

THE ILLINOIS BRIEF



FALL 2017



Welcome to the new electronic version of the Illinois Brief, our membership newsletter. The switch to an electronic format was necessitated by our significant growth in ACLU membership over the past year. With all of our new members and supporters in Illinois we needed to find a way to communicate in a quicker manner—and use the dollars saved on postage costs to fight the pressing battles of this time.

Please accept our apologies if you received duplicate copies as we manage this process of transition—it is likely that you are in two databases we combined. We are working through this process. And, feel free to let us know what you think of the new format and any suggestions you have by responding to acluofillinois@aclu-il.org. You will be hearing from us again soon.

IN THIS ISSUE

2. WELCOME FROM THE EXECUTIVE DIRECTOR
4. PROTECTING REPRODUCTIVE RIGHTS IN ILLINOIS
5. KEEPING ILLINOIS A WELCOMING PLACE
6. PROTECTING THE RIGHT TO VOTE IN ILLINOIS
7. THE FIGHT FOR LGBT RIGHTS IN ILLINOIS
8. PROTECTING THESE TOO OFTEN LEFT BEHIND
9. ACLU OF ILLINOIS RECIPIENT OF GRANT FROM MACARTHUR FOUNDATION TO RESPOND TO EMERGENCIES



WELCOME TO THE CIVIL LIBERTIES MARATHON

Colleen K. Connell, Executive Director

In the months since November 8 2017, we have seen the ACLU's ranks grow as the assaults on our senses—and our humanity—mount. There ARE more of us than there are of them—and our move to an online newsletter facilitates the rapid response, nationwide and here in Illinois, to the civil liberties battles ahead.

Much of our nationwide response will, of necessity, reflect ACLU-led resistance to the unconstitutional and unlawful initiatives of the Trump Administration to restrict civil rights and civil liberties: efforts by Trump's hand-picked Commission to restrict voting rights, particularly of people of color; attempts to expand government surveillance of those who resist Trump; roll-backs of the rights of people who are transgender, whether those who serve in the military or students in our schools and universities; or efforts to expand the use of religion to discriminate against Muslims, against women seeking reproductive health care, against members of the LGBT community who seek to be served in restaurants and stores just like every other American. The ACLU will be in the Supreme Court, in the term that starts October 2, in 5 key cases involving: voting rights (2); LGBT rights, the privacy of our cellphone records; and the scope of the government's authority to detain people without a hearing.

Here in Illinois, the ACLU is working not just to defend our rights but also to expand our rights, using state and local protections. We will be creative and assertive in our efforts to make Illinois a safe haven for human rights for all people. We will use the courts, our growing legislative prowess, and the ACLU's growing ["People Power"](#) to protect and expand our rights.

Our work this past session in the Illinois General

Assembly shows how effective we can be when we work together. We moved bills that: expanded the right of women to access reproductive health care – regardless of their source of insurance; protected the rights of people NOT to have government seize their property without first securing a criminal conviction; facilitated the ability of people who are transgender to change their birth certificate's gender marker – without surgery; and secured an important change to a criminal law that was used to target young men of color.

“BUT, WE CANNOT REST ON OUR PAST ACCOMPLISHMENTS.”

We must continue to work to reform the broken Chicago Police Department; to protect the Dreamers among us for whom the United States IS home—the only one they have known; to secure the right of women to access birth control and abortion; to expand the right of all citizens in Illinois to register to vote and to vote; to make good on our pledge to reduce the number of people imprisoned in Illinois—a disproportionate number of whom are young men of color.

We must—all of us, ACLU members, supporters, ACLU staff and Board—commit to work even harder and smarter. We need you to answer our emails, reach out to our public officials, appeal to our family and community members to take action to protect the rights of all us, including the most vulnerable.

We need to take individual and collective action each day over the next three and one-half years so that, at the end of our marathon, we can say that together, we left no one behind and that Illinois stands as a beacon of human rights for all among us.

