



ROGER BALDWIN FOUNDATION
OF ACLU, INC.

Illinois

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October 3, 2022

Via Electronic Mail

Awake IL, Inc.
Shannon Adcock, President
shannon@awakeil.com
Josh McBroom, Vice President
joshm@awakeil.com
Steve Lucie, Director
stevel@awakeil.com

Dear Officers of Awake IL, Inc.:

We write on behalf of Kylie Spahn in response to your September 4, 2022 letter threatening to sue her for defamation.¹ Ms. Spahn will not accede in any way to your attempts to suppress her constitutionally protected speech. The social media posts you attached do not contain any defamatory statements, and one of them was removed *before* you sent your letter. Ms. Spahn will not, on the basis of your letter “cease and desist” or “remove” any more of her constitutionally protected speech.

Your boilerplate letter to our client includes two attachments, both of which constitute political speech on matters of public concern receiving the highest level of First Amendment protection. The first is a Facebook post criticizing Mayor Robert Barnett for endorsing a congressional candidate, Keith Pekau, “who is aligned with the domestic terrorist group, Awake Illinois.” On September 3, Ms. Spahn removed the Facebook post and apologized to Mayor Barnett after she learned that, contrary to Mr. Pekau’s claim, the Mayor had not, in fact, endorsed Mr. Pekau. In any case, your letter does not specify any defamatory statements within that post, and in fact, there were none.

The second attachment derives from a statement Ms. Spahn originally posted to her private Facebook account, and later to a local LGBTQ+ community group.² A member of Awake Illinois then tweeted a screenshot of the original post without Ms. Spahn’s knowledge or participation. The statement is not defamatory. An ample public record supports its factual assertions, which therefore are not actionable. Mostly, the post simply expresses the writer’s opinion about Awake Illinois. Neither the First Amendment nor the common law of Illinois

¹ Notably, the letter was not sent to Ms. Spahn’s email or physical address, but to an infrequently used email account belonging to her husband.

² The post has since been removed from the community group’s page.

allows Awake Illinois to recover damages or other relief against Ms. Spahn for expressing her opinion that Awake Illinois and its members are “homophobic, bigoted racists” who pose a danger the community.

Awake Illinois and its leaders frequently accuse their opponents of nefarious motives or deeds and use hostile epithets—such as “groomers,” “hateful,” “perverts,” and “criminal lying bastards,”— to characterize those who disagree with them. Yet when others express their frank opinions about Awake Illinois, it responds with demands for silence. The inconsistency speaks volumes.

The First Amendment is the cornerstone of democracy because a self-governing people cannot make wise decisions without a free exchange of ideas. Organizations that thrust themselves into the center of public debate on matters of grave political and social consequence must be prepared to weather criticism. When they choose instead to make baseless threats against their critics, they impoverish the marketplace of ideas and undermine public debate.

As part of that debate, Ms. Spahn expressed a dim view of Awake Illinois. She made no threats, incited no violence, and told no lies. Her speech is not grounds for liability, and she will neither cease nor desist.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca K. Glenberg". The signature is fluid and cursive, with the first name being the most prominent.

Rebecca K. Glenberg
Senior Staff Attorney

cc: Kevin Fee