

A reply to the mayor of Urbana, Illinois, on the harassment of SEP petitioners

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Laurel Prussing, the mayor of Urbana, Illinois, has responded to letters sent by readers of the World Socialist Web Site protesting efforts to impede and harass Socialist Equality Party supporters who are gathering signatures to place SEP candidate Joe Parnarauskis on the ballot for state Senate from the 52nd District, which includes Champaign and Urbana, the home of the main campus of the University of Illinois.

On June 12, officials of the Urbana Free Library ordered SEP petitioners to leave the front of the library, citing regulations against “disruptive behavior” inside the library. A similar ban on SEP petitioners was imposed by the Champaign Public Library, and on June 19 a Champaign police officer threatened an SEP campaign worker who was petitioning on a street corner near the university.

Readers of the WSWS from both the US and other countries have sent letters of protest to Mayor Prussing as well as to Champaign Mayor Jerry Schweighart denouncing these anti-democratic policies and demanding that city authorities lift the bans on petitioning outside the libraries and uphold the right of the SEP to petition in public areas.

Below we are publishing a letter Mayor Prussing sent to several readers, which her office forwarded to the WSWS, followed by a reply by Joe Parnarauskis.

Perhaps you need to take what you read on the Internet with a grain of salt. I have received e-mails accusing the Urbana Police of interfering with petitioners. There has been no contact by Urbana Police with petitioners. I verified this not only with the Police Department but with the Socialist Equality Party representative Tom Mackaman on June 19, 2006.

Yes, illegally interfering with petitioners would be wrong. But so is falsely accusing people.

There is no “harassment, persecution, repression or intimidation.” When I spoke with Mr. Mackaman on Friday June 16, I told him of several areas in which petition carriers are welcome, including the Urbana Farmers Market, any public sidewalk, the south of the Illini Union on the University of Illinois campus, going door-to-door to people’s homes, and asking permission from local businesses which have permitted petitioners in the past. Unfortunately, none of this appears on the web site story.

The Urbana Free Library has a policy of not permitting solicitations. This is applied across the board. The Library is run by a Board of Trustees. If they were doing something illegal, we would ask them to stop. But apparently they are operating well within their rights according to our city attorney. Some might argue that the Library should allow petitioners to ask people to sign in the library, however, the library board feels this would not be appreciated by the patrons

and so does not permit unrestricted access to patrons of the library.

Here is the true situation in Urbana, Illinois:

Urbana City Attorney James L. Gitz wrote to Andrew B. Spiegel, who represents the SEP: “I believe a fair reading of state and federal law is that the Library is not a public forum in the traditional sense. However, I would note that the Library has an auditorium and a conference room which can be used by the Socialist Equality Party for meetings and activities in accordance with Library regulations. In other words, there is an alternative to solicitation of signatures at the front entrance of the Library. A second alternative is the use of the public sidewalk adjacent to the street for your purposes.”

We have not banned anyone from municipal sidewalks. We treat all parties equally and numerous third party, fourth party and independents have gotten on the ballot with this system. And we have elections every two years.

I have received a number of intemperate and ignorant e-mails from people who have no knowledge of this city or its long tradition of leadership in the protection of civil liberties or of my own public defense and work for the rights of minority parties to get on the ballot. I have tried to answer the courteous people and have tried to send a response to the socialist web site, but am not sure the message got through.

Laurel Prussing, Mayor

Dear Mayor Prussing,

Your reply to readers of the *World Socialist Web Site* who sent letters to protest the harassment of Socialist Equality Party petitioners in Urbana evades the fundamental question of democratic rights that is at the heart of the matter. You have received dozens of letters, not only from our political supporters, but also from people all over the world who are justifiably angered by the arbitrary and discriminatory decision of officials of the Urbana Free Library to ban SEP petitioners from gathering signatures on public property outside the library.

My supporters and I have a legal and constitutional right to petition and appeal to constituents in my district to place my name on the ballot. The SEP petitioners were gathering signatures from among people who were walking from a public parking lot to the entrance of the library when they were stopped and ordered to leave. This is a clear violation of their First Amendment rights of freedom of speech and political expression.

As a candidate for state Senate, I am required by law to gather the signatures of 2,985 registered voters to place my name on the ballot. As you know, petitioners for independent and third-party candidates are barred from most privately owned areas, and there are only a limited number of well-trafficked public places where SEP supporters can speak to pedestrians and ask that they sign our nominating petitions.

It is ironic that in your city the “free” library has been removed as

one of those places, on the basis of regulations that have no bearing on constitutionally and legally protected electoral activities.

The legal requirements for third-party candidates to obtain ballot status are already so onerous and complex as to frustrate the efforts of those who wish to present before the voters an alternative to the Democratic and Republican parties. It is doubly undemocratic for officials associated with these two parties to place additional obstacles in the way of campaign workers who are seeking to meet the ballot requirements set down by law.

In practice, political and administrative officials treat petitioning as a privilege that they can grant or deny as they see fit. You may verbally espouse fidelity to the rights of independent and third-party candidates, but, as the saying goes, deeds speak louder than words. In defending the library's ban on SEP petitioners, you are condoning a policy that does precisely the opposite of what you claim to uphold.

You say library officials are "well within their rights" to bar petitioners, and point to the library's policy of "not permitting solicitations." There is a clear distinction between "solicitation," which involves some form of commercial activity, and gathering signatures on a nominating petition, which is required by law and is a protected form of free speech.

The US Supreme Court in the 1990 case *US v. Kokinda* clearly made this distinction when it upheld US Post Office regulations prohibiting personal solicitations for the immediate payment of money on postal property. The collection of signatures on nominating petitions, along with other forms of political speech, was not included in the prohibition, the Court majority wrote, and was "expressly permitted."

You make a case for not permitting petitioning "in" the library. As you well know, our petitioners were not *in* the library but *outside* of it, near the front entrance. With this verbal sleight-of-hand you echo the library officials, who defended their ban on SEP petitioners by citing the library's policy manual, which prohibits disruptive behavior within the library building.

In his letter to SEP attorney Andrew Spiegel, Urbana City Attorney James Gitz makes a statement, which you cite uncritically, that should truly be an eye-opener to the citizens of Urbana and all those concerned with democratic rights. Here is the relevant section of his reply to Mr. Spiegel:

"Your letter seems to suggest that the Urbana Free Library is a public forum for First Amendment purposes. However, I find no evidence in the Library's regulations, its traditions, or in law for this conclusion. To the contrary, I believe that a fair reading of state and federal law is that the Library is not a public forum in the traditional sense."

If the public library is not a forum for free speech and thought, then what is? If the city government can uphold the suppression of constitutionally protected public activity at the library, then what is to stop it from declaring other public spaces off-limits for electoral activity or, for that matter, other forms of political expression?

Mayor Prussing, the record of your party in Illinois, the Democratic Party, flatly contradicts your claims to support the rights of third-party candidates.

In 2004, Tom Mackaman, the SEP candidate for state representative in the 103rd District, faced a concerted and unscrupulous campaign to keep him off the ballot. This included a challenge to his nominating petitions orchestrated by state Democratic Party officials, in which local Democrats were mobilized as petition checkers to arbitrarily disqualify the signatures of hundreds of legally registered voters who had signed to place Mackaman on the ballot. These "checkers" were

instructed to challenge every signature on the SEP petitions, regardless of clear evidence that the signatures were valid and matched official voter registration information.

Your party dropped its challenge only after the SEP waged a legal fight and an international campaign, in which readers of the *World Socialist Web Site* flooded the county clerk's office with letters demanding that Mackaman be placed on the ballot.

One final point. You begin your letter disingenuously by suggesting that those who have sent you e-mails were misled by the WSWs and should take its articles on the harassment of SEP petitioners in Urbana "with a grain of salt." In support of this, you imply that the WSWs accused the Urbana police force of threatening SEP petitioners. That is an invention on your part. The WSWs never made any such claim. Rather, it reported, correctly, that a Champaign police officer had threatened an SEP petitioner.

In any event, those who wrote to protest the harassment of SEP petitioners did not limit themselves to the police incident, but directly called on you to reverse the ban imposed by the Urbana Free Library. As one of our readers wrote to you: "I never said the Urbana police had contact with the petitioners. The Urbana Free Library does not have the right to deny petitioners [the right to] collect signatures for their ballot on public property.... You seem to want to research the issue until it is too late to collect the signatures. This is a shallow attempt to continue this ban in spite of its illegality."

Your letter is a rejection of these appeals.

The aggrieved party, Mayor Prussing, is not yourself, but the SEP and those citizens of Urbana who take democratic rights seriously and do not believe political life should be monopolized by two corporate-financed parties, especially by means that violate the letter and spirit of the Constitution. In the current political situation, it is all the more critical that voters have the option of supporting a socialist candidate who is running in opposition to the war in Iraq.

I therefore reiterate my demand that you immediately lift the ban on the right of SEP campaigners to petition outside the Urbana Free Library.

Sincerely,

Joe Parnarauskis

Socialist Equality Party candidate for state Senate from Illinois' 52nd District



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact