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## [wuna-list] ACLU CU policy

13 messages

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**Carol Leff** <carolleff1947@gmail.com>  
To: wuna-list <wuna-list@googlegroups.com>

Sun, Nov 1, 2020 at 10:07 AM

Hi Steerers

Happy Central Standard Time. ??

I have been reminded of a policy that I don't think was emphasized in our discussion about our policies and practices by an exchange I have been having with Chris Hansen about meetings.

As a local affiliate, we don't decide ourselves what ACLU policy is or speak in the name of ACLU unless we know for sure what the ACLU policy is. For example, we are part of the End Money Bail coalition not because we individually support that but because that is the state and national ACLU policy. We get confirmation from Chicago that we are correctly interpreting policy if in doubt. If you have been on aclu steering for a while, you are probably aware of this, and that there was a (distant) past issue where our local board did make up its own mind and apparently got it wrong. Perhaps one of our longtime steerers could explain more fully at our next meeting if you're interested.

Anyway, as some of you know, Chris wants us to speak as a local ACLU against the new public meetings rules in Urbana. I have been over the course of several weeks trying to explain that we can't do that. He knows that Chicago doesn't see a legal issue. What is unfortunate maybe is that Chicago is so swamped right now that all we got is a statement that the legal people don't see an issue, but not why. So I have nothing to explain to Chris that would be helpful to him. I dug out some information for him nationally, including a 2019 controversy out in San Diego about a public comment dispute on related but different facts that the ACLU won a compromise on. The idea there was that you can limit time but not bar speakers.

FYI <https://www.sandiegouniontribune.com/communities/north-county/story/2019-09-27/oceanside-brown-act>

So I did try to help. But none of us can actually speak as ACLU against the Urbana regulation because Chicago doesn't see a legal problem with it.

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**Esther Patt** <estherpatt@hotmail.com>  
To: Carol Leff <carolleff1947@gmail.com>, wuna-list <wuna-list@googlegroups.com>

Sun, Nov 1, 2020 at 10:26 AM

Hi Carol,

You sent this message to the WUNA list, not to the ACLU Steering Committee. Did you realize that? I ask only because the message starts "dear steerers."

I think it's good that you explained and made clear that the legal staff in Chicago decide what is and what is not an ACLU issue. It's also a good idea to remind people who complain that ACLU is not like Legal Assistance for the poor. Our legal team's job is not to provide representation every time someone's civil liberties are violated. We simply do not have the capacity to do that. ACLU of Illinois takes cases that will set precedents that strengthen recognition of constitutional rights -- like when we represented the man who was arrested because of his Facebook post about burning the flag.

The local chapter members speak out on those local issues that matter to us -- but only speak as ACLU if the state organization's legal team endorses the position we are advocating.

And what you probably should not have said on the WUNA list but can tell ACLU steerers individually is that Chris Hansen has filed a complaint against the City of Urbana with the Human Relations Commission about discrimination against him by the City and will not accept the HRC's determination that the ordinance cannot be enforced against a unit of government (it can't). He has filed either 60 of the 80 or 80 of the 100 FOIA requests to the city so far in 2020. People like this demand that everyone do their job which he defines as making his concerns a priority. You have spent more time on him than his complaint deserves.

Esther

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Christopher Hansen <[REDACTED]>

Sun, Nov 1, 2020 at 12:17 PM

To: Carol Leff <carolleff1947@gmail.com>

Cc: wuna-list <wuna-list@googlegroups.com>

Carol,

It seems this was posted to the Wuna by mistake, but I'll respond. For everyone else, the backstory is that Mayor Marlin and the City Council have established content-based speech restrictions at public meetings, and are actively interrupting and muting members of the public for saying things they dislike, such as criticizing elected officials.

You and I have not been exchanging emails for "several" weeks. You sent me your first response 6 days ago. You sent a total of 4 short emails.

I did not ask or express interest in the ACLU speaking "against" Urbana's new meeting rules. I just asked for "commentary" from the local ACLU chapter and I didn't even state that I had an opinion on the new rules.

