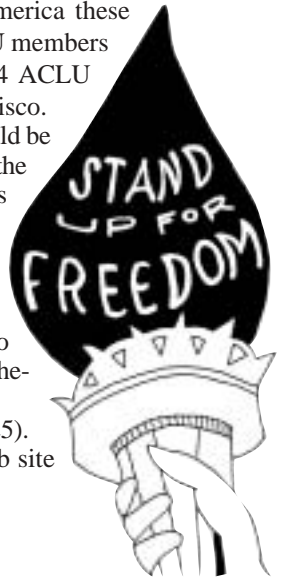
## Join Civil Liberties Supporters at the ACLU Conference This Summer

If you are concerned about threats to civil liberties in America these days, you are not alone. Join thousands of long-time ACLU members and new supporters from across the country at the 2004 ACLU Membership Conference, scheduled for July 6-8 in San Francisco.

With a presidential election later this year, civil liberties should be at the top of the national agenda. We need you to help us make the case loud and clear to both current and future administrations that Americans will not sit by and have their rights trampled.

At the conference, you'll have a chance to connect with old friends, meet new ones and share ideas. You'll gain insight from government officials, civil rights leaders and well-known pundits. Make your voice heard on the issues that matter most to you through the conference Action Center – a place for round-the-clock political advocacy and communications.

Special conference rates apply for young adults (up to age 25). For more information and registration, visit the ACLU web site at [www.aclu.org/2004MemberConf](http://www.aclu.org/2004MemberConf).



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