

SPRING 2022

**SILENCE
NEVER WON
RIGHTS**

IMPACT REPORT

ACLU Illinois

WE MUST BE EVERYWHERE THAT LIBERTY IS THREATENED

A note from ACLU of Illinois Executive Director,
Colleen Connell (she/her)



At a time when we want to embrace spring and emerge, hopefully, from a worldwide pandemic, many of us remain deeply anxious about our democracy. Without strong democratic structures, we cannot protect the fundamental rights that are essential to any concept of individual liberty.

It might be tempting, here in Illinois, to shrug one's shoulders and say what can I do? We cannot remain nonchalant about what happens beyond our state. We cannot long tolerate a situation in which 26 states, increasingly, do not recognize reproductive rights, LGBTQ+ rights – especially trans rights, voting rights or other fundamental rights.

So, what are we to do, here in Illinois? What is the ACLU to do to remedy these wrongs?

We must start by telling the truth about our country's flaws. It is a profound act of patriotism to honestly appraise our country's faults and commit to rectifying them. And so, the ACLU must continue to file federal lawsuits, telling the "truth" even to a Supreme Court currently hostile to fundamental rights. The Supreme Court's repressive 6-3 majority, in fact, deepens rather than diminishes the ACLU's obligation to tell the truth to that court. At some point, hopefully not too far in the future, we will bend toward

justice the arc of the Supreme Court's jurisprudence again. But that arc will not bend if we do not fight today.

Simultaneously, then, we must contest in state courts the restrictions on liberty that are popping up throughout the country. States can provide more protection for fundamental rights; they just cannot, consistent with federal constitutional law, provide fewer protections.

And we cannot stop with the courts. We also must be a truth teller in Congress and in legislative bodies across the country. We must continually challenge congressional rules that empower a minority of elected officials to block legislation supported by the majority of Congress – and supported by a majority of people across the country.

And, each of us must take up that role as a truth teller in our own communities including by advocating in state legislatures, city councils, school boards, library boards, and even at the dinner table with our family and friends. We must be everywhere that liberty is threatened.

We cannot simply walk away from attacks on democracy and expect that someone else will fix our country. The ACLU is committed to this work, but it is not a fight just for the ACLU as an organization. Each of us, individually, has a role to play in protecting our democracy.

Thank you for your continued partnership. Together, we will build a more perfect union.

UPDATE ON THE FIGHT FOR RIGHTS AND LIBERTIES

In the first three months of 2022, we have continued to resist and oppose nationwide attacks on bodily autonomy – especially on abortion and transgender rights – voting rights, and more. Meanwhile, our work in Illinois continues to cover a broad range of essential rights and liberties, including efforts to prevent ICE agents from exceeding the limits of their authority, fighting for people’s right to gender affirming healthcare, working to ensure access to abortion, and demanding police accountability. Read more below about recent updates on our work.

NEW MOTHER FILED COMPLAINT AFTER NON-CONSENSUAL AND DISCRIMINATORY DRUG TESTING

In partnership with the [National Advocates for Pregnant Women](#), we filed a [human rights charge against Saint Alexius Medical Center](#) for a non-consensual drug test of a first-time mother, Ms. F., before she went into labor. When the test came back positive for opiates, Ms. F. explained how she had consumed a traditional Polish Easter poppy seed cake before entering the hospital. And although her baby had no symptoms of opiate withdrawal, the hospital reported her to the Department of Children and Family Services (DCFS).

Ultimately, DCFS subjected Ms. F. and her husband to “safety plan,” forcing them hire a stranger to be a third-party chaperone in their home—impacting Ms. F.’s ability to build a healthy, joyful bond with her newborn and heal from her traumatic birth experience. The human rights charge alleges that Saint Alexius’ practice of drug testing pregnant people without their knowledge or consent, in the absence of a medical justification, discriminated against Ms. F. on the basis of sex and pregnancy. The practice is widely opposed by leading medical organizations and experts. We hope that Ms. F.’s bravery in challenging this harmful practice will lead to positive change.

DENIAL OF HEALTHCARE COVERAGE TO TRANSGENDER EMPLOYEES CONFIRMED TO VIOLATE STATE LAW

[In a unanimous decision](#) issued in February, the Illinois Human Rights Commission (IHRC) confirmed that excluding gender-affirming care from employee insurance

plans violates Illinois’ civil rights laws. The IHRC found that the employer’s health plan denied our client, Kate Holt, coverage for hormones that it otherwise would have granted to employees who were not transgender.

