

Champaign, Illinois officials uphold unconstitutional ban on SEP petitioners

Jerome White
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The deputy city attorney of Champaign has upheld the decision by library officials to remove Socialist Equality Party supporters from outside the public library where they were gathering signatures to place SEP state senate candidate Joe Parnarauskis on the ballot in Illinois' 52nd District.

On June 13, the SEP's attorney, Andrew Spiegel, sent the Champaign city attorney a letter in which he called the ban on petitioning on library property "nothing less than an attack on the democratic rights of supporters of third party candidates."

In her reply, Deputy City Attorney Trisha Crowley sought to evade the First Amendment rights of free speech and political expression involved in the ban by claiming that library officials acted solely out of "public health and safety" concerns. Due to the construction of a new library facility, she claimed, the presence of petitioners either at the walkway to the building entrance or in the parking lot constituted a danger to public safety.

The new construction project is, in fact, a block from where the SEP petitioners were standing, and the library authorities never cited safety concerns when they ordered them to leave. Rather, they cited the Library Patron Code of Conduct in order to equate circulating petitions for ballot status—a constitutionally protected activity—with "dangerous and disruptive conduct" *inside* the library, such as playing loud music or fighting.

The deputy city attorney went on to cite as justification for the petitioning ban the US Supreme Court ruling in the 1990 case *The United States v. Kokinda*, which upheld a US Postal Service rule that prohibited "solicitation" on postal premises. She wrote: "The specific factual situation was that the defendants were engaging in that expressive activity on a walkway between the postal parking lot and the post office building itself, a factual situation that is identical to the present case." She added that the majority of high court justices ruled that the postal regulation was not "violative of the First Amendment."

This argument is no less specious than the public safety red herring. In his reply to the deputy city attorney, Andrew Spiegel pointed out that the *Kokinda* case did not address the collection of signatures on nominating petitions for the purpose of access to the ballot in a general election. Instead, it dealt with a US Postal Service regulation prohibiting solicitation of money on postal property.

Spiegel noted that in his concurring opinion in the case, Justice Anthony Kennedy pointed out that the same regulation at issue in *Kokinda* "expressly permits the respondents and all others to engage in political speech on topics of their choice and to distribute literature soliciting support, including money contributions, provided there is no in-person solicitation for payments on the premises."

In other words, the very regulation cited by the Champaign

authorities to justify their suppression of constitutionally protected political activity, such as collecting signatures on nominating petitions, explicitly protects that activity.

In her letter, Crowley said that her defense of the ban on SEP petitioners was not "our final position." First Amendment issues, she wrote, "can be extremely complicated to analyze." City researchers would have to study the question before making a conclusive decision. In the meantime, she wrote, "it appears reasonable for us to continue to enforce our rule until we conduct more comprehensive legal research." This process would not be completed until "the middle of next week."

This is a transparent and cynical ruse, since, as Crowley and the city administration well know, the deadline for the SEP to submit its nominating petitions is June 26, and the effect of their "comprehensive legal research" will be to maintain the ban until after that date.

The exclusion of SEP petitioners from the Champaign Public Library is part of a campaign of obstruction and harassment that has been mounted against the SEP over the past week. Library officials in the adjoining city of Urbana also ordered petitioners to cease their activity outside of the Urbana Free Library.

Then, on June 17, an SEP supporter was threatened by a Champaign police officer while he was petitioning on a busy street corner in the Campustown neighborhood near the University of Illinois.

Such actions constitute an illegal attempt to prevent SEP candidate Parnarauskis from obtaining the 2,985 signatures of registered voters required by the state for third party candidates to appear on the ballot in the November 2006 elections. It is not only an attack on the democratic rights of the Socialist Equality Party, but also on the citizens of Champaign-Urbana, who would thereby be denied the opportunity to vote for a socialist candidate opposed to the pro-war, pro-big business policies of the two major parties.

Despite this harassment, SEP campaigners have collected more than 3,500 signatures, well above the minimum requirement, but they intend to collect 5,000 by June 26. Such an ample margin of safety is essential, since no effort will be spared, especially by the state Democratic Party, to arbitrarily challenge valid signatures in order to keep the socialist candidate off the ballot.

Two years ago, Democratic Party functionaries waged an unsuccessful bid to remove SEP candidate Tom Mackaman from the ballot, after Mackaman had submitted more than enough valid signatures to run for state representative from the Champaign-Urbana district. The challenge of the SEP's petitions, which was based on arbitrary and frivolous objections to the signatures of hundreds of legally registered voters, was orchestrated from the office of the

Illinois speaker of the house, Mike Madigan.

Local Democrats, who were used as “petition checkers” by the Champaign County Democratic Party, were instructed to challenge every signature on Mackaman’s petitions, regardless of clear evidence that the signatures were valid and matched voter registration information.

The Democrats dropped their challenge after legal action was taken by the SEP and scores of readers of the WSWS both in the US and around the world emailed the Champaign County Clerk’s office demanding that Mackaman be placed on the ballot. Mackaman received 1,466 votes in the election, or 3.5 percent of those cast.

Many readers of the *World Socialist Web Site* have already sent emails to the mayors of Champaign and Urbana to demand that authorities cease their harassment of SEP campaigners. In response to one letter writer, Urbana’s Democratic mayor Laurel Prussing tried to distance herself from the police threat carried out in neighboring Champaign—saying the police in Urbana had not confronted SEP petitioners—but then defended her city library’s ban on SEP petitioners.

Prussing added, hypocritically, “The Socialist Equality Party is free to collect signatures just as any other political party, group or any individual may in Urbana...”

The WSWS calls on our readers to step up their emails to the mayors of Champaign and Urbana demanding that the ban on SEP petitioners at the public libraries be immediately lifted and all threats and harassing actions be halted. Champaign Mayor Jerry Schweighart can be emailed at jerry Schweighart@ci.champaign.il.us. Urbana Mayor Laurel Prussing can be emailed at llprussing@city.urbana.il.us.

Below we reprint a sample of the letters sent so far:

Dear Mr. Schweighart and Ms. Prussing,

I am writing to express my deep dismay over your policy of preventing petitioners for SEP candidate Joe Parnarauskis from obtaining signatures.

The claims that your offices in Champaign and Urbana have advanced—that petitioners cannot stand outside a public library, or that you need weeks to examine related legal questions—are so preposterous that they do not deserve further rebuttal. I will simply note that they are either a major error or a de facto ban on third-party candidates carried out by legal thuggery and police intimidation. If it is the former, this error must be corrected immediately.

As someone whose family counts alumni of the University of Illinois Urbana-Champaign, I am profoundly disappointed by the reports I have heard on police interrogating and threatening Mr. Parnarauskis’s supporters. This behavior is more appropriate in a police state than in a democracy, especially in a state that calls itself the Land of Lincoln.

In case you have forgotten, I would like to quote in closing from Lincoln’s first State of the Union address, as he warned against “the effort to place capital on an equal footing with, if not above, labor in the structure of government.” He pointed out that “Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.”

I trust that, in this spirit, the officials of the Land of Lincoln will cease and desist from harassing the SEP’s candidates.

Sincerely,

Jason Herrmann

Dear Mayor Schweighart, and Mayor Prussing,

I am a Canadian reader of the Socialist Equality Party’s web site. I was shocked to read about police interference with petitioners working to place Socialist Equality Party (“SEP”) candidate Joe Parnarauskis on the ballot for state Senate in Illinois’ 52nd District. Apparently, SEP supporters have been banned from municipal sidewalks outside of public libraries. They were also harassed and threatened by local police while petitioning on a public street near the University of Illinois campus.

I understand that SEP supporters are following your electoral laws in their attempt to place their candidate on the ballot. Not only are these people merely attempting to participate as citizens in one of the most public of political processes, i.e., elections, but they also appear to be merely following the legislated requirements to ensure this participation.

Why should citizens be denied the right to engage in this public process in front of a public library or on a public street? I find it hard to think of a single reason justifying this interference, particularly when these people are attempting to meet the rules and conditions set out in your electoral laws.

In closing, I believe that the onus would be on you to justify this interference, and in the meantime would urge you to err on the side of those attempting to participate in your electoral process.

Yours most sincerely,

Dan Parrott

Canada

To Mayor Jerry Schweighart,

I write to protest the police harassment of SEP petitioners for candidate Joe Parnarauskis for collecting signatures in public locations (libraries). If one cannot legally discuss politics on a public sidewalk, then there are no democratic rights left in America. These attacks will be made public to as wide an audience as possible and only expose the fraud of the current political set-up. Please use every means at your disposal as mayor to defend a free and open election process.

Thank you,

Tony Bell

Buffalo, New York

I recently read of your cities’ shabby treatment of third party candidate Joe Parnarauskis. In a time when working Americans have no representation in government and all that passes for democracy are two bloated, war-mongering corporate parties, your obstruction of a genuine grassroots political campaign is particularly disgusting.

It doesn’t take a law degree to understand that the First Amendment provides political speech the greatest measure of protection. Can you honestly say that your cities have provided that level of protection for Joe Parnarauskis?

I will follow this story and gladly give my energy to the SEP effort to counteract your anti-democratic conduct.

Kevin Carney

Sacramento, California



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact