



League Links

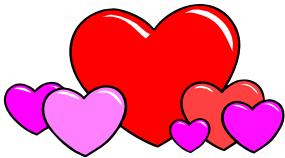
Newsletter of the League of Women Voters
of the Arlington Heights, Mount Prospect, Buffalo Grove Area
Including Prospect Heights, Wheeling and Elk Grove Village, Illinois

February 2012

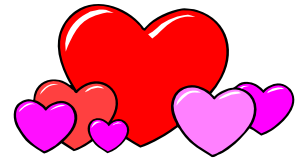
Volume 57, Issue 7

Celebrating 55 years of community service

Our Mission Statement/Purpose: The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.



Activity Calendar

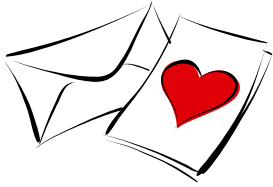


Date	Time	Event
Tuesday, February 7	7 PM	Chat on Privatization Study at Pat Lindner's (see page 5)
Thursday, February 9		First day absentee ballot applications are accepted
Saturday, February 11	9 AM - noon	Candidate forum presented by LWV Palatine for US District 8 at 10:30 AM. Council Chambers, Palatine Village Hall.
Thursday, February 16	Pizza at 6:30	Hot Pizza, Hot Topics! Arlington Heights Historical Society (see page 3)
Tuesday, February 21		Last day to register to vote
Tuesday, February 21	7 PM	Board Meeting at Pat Lindner's. Members invited
Wednesday, February 22	1:30-3:30 PM	Chat on Privatization Study at Fay Michaelis's (see page 5)
Wednesday, February 22		First day of grace period registration and voting
Saturday, February 25	Canceled	LWVAH-MP-BG will <u>not</u> present a candidate forum.
Sunday, February 26	3 PM	LWV candidate forum for US District 10 at Highland Park Country Club.
Monday, February 27		First day of Early Voting
Wednesday, March 7	1:30-3:30 PM	Chat on Privatization Study at Susan Fuller's (see page 5)
Tuesday, March 13		Last day of grace period registration and voting
Thursday, March 15		Last day of Early Voting Last day to request a mail-in absentee ballot, including military and overseas voters.
Friday, March 16		In-person absentee voting begins at the Clerk's downtown Chicago office and five suburban courthouse mini-centers
Monday, March 19		Last day voted mail-in absentee ballots can be postmarked for acceptance by the Clerk's office Last day of in-person absentee voting at the Clerk's downtown Chicago office and five suburban courthouse mini-centers
Tuesday, March 20		PRIMARY Election Day
Tuesday, March 20	7-9 PM	Chat on Privatization Study at Rena Trevor's (see page 5)

The League of Women Voters gratefully acknowledges the generosity of the Horner Group in providing all the printing, postage and mailing services for our bulletins.



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Message from the LWVUS President

Elizabeth McNamara

Last year, Congress's principal environmental target was the EPA. Applying the empty term "job-killing" to every effort to protect our air and water, members of the House proposed countless bills and amendments to abolish or eviscerate an agency with a sound track record of improving the quality of our air and water and, thereby, the quality of our public health. We expect similar attacks to continue as an issue in the 2012 campaign.

The League has responded to slogans with facts, solid poll numbers and grassroots advocacy, including the Clean Air Promise campaign. The focus has been on the states of Michigan, Minnesota, Missouri, Montana, Ohio, Pennsylvania and Wisconsin, but nationwide, we are still encouraging our members and supporters, and their friends and families, to go to our website and make the promise. While we depend on our elected officials at the federal level to protect the public health by ensuring that we have clean air, the Promise is most effective when used as a means to demonstrate public support for the Clean Air Act. This legislation has been and will continue to be successful in its public health benefits if the EPA is allowed to do its job.

Let's all resolve to take this opportunity to make the Promise and send a message to our representatives in Washington: Don't mess with the Clean Air Act; don't mess with the EPA!

In League,

LWVAH BOARD MEMBERS 2011- 2012

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Hot Pizza, Hot Topics

February 16 Discussion Meeting

Come in out of the cold!
Your slice of tasty hot pizza is waiting for you.



AH Historical Society Pizza at 6:30pm Discussion begins 7:30pm

Every year we strengthen the “grassroots” nature of League by joining together to do the Program Planning that leads up to the LWWUS or LWWIL Convention the next June. BUT, the discussion does not begin and end with national and state topics. This is when **YOU** and fellow Leaguers gather to talk over what we have done locally since last February and to make various suggestions for where you all would like to focus our efforts in preparation for our own Annual Meeting (Convention).