When first hired by the City of Springfield, Ms. Holt sought coverage for medications prescribed by her physician to treat her gender dysphoria. Ms. Holt soon found that the City’s plan specifically denied coverage for “sex transformation and hormones related to such treatment.” This exclusion exclusively targeted transgender people seeking treatment for gender dysphoria. Ms. Holt spent months contacting those responsible for her insurance plan, but her requests were repeatedly denied. In response to the ruling, Ms. Holt said, “Transgender employees deserve the same protections as all other workers. The City of Springfield denied me coverage under its employee plan simply because of who I am. That was wrong.” By challenging this discriminatory exclusion, Ms. Holt has helped other public employees get the care they need in the future.

FEDERAL COURT ORDERS BUREAU OF PRISONS TO SCHEDULE FIRST-EVER GENDER-AFFIRMING SURGERY

For the first time ever, the federal Bureau of Prisons (BOP) has been [ordered to immediately secure a qualified surgeon so that, Cristina Nichole Iglesias, a transgender person in federal custody, can receive gender-affirming surgery](#). The federal court’s order follows three years of litigation in which Ms. Iglesias sought this medically necessary surgery but faced repeated delays, denials, and deception from BOP. The court’s latest order requires BOP to provide a detailed timeline for Ms. Iglesias’s surgery, including undertaking a nationwide search to identify a qualified surgeon.

The district court previously issued a first-of-its-kind order that the federal Government evaluate Ms. Iglesias prisoner for gender-affirming surgery. BOP then recommended Ms. Iglesias for surgery, but sought to postpone any referral to a surgeon for months. The court’s recent order requires BOP to immediately locate a qualified surgeon and begin the process of scheduling Ms. Iglesias’s surgery.

PUSHING BACK AGAINST AUTOMATIC LICENSE PLATE READERS

Companies are aggressively marketing [automatic license plate readers](#) in communities across Illinois. We have long expressed concern about these devices, especially their impact on personal privacy, and ACLU Chapters across our

state are pushing back against proposed policies. The Urbana City Council recently rejected a contract to purchase cameras. The City of Bloomington recently delayed action after the ACLU chapter in Central Illinois raised concerns. Leaders of our Springfield chapter are meeting with police officials to discuss a stringent privacy policy to guide use of the cameras in that community. And, ACLU Peoria chapter members are also raising concerns on the lack of regulation for these cameras and the data they collect.

SETTLEMENT REACHED IN CHALLENGE TO ICE RAIDS

In February, a [federal court in Chicago](#) approved a [class action settlement](#) that will curb actions by the U.S. Immigration and Customs Enforcement (ICE) that resulted in arrests – and often trauma – in immigrant communities. The settlement calls on ICE to develop a new national policy limiting arrests without a warrant and regulating the use of practices such as traffic stops and ICE officers pretending to be police officers. This settlement came out of a series of high profile immigration sweeps conducted in the Chicago area during the Trump Administration.

In 2018, ICE conducted community enforcement raids that relied on so-called “collateral arrests,” which swept up any individuals they encountered who they believed to be undocumented, regardless of whether they were a person sought in the enforcement operation. ICE also conducted unlawful traffic stops based on thinly veiled racial profiling that fueled fear and distrust in Black and Brown communities. The new policies that will result from the settlement are a significant step towards holding ICE and its officers accountable for operating within the limits the law and Constitution place on them. This victory was only possible in partnership with the [Illinois Coalition for Immigrant and Refugee Rights](#), [National Immigrant Justice Center](#), and [Organized Communities Against Deportations](#).



[LISTEN: ICE Enforcement In Our Communities](#)

CONTINUING EFFORTS TO REFORM POLICING IN CHICAGO

The Independent Monitor recently released a [fifth report](#) on the progress of the Consent Decree to reform the Chicago Police Department (CPD). This report should be a wake-up call for Mayor Lightfoot and the leadership of CPD. The report makes clear that the City continues to fail in seeking and meaningfully incorporating community input into CPD policies and practices. CPD recently adopted a foot chase policy that ignored concerns raised by the community after the police killings of Anthony Alvarez and Adam Toledo. While CPD disproportionately uses force against Black and Brown people, they fail to prioritize reforming policies and practices to hold officers accountable for shooting and killing Chicagoans. We risk seeing 2022 as a lost year in terms of building trust between the police and the community they serve. The Mayor and CPD need to abandon performative “positive community interactions” and truly get to work to fully embrace change in the way CPD patrols the city’s streets.