NEWS ROUNDUP

ACLU SUES CHICAGO POLICE DEPARTMENT // The ACLU of Illinois recently filed a lawsuit in federal court seeking reform of the Chicago Police Department. The suit seeks to redress historic issues, including how CPD treats Chicagoans with mental illnesses or other disabilities, as well as their long-standing problems in interacting with black and Latino residents. The goal of the suit is to have the community members who are most impacted by these issues at the table, negotiating and ensuring that the reforms are meaningful, real and long-lasting. [READ MORE](#)

HB 40 SIGNED INTO LAW // Women's and Reproductive Rights Project Director Lorie Chaiten joined Governor Rauner and other advocates to announce he would sign House Bill 40 and protect important access to health care including abortion - in Illinois. This victory caps a decades - long advocacy push from the ACLU of Illinois and empowers women to make their own health care and life choices without interference from politicians. [READ MORE](#)

CIVIL ASSET FORFEITURE REFORM SIGNED AT ACLU OFFICES //

Joined by legislative sponsors, Governor Rauner came to the ACLU of Illinois offices to sign House Bill 303 into law. The new law passed with bipartisan support and reforms various asset forfeiture statutes to increase fairness to property owners, increase transparency in the forfeiture process, and remove financial incentives that encourage police and prosecutors to seize citizens' property. [READ MORE](#)

VITAL RECORDS ACT AMENDED // Thanks to years of advocacy efforts, Governor Rauner signed House Bill 1785, which reformed Illinois' Vital Records Act to allow transgender and intersex people to change the gender marker on their birth certificates. This huge breakthrough helps make our state a little better place for transgender people as well as their friends, family members and other allies. [READ MORE](#)

ACLU FIGHTS PREGNANCY DISCRIMINATION // The ACLU of Illinois filed a federal lawsuit on behalf of Officer Jennifer Panattoni, a 14-year veteran of the Frankfort Police Department who was denied reasonable accommodations and pushed onto involuntary leave during her pregnancy. Despite repeated requests for temporary adjustments to her duties and equipment - protections guaranteed by federal and state law - the department refused Officer Panattoni at every turn. Instead, she was forced to wear a too-tight uniform and improperly fitting body armor while working patrol, and - just five months into her pregnancy - was placed on involuntary leave, denying her a paycheck at a time she needed to help support her growing family. [READ MORE](#)

SETTLEMENT REACHED IN UNCONSTITUTIONAL ARREST // After more than a year, a settlement has been reached in the unlawful arrest and jailing of 22-year-old Urbana resident Bryton Mellott for burning an American flag over the July 4th weekend in 2016. The settlement follows a June ruling that burning a flag as a political protest is protected by the Constitution and that the arresting officers were in the wrong. [READ MORE](#)

ACLU // RBF STAFF

Colleen K. Connell, *Executive Director*
K.T. Sullivan, *Associate Director*

ADMINISTRATIVE STAFF

Althea Walton, *Director of Finance*
Michelle Hernandez, *Administrative Assistant*
Kimberly Koziel, *Project Associate*
Jesse Larson, *Executive Administrator*

COMMUNICATIONS STAFF

Edwin C. Yohnka, *Director of Communications & Public Policy*
Max Bever, *Deputy Director of Communications & Public Policy*

DEVELOPMENT STAFF

Monique Hanson, *Director of Development*
Jay Bach, *Development Associate*
Liesl Pereira, *Individual Giving Officer*
Christina Smit, *Foundations Relations Officer*
Mary Thomas, *Development Associate*

LEGAL STAFF

Benjamin S. Wolf, *Legal Director*
Allyson Bain, *Skadden Staff Attorney*
Camille Bennett, *Senior Staff Attorney*
Lorie Chaiten, *Director of Women's and Reproductive Rights Project*
Rebecca Glenberg, *Senior Staff Attorney*
Ghirlandi Guidetti, *Staff Attorney*
John Knight, *Director of LGBT & HIV Project*
Amy Meek, *Staff Attorney*
Lindsay Miller, *Staff Attorney*
Rachel Murphy, *Staff Attorney*
Kathy Hunt Muse, *Special Litigation Counsel*
Bharathi Pillai, *Staff Attorney*
Jenna Prochaska, *Staff Attorney*
Chris Romer, *Legal Manager*
Karen Sheley, *Director of Police Practices Project*
Claire Stewart, *Staff Attorney*
Kaitlin Towner, *Legal Assistant*
Gail Waller, *Senior Staff Counsel*
Katie Watson, *Senior Staff Counsel*
Emily Werth, *Staff Attorney*

LEGISLATIVE STAFF

Khadine Bennett, *Director of Advocacy and Intergovernmental Affairs*
Chelsea Diaz, *Legislative Assistant*
Mary Dixon, *Director of Health Justice Policy*
Benjamin Ruddell, *Criminal Justice Policy Attorney*

STRATEGIC ENGAGEMENT STAFF

Emmalee Scott, *Director of Strategic Engagement*

PROTECTING REPRODUCTIVE RIGHTS IN ILLINOIS

Donald Trump's promise during the campaign to criminalize those who seek and those who perform abortions has yielded incredibly hostile policies from the White House and Congress since inauguration day. Reproductive rights are currently under attack from every direction in our country. This is why the work of our [Women's and Reproductive Rights Project](#) is so important: every day, the ACLU of Illinois fights regulatory battles to protect 40 years of ACLU litigation victories that have created access to reproductive health care in Illinois unmatched anywhere else in the middle of the country. We are dedicated to ensuring that, as access to reproductive health care becomes ever more limited in surrounding states, Illinois will offer a place where women throughout the Midwest can get the care they need.

In Illinois, that fight is seen most publicly in [House Bill 40](#), which was recently signed into law by Governor Rauner. HB 40 ensures that women cannot be denied coverage for essential health care if they are on Medicaid or receive insurance through a state employee plan, in addition to removing a dangerous "trigger" provision to confirm that abortion will remain legal in Illinois even if the US Supreme Court rolls back *Roe v. Wade*. We and our coalition partners have worked night and day to ensure that the Governor had all the information he needed to make an informed decision to sign this critical piece of legislation. We are pleased that Governor Rauner stood with women and signed HB 40 to secure essential rights that will protect lives and health in our state.

ON THE LITIGATION FRONT, THE ACLU OF ILLINOIS IS PROUD TO CONTINUE TO FIGHT ON BEHALF OF WOMEN ACROSS OUR STATE, INCLUDING:

- [Opposing pregnancy discrimination in the workplace.](#)
- [Leading the Illinois Judicial Bypass Coordination Project, which assists hundreds of teens every year as they seek access to abortion care.](#)
- [Supporting women denied health care because of their providers' religious objections.](#)



Photo: Flickr/Crazy Film Girl



KEEPING ILLINOIS A WELCOMING PLACE

officials from arresting or detaining any person based solely on immigration status, or from cooperating with federal immigration officials who don't have a judicial warrant.

The Trump Administration has advanced a number of harsh immigration policies. This is not surprising. After all, the President launched his campaign calling Mexican immigrants “murderers” and “rapists.” The Trump agenda on immigration has been severe and disastrous, from a misguided and unconstitutional Muslim travel ban, to aggressive deportation policies that result in fear among many immigrant communities across the nation, to the end of the DACA program – a program designed to assist those young people without documentation who were brought to this country as children through no fault of their own.

In Illinois, the ACLU is working to create as many protective policies for newcomers and refugees as possible in our state. [The ACLU of Illinois led advocates to call on the Illinois Supreme Court Chief Justice to bar enforcement of immigration law by federal officials within courthouses across the state.](#) We took this action after a number of media reports brook across the country about ICE (Immigration and Customs Enforcement) agents using routine court appearances as an excuse to detain newcomers. In one extraordinary case, ICE officials detained a woman – a survivor of domestic violence – who was set to testify against her abuser. It was later asserted that it was the abuser who alerted ICE officials to her presence at the courthouse.

A significant step forward in Illinois was taken when Governor Bruce Rauner [signed the TRUST Act](#) this past summer. The measure prohibits local

The ACLU also has been very active around immigration enforcement in the City of Chicago and the role of Chicago police in that enforcement. We have been working with a coalition of groups to improve and strengthen the Chicago Welcoming City Ordinance. That measure is a good start in that it generally prevents police from engaging in immigration enforcement. But it contains some harmful provisions that should be eliminated. For example, police are allowed to detain someone for immigration officials if they are on Chicago's so-called “gang database.” This presents a problem because the gang database long as been recognized as riddled with errors and largely based on the views or biases of a single police officer. The ACLU wrote a letter to the City this year calling on the Council to reform the ordinance.

Of course, Chicago's policy was the focus of a court case later in the year when the [Department of Justice threatened strip grant funds from the Chicago Police Department](#) unless the City agreed to assist the federal government in its aggressive program of detaining and deporting immigrants. The ACLU filed an amicus brief in the case opposing the DOJ policy. Just last week, a federal judge found in favor of the City, blocking the DOJ from holding back these funds.

PROTECTING THE RIGHT TO VOTE IN ILLINOIS

In recent years, we have seen a number of states take regressive steps to undermine the ability of all people to vote. The most notorious of these efforts has been the move to require photo identification cards to vote—a policy that limits voting access especially for the elderly and for people of color. The efforts to limit voter access through these measures were prevalent throughout the 2016 election cycle. The Trump Administration appears determined to make suppressing the vote a national movement.