This year, it is the LWWUS who is asking us for input on what national positions we want to keep, whether there is an issue we want to study or update, and what should be our Action Priorities at the national level. LWWUS main Action priorities currently are support of the **EPA** (through the **Clean Air Promise**), working to make **campaign financing** more transparent and accountable, and support of **Voting Rights** through opposition to Voter ID legislation (both lobbying efforts at the state level and before the Justice Department, and filing suits when those efforts fail), discriminatory Redistricting Maps, and other Voter Suppression efforts. How do you feel about these? Do you have ideas about other issues to prioritize?

BUT, our discussion will not begin/end with national topics. What about what’s happening locally? From studies of the Federal Role in Public Education to the current study of Privatization of Government Services, from renewed efforts to support housing for persons with mental illness (see next page) to successful lobbying of local legislators to Abolish the Death Penalty, and continuing opposition to the expansion of gambling at the race track, you and fellow Leaguers have been and will continue to be busy! BUT are these the issues you want to put your time and efforts behind?

Let’s put our heads and ideas together!

Let’s create such a program for our League that you will feel encouraged joining together
To Make a Difference, to Make Democracy Work!

Did You Miss a Really Good One?

Recap of MLK Program on District 214’s Newcomer Center

Our really effective speaker was Mario Perez, the Coordinator of the Newcomer Center. The members in the audience were fascinated by both Mr. Perez’s presentation about the programs at the Center and his stories about the students served by the Center. Afterwards, several members decided they were so impressed they wanted to send a letter to the Superintendent and Board members of Township High School District 214.

“His presentation fully engaged the listeners. He outlined the Center’s mission as one that builds up newly enrolled immigrant students in understanding and use of English, even while on-site high school courses are taken in preparation for entering four of District 214’s high schools. He clearly described those considerations and unique skills needed for working successfully with these students in a non-threatening, supportive atmosphere.

Fay Michaelis wrote the letter and parts are included here as the best expression of the whole experience:

“We were impressed with the standards for learning set by the Center’s staff, as well as by their qualifications, dedication, and sensitivity in transitioning these kids toward fulfilled lives. We consider this program to be a ‘real jewel’ and a positive model for other high school systems to emulate. How proud we are to have the Newcomer Center in this locale!”

Updates: Immigration, Environment, Housing for Mentally Ill

Immigration Update

President Obama has proposed an immigration rule change that will keep families together by cutting bureaucratic wait times and relieving undue hardship on U.S. citizens who are unfairly separated from their loved ones.

The current law requires undocumented spouses and children of U.S. citizens to leave the country in order to complete the legal immigration process. But once they leave the country, they are often prohibited from returning to the United States -- sometimes for up to a decade.

President Obama's proposal would allow undocumented children and spouses of citizens to complete most of the process to gain legal status in the United States, avoiding the unnecessary and sometimes extensive separation of families.

Update on Environment:

Obama/Jackson Mercury Rule Is a Big Win for Public Health

On December 21, the Environmental Protection Agency released an historic rule regarding the emission of Mercury and Air Toxic Standards at power plants. The League applauded the efforts of the Obama Administration with a statement from Elisabeth McNamara and a joint statement with leading public health and environmental groups.

LWVUS Lobby Corps will be carrying League's message when they visit U.S. Senate offices to urge Senators to oppose efforts to overturn Administration initiatives that protect public health and the environment, such as the new mercury and air toxics rule and the recent decision to block the Keystone XL pipeline.

Update on the Proposal for Housing for Persons With Mental Illness in Arlington Heights

From Hugh Brady, Task Force President



Here's the latest on the Task Force/Thresholds/Daveri PSH project for Boeger Road in Arlington Heights: The lawsuit is progressing slowly. The attorneys have finished depositions and are now collecting expert testimony. After that there will be a couple of months of pre-trial motions and the thing may go to trial in the summer.

But in the meantime, a group of AH religious leaders and church members from AH are organizing themselves, with the assistance of a Chicago area faith-based community organizing group, the Community Renewal Society (CRS), to push the Village to settle the thing and to stop spending thousands and thousands of \$\$ in a hopeless effort to stop this much needed project.

The group is fired up and wants to work with us to persuade the village to settle the suit and let the Boeger project happen. We discussed various aspects of AH village government and drew up an action plan to start collecting info on the government, trustees,...village procedures...the 5 AH churches that serve as PADS shelters, etc.