I don't "know" that "Chicago" doesn't see a legal issue. All I know is that, at a public meeting, Bill Brown made vague reference to the ACLU looking at the policies. Brown said they "didn't see any red flags" but that there could be potential problems depending on how it is enforced. I sought clarification on what the ACLU had to say about it, so I contacted both Carol Leff and Bill Brown. Neither have provided any clarity at all and it is so foggy at this point that I'm nearly convinced that no one at the ACLU actually looked at it or gave any opinion. With that in mind, I find Brown's claim to be disingenuous, because it doesn't appear that the ACLU actually looked at this.

Carol, in the case that you've sent the same email to the ACLU Steering Committee, please also forward to them what I've written here, so that they can have my more accurate explanation.

Esther, I think you cannot possibly know what you're talking about. The City of Urbana has received over 600 FOIA requests so far in 2020. I don't know exactly how many I've submitted - maybe a couple dozen.

I now have numerous letters from the Illinois Attorney General indicating numerous violations of the FOIA law by the City of Urbana.

I'm not sure what point you're trying to make about the HRC. It is true that I don't think the City should be allowed to violate their own discrimination laws, and I will pursue that end. Sorry if that bothers you.

What "complaint" are you talking about?

-Christopher

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Sarah Nixon <[REDACTED]>

Sun, Nov 1, 2020 at 6:48 PM

To: wuna-list@googlegroups.com

I'm glad Carol posted to the WUNA list. This is a relevant and intriguing subject, well deserving of a WUNA thread.

I would like to raise my hand, and ask, how can the Champaign County ACLU chapter \*not\* take a stand vis-a-vis our local government's move to suppress free speech at public meetings?

What is the ACLU legal director's stated basis for not taking up this issue?

This violation of our Urbana residents' first amendment rights falls clearly within ACLU policy, and calls, at minimum, for the ACLU to issue a formal position statement and rationale.

Thanks,

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Sarah Nixon

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Sarah Nixon <[REDACTED]>  
To: Esther Patt <estherpatt@hotmail.com>  
Cc: wuna-list@googlegroups.com

Sun, Nov 1, 2020 at 9:10 PM

Hello Esther,

I hear your great frustration and exhaustion.

You feel unappreciated, and sick to death of all the demanding people who think they are entitled to whatever they want from whomever they choose.

As someone who has also volunteered tirelessly for social welfare causes all her life, I share your commitment to create a better society, and I can understand your fatigue, and I am sad that you feel unappreciated. If it makes a difference, I admire, and salute you.

Turning back to the issue at hand, I do see it somewhat differently.

Here's why: suppression of the public's right to free speech is not an issue that affects just one person, nor is it an issue being raised at City Council meetings by Mr Hansen and others (myself included) due to a sense of entitlement. Suppression of speech impacts us all, and I know I'm not the only one who feels grateful for the "squeakiest wheels" in the community. Their tireless public advocacy and criticism, though it can sound strident, and can be uncomfortable to hear for those on the receiving end, is what ensures that our governing systems remain accountable, and respectful of human and civil rights.

As well, the ACLU, a well-funded organization, with paid staff (not just volunteers), is in fact \*the\* appropriate organization to approach in regard to the issue of violations of the freedoms guaranteed to us by the Constitution. Its very raison d'etre is to protect those civil liberties, chief among them the right to speak freely.

I'll incorporate your response to my post, and my thoughts above, into the list thread because the conversation is relevant to WUNA residents, most of whom are concerned about local government processes, and many of whom at least occasionally engage with those processes, and, among other things, give input at Urbana City Council meetings and other municipal board meetings, where, as of a few weeks ago, they now face unconstitutional and obfuscating speech restrictions.

Sending you the best,

Sarah Nixon

Quoting Esther Patt <estherpatt@hotmail.com>:

This issue with the ACLU is the same as the issue with WUNA. Speaking only for myself: no volunteer in any organization owes you anything. No organization owes you anything. If you actually paid dues and don't like that an organization is working tirelessly on numerous fronts but one of them isn't YOUR issue, don't renew your membership.