This effort took on significant momentum after President Trump explained away his popular vote loss by suggesting, without any evidence, that at least 3 million people had voted “illegally.” Doubling down on the absurd and baseless suggestion, the Trump Administration formed a national commission on voter “integrity.” The seriousness of this effort was immediately contradicted by the appointment of Kansas Secretary of State Kris Kobach, known for his longstanding efforts to make it more difficult to vote, to serve as the vice-chair of the Commission, with Vice President Mike Pence as chair.

The Kobach Commission has set off alarms across the country, asking state election officials in all 50 states (as well as the territories) to turn over private voter data about every individual voter in their jurisdiction. Nearly every state refused the request.

[The ACLU of Illinois has monitored closely the activities of the Kobach Commission, calling on the Illinois State Board of Elections to refuse to turn over the private voter data of Illinois voters to the Commission.](#) The State Board has, as of this writing, refused to comply with the Commission’s request.

The work on Mr. Kobach on the Trump Commission also has raised questions about Illinois’ participation in Crosscheck, a system that Mr. Kobach created to investigate voter fraud across state lines. Many advocates, including the ACLU, at the national level have raised questions about the rigor and accuracy of these Crosscheck system, suggesting that the system is designed to purge voters from the voter rolls. In recent weeks, the ACLU of Illinois has joined with advocates and legislators across Illinois to oppose the Illinois State Board’s participation in the flawed system.

Things generally have been moving in the right direction in Illinois with regard to voting. In 2016, the ACLU worked with a coalition of voting rights groups to protect same-day voting registration after a group tried to challenge the measure. The Seventh Circuit Court of Appeals—after an amicus brief from the ACLU and others—ensured that people could register and vote on Election Day in our state.

This year, the legislature and the Governor were able to come together and enact [Automatic Voter Registration](#). The process of automatically registering voters who have been engaged with various state agencies is expected to grow Illinois voting rolls by approximately 1 million voters over the next few years.



THE FIGHT FOR LGBT RIGHTS IN ILLINOIS

Among the progress of recent years that the Trump Administration and the Congress are committed to reversing is the advancement of LGBT rights. While it would be impossible for the Administration, for example, to curtail the freedom of gay and lesbian couples to be married, it does not mean that forces in Washington are not keen to find other ways to harm the basic rights of the LGBT community.



The ACLU of Illinois is working already to ensure that such discrimination does not become a reality in our state. Indeed, we recently struck a significant victory in the case of [Mark and Todd Wathen](#), a downstate couple denied the use of a public bed & breakfast facility when they were trying to plan a civil union ceremony in 2013. After Mark and Todd wrote asking whether the facility would host their civil union, the owner of a facility responded saying his facility would never host such a ceremony. But it went further. The following day, the owner emailed the Wathens a lengthy message—including Bible verses—saying that the Wathens were doomed for eternity and suggesting the Wathens' relationship was vile.

We took the Wathens' case to the Illinois Human Rights Commission and won a decision making clear that Illinois businesses that do business with the public cannot discriminate against a couple seeking services for a wedding, even if the business owners have a religious objection. This issue will be tested before the Supreme Court of the United States this session—in a case about a bakery that refused to bake a cake for a gay couple being married.

Meanwhile in Washington, the Trump Administration has been very hostile to individuals who are transgender. In the early weeks of the Administration, the Department of Justice and the Department of Education jointly withdrew the federal guidance (issued during the Obama Administration) regarding public schools' responsibilities for accommodating students

who are transgender. The effect of the withdrawal of that guidance on our [litigation in suburban Chicago's District 211](#) is yet to be seen. But we will continue to advocate for basic fairness for those students, and students in other school districts throughout the state.

We also have seen the Trump Administration's hostility to people who are transgender in the sudden, hurtful reversal of policy allowing soldiers who are transgender to serve in the military. The ACLU has filed a challenge to this policy affecting soldiers, because we believe that [your ability to serve in the military](#) is not based on one's gender identity.

But here in Illinois, we are not simply waiting for bad news from Washington. For years the ACLU of Illinois has been working on seeking to end the specific surgical requirement to change the gender marker on an Illinois birth certificate. Illinois first adopted public policy allowing such a change nearly in the 1950s—a time when our scientific understanding was clearly different than it is today. In the Illinois General Assembly this year, the ACLU championed House Bill 1785, which allows those born in Illinois who are transgender and intersex to change the gender marker on their birth certificate without unnecessary and invasive surgery. In August, the Governor [signed the measure](#) which will go into effect in January. With the signing of this new law, Illinois joins a number of other states, the District of Columbia and the federal government in allowing the gender marker to be changed without surgery. It is a great step forward.



PROTECTING THOSE TOO OFTEN LEFT BEHIND

Even as we confront the challenges created by the Trump Administration, the ACLU of Illinois continues its historic work to reform basic human services programs in Illinois and protect populations that are often without any political power.

During the two years of budget impasse in our state, the ACLU returned time and again to federal court to ensure that services continued to be provided for our clients in five separate cases: on behalf of all children under the care of Department of Child and Family Services; on behalf of persons with developmental disabilities; on behalf of persons with mental illness; on behalf of persons with physical disabilities; and, on behalf of youth in the custody of the Illinois Department of Juvenile Justice.

For two years, we had to fight just to make certain that the basic needs of these classes were provided for—but that is not enough. We must address the real reforms necessary to make the systems responsible for the care of our fellow Illinois residents function in a constitutionally acceptable way.

This work is most evident in our efforts to improve the operations of the DCFS, the child welfare system in Illinois. After years of solid improvement in the care of children in DCFS care, recent years have seen backsliding in terms of the availability of services for children and a revolving door of

leadership at the Department. The ACLU forced the Department last year to agree to a new implementation plan, designed to bring marked improvements to the level of care offered to youth in DCFS care. Progress by DCFS has been slow and the ACLU continues to pressure the Department for further reforms.

Another area of focus for the ACLU has been the care of youth detained by the DJJ. In the years since reaching a consent decree with the ACLU, DJJ has seen some substantial changes, including a decrease in population (fewer youth in DJJ facilities), enhanced educational and mental health services, and an end to the use of solitary confinement in DJJ facilities.

Ending the use of solitary has not been met with universal approval. Indeed, the staff at one DJJ facility—in far downstate [Harrisburg](#)—objected to this change in disciplinary procedure and began a practice of going to the local prosecutor with complaints about youth from the Harrisburg facility. The result, sadly, was that several youth were convicted and sentenced for offenses that traditionally would have been dealt with inside the facility. At our request, the federal court which oversees our agreement with DJJ has required the Department to craft a detailed plan with solutions to this problem. This work is ongoing.

ACLU OF ILLINOIS RECIPIENT OF GRANT FROM MACARTHUR FOUNDATION

We are honored to announce the ACLU of Illinois has [received generous funding from the John D. and Catherine T. MacArthur Foundation](#) to fight Trump's discriminatory executive orders aimed at Chicago's immigrant and refugee communities. Alongside our valued partners included in the grant that are committed to justice and

fundamental fairness, we will keep Chicago and Illinois a welcoming place and present a united front against prejudice and bullying. As the Trump administration is cruelly now trying to end the Deferred Action for Childhood Arrivals (DACA) Program, a coordinated and strong local response is critical to the nationwide support for our constitutional values and human decency.

MacArthur Foundation

ACLU OF ILLINOIS BOARD OF DIRECTORS

Jill Metz*
President

Thurston Bailey*
Frank Baiocchi*
Marc Beem*
Leah Bruno
Will Burns
Grace Chan*
Bernadette Chopra
Barbara Flynn Currie
Heidi Dalenberg*
Roxana Espoz
Ami Gandhi

Rebecca Gilman
David Goroff
Luis Gutierrez*
Vinni M. Hall
Harriet Hausman*
James Holzhauer*
Aziz Huq
Colby Kingsbury
Diane Klotnia*
Laura Kofoid*
Ruth Krugly*
Shermin Kruse
Scott Lassar*
Betsy Lehman

Ada Lopez
Kerry A. Miller*
Robert Murphy, MD
Carrie Newton
Richard J. O'Brien*
Brian Richardson-Varona
Morton Rosen*
Lya Dym Rosenblum
Nancy Ross
Robert Sash*
Anne Shaw
Mary Stowell
Howard Suskin
Stelios Valavanis

Shyni Varghese*
Hilda Vega
Charles Watkins
Simón E. Weffer
Cindy Wilson

*Executive Committee

THE ACLU LUNCH

FIGHTING FOR A MORE PERFECT UNION

FRIDAY, MARCH 23, 2018

11:00-12:00 p.m.

Registration and Reception

12:00-1:30 p.m.

Lunch and Program

HILTON CHICAGO

720 S. Michigan Ave.

International Ballroom

For more information contact Liesl Pereira at
(312) 201-9740 x 337 or visit our website:

www.aclu-il.org/lunch



ACLU

AMERICAN CIVIL LIBERTIES UNION
of ILLINOIS

ACLU of Illinois
150 N Michigan Ave, Ste 600
Chicago, IL 60601

☎ (312) 201-9740

✉ ACLUofIllinois@aclu-il.org

🌐 aclu-il.org