2022 ILLINOIS LEGISLATIVE SESSION RECAP

The 2022 Illinois legislative session recently concluded. We worked alongside our partners, activists, and communities throughout the state to successfully push back on efforts to roll back provisions of the SAFE-T Act and the Pretrial Fairness Act. Illinois residents reinforced their desire for more accountability and equity in our criminal legal and policing systems and not a return to “tough on crime policies.” We encourage you to read more about efforts to defend the Pretrial Fairness Act in a [blog post published by our partners at the Coalition to End Money Bond](#).

And, our Advocacy team worked on a number of other issues, including helping to win some guidelines around an expanded program authorizing surveillance cameras on Illinois expressways. [Read more about our privacy concerns around these cameras](#).

We will continue our efforts in Springfield this fall during veto session, which will likely include our proposal to remove the [felony bar for individuals seeking a name change](#) and to [affirm and recognize young people in DCFS care](#). Thank you for taking action during this legislative session and please stay tuned for more information on the work ahead.

[Find out more about our legislative work and ways to take action.](#)

WATCH THE 2022 ACLU LUNCH EVENT RECORDING

On Friday, March 25 the ACLU of Illinois community gathered virtually to celebrate the work of the past year and recommit to the ongoing fight for civil rights and civil liberties. We were inspired to hear from keynote speakers David Cole and Aziz Huq on the fight to protect our democracy and the role that we can all play to advance a more just society.

We also heard from activists working for change across the country including Lavette Mayes from the Coalition to End Money Bond, Oni Blair from the ACLU of Texas, Margaret Wurth from Human Rights Watch, and Erin King, M.D. from Hope Clinic. And, we were moved by performances from Young Chicago Authors Teaching Artist Christie Valentin-Bati, and playwright, composer, and NYCLU Artist Ambassador Co-Chair November Christine. Thank you to everyone who supported the 2022 ACLU Lunch!

[Watch the 2022 ACLU Lunch Event and Bonus Sessions here.](#)



ASK AN EXPERT

The following submitted question was answered by Ameri Klafeta (she/her), Director of the Women's and Reproductive Rights Project at the ACLU of Illinois.

How do we strengthen reproductive rights in all of Illinois and influence the rest of the country? Can any decision about abortion in Texas or Mississippi affect our laws in Illinois?

Nearly 50 years ago, *Roe v. Wade* recognized a right to abortion rooted in the right to privacy in the U.S. Constitution's Due Process Clause. Today, the U.S. Supreme Court seems poised to gut or completely overturn *Roe* in a case [involving a Mississippi abortion ban](#) and has allowed a draconian Texas abortion ban to stand.

Fortunately, the [Illinois Reproductive Health Act](#) protects the fundamental right in this state to make decisions about one's own reproductive health care, including the decision to have an abortion. A state may choose to protect reproductive rights above what the federal Constitution requires. Even if the U.S. Supreme Court reverses *Roe*, the right to abortion still exists for people seeking care in this state. Illinois stands as a model for how states can protect access to reproductive health care. Illinois also has an important role to play in accessing care in the Midwest. Surrounding states like Indiana, Kentucky, and Missouri are among the 26 states ready to ban abortion entirely if *Roe* is overturned.

Finally, if *Roe* is overturned, a host of other rights will be in serious risk. The federal Due Process Clause also protects rights like the ability to make decisions about using birth control or who to marry. Your support and partnership has allowed us to remain strong in this fight, strengthening reproductive rights and remaining vigilant against attempts to reverse our decades of progress.

Do you have a question about a topic pertaining to civil rights or civil liberties? We encourage you to reach out to us at engagement@aclu-il.org with your question and we may include the question and our answer in the next issue of the Impact Report.

COMMUNITY SPOTLIGHT

WHO YOU SHOULD KNOW



Coalition To End Money Bond

The Coalition to End Money Bond (CEMB) formed in May 2016 as a group of member organizations with the shared goal of stopping the large-scale jailing of people simply because they are unable to pay a monetary bond. In addition to ending the obvious unfairness of allowing access to money to determine who is incarcerated and who is free pending trial, the Coalition is committed to reducing the overall number of people incarcerated pretrial as part of a larger fight against mass incarceration.

Together with partner organizations across the state, the Coalition helped form the Illinois Network for Pretrial Justice, which spearheaded the passage of the Pretrial Fairness Act in 2021. This landmark legislation, which takes effect in 2023, will eliminate the use of monetary bond and replacing it with a fair and robust hearing process. By focusing on the specific circumstances of every case instead of relying on access to money to make release determinations, the Pretrial Fairness Act will make Illinois communities safer. We must protect these crucial reforms from attacks rooted in racism and fear.

[Learn more about the Coalition here.](#)



[TAKE ACTION: Oppose Efforts to Roll Back Ending Cash Bail](#)

The ACLU of Illinois has Chapters located across the state, and Student Chapters at local law schools, universities, and high schools. Members of the Chapters build awareness and engage in important on-the-ground advocacy in their local communities.

RAVI DUVVURI



Ravi Duvvuri (he/him) is the Vice Chairperson of the ACLU of Central Illinois Chapter, which he has been a member of since 2018. His primary area of interest is the intersection of civil rights and technology, particularly digital privacy rights.

What is the Central Illinois Chapter working on?

Our Chapter recently was involved in pushing back against the Bloomington Police Department's attempt to install Automatic License Plate Readers (ALPRs) around town without any prior notification. We rallied members of the community and local social justice activist groups to speak out and demand an open and public dialogue, and combined with a media outreach campaign, we were able to get the camera contracts and policies reviewed by the city's Technology Commission and Public Safety Review Board. While the police did ultimately purchase the cameras, we made it clear that the public demands and deserves to be informed of this kind of pervasive surveillance.

In light of this recent activity, we have been making efforts to better monitor the activities of our local governments, school districts, and other entities and making connections with other community activists to help get in front of any future concerns.

What is giving you hope right now?

While we still have some difficulty connecting with the younger generations of activists in our communities, the level of their activism and engagement is amazing. We are seeing kids in our high schools and even junior high schools speaking out and raising awareness of issues that not that long ago would have been swept under the rug and forgotten, and the twenty-somethings are running for public office with the explicit goals of giving voice to the marginalized and preserving civil rights.

What are you currently reading, watching, or listening to?

I've been re-reading Steven Brust's *The Sun, The Moon, and The Stars*, watching *Star Trek: Picard*, and of course looking forward to *Strange New Worlds*.

The [ACLU Next Generation Society](#) is a vibrant and diverse membership group for activists, professionals, artists, emerging leaders, and engaged citizens committed to supporting the essential work of the ACLU and safeguarding civil liberties for future generations. The Next Generation Society fully funds an ACLU staff attorney position each year - the Next Generation Society Staff Attorney. We are thrilled that this position is currently filled by Rachel Johnson.

RACHEL JOHNSON



Rachel Johnson (she/her) is a Staff Attorney in the Women's and Reproductive Rights Project. She joined the ACLU of Illinois in February 2020 after working as a litigator on behalf of survivors of gender-based violence.

What does your work focus on at the ACLU of Illinois?

I work to improve gender equity and expand access to comprehensive reproductive health care, which includes ensuring individuals are not denied care due to their providers' religious views.

What excites you about working with the Next Generation Society?

Reproductive rights and access are under attack across the country. Working with Next Gen allows me to energize others around the issue and work with a diverse set of people who are dedicated to ensuring our fundamental rights are secured in Illinois.

What is giving you hope right now when you think about the future of this work to protect and expand reproductive rights and access?

Our clients always give me hope. Our clients fight against the systems that have harmed them to ensure that others don't have to experience the same violations. Our clients' courage and selfless love in the face of hardship is inspiring.

What are you currently reading, watching, or listening to?

I am currently reading *The School for Good Mothers* by Jessamine Chan and to balance that out I just finished watching *Abbott Elementary*.

GET MORE INFORMATION:

ACT

- Take the Pledge: [Support Trans Youth Now](#)
- Take the Pledge: [Defend Every Student's Right to Learn](#)
- Message your U.S. Senators: [End Racist Sentencing Disparities Now](#)
- Message your U.S. Senators and Representative: [Do Not Reinstate Title 42](#)

LISTEN

- Latest Episode of our Talking Liberties Podcast: [ICE Enforcement In Our Communities](#)
- Latest Episode of ACLU At Liberty Podcast: [Kimberlé Crenshaw on Anti-Racism Education Bans](#)

READ

- ACLU of Illinois: [Testimony Regarding Proposals to Advance Safety for DCFS Workers](#)
- ACLU National: [What You Need to Know About Cash Bail and Crime Rates](#)
- ACLU National: [Doctors Agree: Gender-Affirming Care is Life-Saving Care](#)
- ACLU National: [10 Books Politicians Don't Want You to Read](#)
- ACLU National: [A Student's Journey: Fighting for Education Rights While in Prison](#)

WATCH

- [Peppermint and Taylor Brown: How to Talk About Attacks on Trans Youth \(10:18\)](#)
- [ACLU Lawyer Ria Tabacco Mar on the Path to Gender Justice \(4:09\)](#)

STAY CONNECTED!

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