The sense of entitlement of some people on this list is truly amazing. If people or organizations do work, you seem to think you have the right to direct their work. You don't. And it's not "the job" of ACLU to address every civil liberties offense or the job of the Tenant Union to address every offense against tenants or the job of the Food Bank to make sure every person has food. We all do the best and most that we can do. If others are disappointed, so be it. I turned 65 last month, have lived here for 47 years and am sick to death of all the demanding people who think they are entitled to whatever they want from whomever they choose.

Esther Patt

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Sarah Nixon <[REDACTED]>  
To: Esther Patt <estherpatt@hotmail.com>  
Cc: wuna-list@googlegroups.com

Tue, Nov 3, 2020 at 8:26 AM

Hello Esther,

The litany of allegations in your email, which do not apply to me (I have never filed a tenant complaint, nor a gripe about a food bank, nor ever directed the ACLU to dance to my tune), lead me to wonder if you have perhaps confused me with someone else, and the wavering syntax has made it challenging to determine if you actually are talking to me specifically, or referring to a mysterious unwashed collective of "some people."

But it seems like you might in fact mean me, specifically, when you say "your issue"... So, fyi: There are indeed issues about which I care deeply, and causes for which I take up the banner and advocate unremittingly. You could definitely call those "my" causes. (Please feel free to ask me sometime, if you would actually like to know what they are, and why.) The issue of free speech, however, isn't one of them. It's not "my issue." It's everyone's. Surely we can agree: Freedom of speech is so utterly fundamental a civil liberty as to be all of our "issue."

And like most people, I usually take it for granted.

But when I hear others - for example, recently, a large number of community members - speaking up, rightfully and cogently, at Urbana City Council meetings in opposition to mayoral manoeuvres to curtail free speech (read: utterances critical of her administration), you may hear my own voice echoing support. But that no more makes the issue of free speech "my issue," than say, the right to breathe, so I am quite in the dark as to why you felt you should single me out for a wrath bath via WUNA.

However, it's just words... And there you have it, Esther.

But it's all good... Even though I do think your words quarrelsome, snarky, and snide (and if WUNA were a City Council meeting, some would want you admonished for language that is "abusive," "harrassing," "threatening", and "defamatory")... I will defend, with my little banner aloft, your right to say them.

Wishing you a happy day as you go forth and cast your vote (if you haven't already),

Sarah Nixon

Quoting Esther Patt <estherpatt@hotmail.com>:

Sarah, the point isn't just that I'm tired or that ACLU members think your issue has no merit. It's just that to you it's a big issue because it's your issue; but it's actually a very small issue in the context of ALL of the civil liberties issue that do not get addressed by ACLU -- or by me or by you.

Why post anything at all back to the list? Why not accept the fact that everyone doesn't always jump on board whenever you care about an issue?

Esther Patt

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Christopher Hansen <[REDACTED]>

Sun, Nov 1, 2020 at 11:35 PM

To: Sarah Nixon <[REDACTED]>, Esther Patt <estherpatt@hotmail.com>, wuna list <wuna-list@googlegroups.com>

For whatever it's worth, below is my entire exchange with Carol Leff (ever - I've never spoken to her before), which appears to have led to her email that started this Wuna thread.

----- Forwarded message -----

From: **Carol Leff** <carolleff1947@gmail.com>

Date: Sun, Nov 1, 2020 at 9:41 AM

Subject: Re: Urbana's New Speech Restrictions at Public Meetings

To: Christopher Hansen <[REDACTED]>

No I can't. I haven't been clear--we can only speak as ACLU tout court--that's why we need to check with hQ. Otherwise the hundreds of branches all over the country could say whatever they intuited, contradicting each other, and each thinking that was the position of the ACLU.

We refer issues to Chicago all the time--they do often say to raise questions about a local policy. In the name of the ACLU, I and other steering committee members have contacted locally officials publicly and privately repeatedly in my three months as president in the name of the ACLU, but we need a leg to stand on in terms of national or Illinois litigation and consent decrees -- So for example, ACLU locally supports an end to money bail and is part of that state coalition but that is a clear state and national ACLU stance.

The lawyers on our board are in the same position--they can better identify an issue that ACLU might care about or sort out those that aren't, but they still can't divine what the devil-in-the-details legalities of 1st amendment are. Sorry. I did my best to find an ACLU case for you, and San Diego is suggestive. As I said, I have asked for follow-up from Chicago, but unless they can give me specifics to go on, I can't really speak for the ACLU, especially when their office has said that they don't see a legal issue for us to pursue. I agree that was too general to be very helpful but even with expanded staff, ACLU has been swamped nationally ever since Trump came to office,

On Sat, Oct 31, 2020 at 7:45 PM Christopher Hansen <[REDACTED]> wrote:  
Can you speak as ACLU Champaign County?

On Sat, Oct 31, 2020 at 3:17 PM Carol Leff <carolleff1947@gmail.com> wrote:  
Of course we can speak as individuals but not as ACLU Illinois.

On Sat, Oct 31, 2020 at 12:30 PM Christopher Hansen <[REDACTED]> wrote:  
Oh, someone can definitely take a stance on an issue even if they don't know what they're talking about - I see it all the time :)  
Seriously though, you have at least two lawyers in the local ACLU group, right?

On Thu, Oct 29, 2020 at 12:39 PM Carol Leff <carolleff1947@gmail.com> wrote:  
Bill was talking about Chicago ACLU HQ. I did get back in contact with Chicago to ask for more information about why they don't see a legal issue, but no word yet. Alas, like every other ACLU affiliate, they are preparing to sue the pants off the Trump administration for trying to steal the election....

Local branches of ACLU can't take a stand on the basis of constitutional issues if we don't know what we are talking about. So even though we may be individually concerned, we can't speak for the organization by ourselves. So pending what the official ACLU stance is, I tried searching the web to see if I could find relevant national information. Didn't find anything quite on point but for what it's worth, here are some slightly related issues  
<https://www.aclu.org/blog/free-speech/internet-speech/court-rules-public-officials-cant-block-critics-facebook>

But here's a paper trail you might be able to follow (ACLU challenge on Public Comment Rules):  
<https://www.sandiegouniontribune.com/communities/north-county/oceanside/story/2019-12-04/oceanside-unified-updates-public-comment-rules>

I tried to find coverage in the relevant San Diego California ACLU affiliate, and didn't find coverage, but maybe I missed it. In any case, this is the closest recent ACLU stance on public comment I can find. I will keep looking...

On Thu, Oct 29, 2020 at 11:40 AM Christopher Hansen <[REDACTED]> wrote:  
Hi Carol,

I'm just following up since yesterday the Public i has asked me to author an article on the issue and I would like to get that to them asap.  
You'd mentioned Chicago HQ, which might be great insight, but does the Champaign chapter of the ACLU have a position on this?  
It still isn't clear to me what ACLU persons or attorneys Bil Brown was referring to.

Thanks,  
Christopher

On Mon, Oct 26, 2020 at 11:48 AM Carol Leff <[carolleff1947@gmail.com](mailto:carolleff1947@gmail.com)> wrote:  
I will get back to Chicago HQ and see if they can amplify. You realize of course that my understanding of anything doesn't matter with regard to speaking for the ACLU. I have routinely been listening to council meetings since April and I do understand the issues involved.  
You should know that ACLU Illinois intervened very decisively in another city on the question of restricting public protest gatherings, so it is not that Chicago is not paying attention to us down here  
But I will try to get a followup for you

On Sun, Oct 25, 2020 at 3:29 PM Christopher Hansen <[REDACTED]> wrote:  
Hi Carol,

I understand you are the president of the Champaign Chapter of the ACLU. I'm hoping you would provide me with some commentary on Urbana's new public input rules, passed on October 12th this year, as well as on Mayor Marlin's early instantiation of the same rules at the Urbana City Council meeting on September 14th.

Bill Brown informed me that the new public input rules for Urbana meetings were provided to the ACLU and that their attorneys did not find it to be in conflict with the Illinois Open Meetings Act (or general first amendment rights, I suppose). I'm hoping you can provide more detail, as my own understanding is very different.

Thank you,  
Christopher Hansen