**The next meeting is Thursday, February 9, 7:00 PM
at St. John UCC in downtown Arlington Heights**

We're going to share the info we've found out and then start drawing up a strategy. Join us at that meeting. We need your passion, information and connections!

Condolences

Our hearts and thoughts go out to Connie Weissman on the recent death of her father.
Connie is our Technology Geek and a longtime member who served many years on our Board.

Cures for the Winter Blahs and Cabin Fever

Some interesting things to combat the gray days and get you out of the “cabin”

Legislative Interviews

February - March

Early each year, local Leagues are encouraged to meet with their state legislators at their home offices to discuss items of mutual interest. Our League is looking for two members each to help plan visits with our northern and southern state legislators. Questions are provided by the LWVIL Issues Specialists to help guide the conversation. This is a great opportunity for members - both new and experienced - to get to know the people who represent us in Springfield. To participate in the visits to either **Senator Murphy or Representative Mathias**, contact Nancy Duel. To join the conversations with **Senator Kotowski and Representative Harris**, call Cathy Duoba.



LWVUS Privatization Study

February - April

Our League has already started to delve into the issues surrounding the privatization of government services. The LWVUS committee is providing information on the history and background of privatization, legal issues to be considered when privatizing at different levels of government, current state regulations, case studies on successful and unsuccessful privatizing efforts, and finally, suggestions for policies and parameters to be considered when privatizing.

The success of the “Summertime Chats” has encouraged us to repeat the Chats for this study. The chat schedule starts **February 7, Tuesday evening**, at Pat Lindner’s (the paper on Privatization: The Public Policy Debate), and continues on **February 22, Wednesday afternoon**, at Fay Michaelis’s (the 3 papers on state laws and federal and state privatization), **March 7, Wednesday afternoon**, at Susan Fuller’s (the various case study papers re prisons, libraries, etc), and ends on **March 20, Tuesday evening**, at Rena Trevor’s (2 papers on Strategies and on Transparency/Accountability).

Case study papers have been posted on the LWVUS website (www.lwv.org/content/about-privatization-study; use the pdf download option for best reproduction) with additional material to come. **Some of the 10 study titles include:**

[Privatization: The Public Policy Debate](#), this paper by Nora Leech (LWVWA) provides a description of the evolution of privatization as a public policy. (8 pages, plus end notes)

[State Level Privatization 2011](#), this paper by Ann Heneker (LWVOH) presents privatization activities at the state level. (5 pages, plus end notes)

[Federal Privatization: The Ryan Plan](#), this paper by Ann Heneker (LWVOH) looks at a federal privatization plan proposed by U.S. Representative Paul Ryan. (3 pages)

[Strategies for Best Practice](#), this paper by Cathy Lazarus (LWVCA) and Ted Volskay (LWVSC) identifies broad questions and strategies to ensure principles of good governance are followed and to enable stakeholders to participate in a meaningful way in decisions to privatize a government service. (7 pages, plus end notes; also 8 pages of informative tables and appendices)

There are also case study papers on the **privatization of public education, public libraries, prisons, waste-water systems, and railroads.**

Federal Election Commission (FEC)

Right NOW – Feb 20



Join the petition-signing initiative to pressure President Obama to clean house at the FEC (Federal Election Commission) and appoint new commissioners. See article on the next page for more information on the FEC. Since signing can get tricky, go first to <http://www.lwv.org/content/step-step-instructions-signing-white-house-petition> for step by step instructions on signing the petition. Be part of this vital movement to affect our nation's future. This initiative is unique because it allows citizens to create and sign a petition **on the White House’s website** that will elicit a direct response from the Obama administration.

Voter Services in a Transition Year

This is a challenging primary election season. Voters have to deal with redistricting. This has provoked many questions about, "What district am I in?" and "Who is my congressperson?" Here is an attempt to answer those questions.

When we cast our ballots in the Primary Election on Tuesday, March 20, 2012, we are voting to determine who will be on the ballot in the November 2012 General Election. Winners in November will represent us in the new districts we are assigned through the redistricting process, which is required by the U.S. Constitution after a census. The Congress person who has represented us since the 2010 election will continue to represent us and receive our feedback until January 2012, when the candidates elected in November will be installed to represent us.

For the future our League's service area will be in three different Congressional Districts due to redistricting. Buffalo Grove with a bit of Wheeling and Prospect Heights will be in the Tenth Congressional District. Elk Grove Village will be in the Eighth Congressional District. Arlington Heights, Mount Prospect, Wheeling and Prospect Heights will be in the Ninth Congressional District.

Illinois General Assembly districts have changed too, but there are no contested races in our area.

Because of redistricting our League will not present a candidate forum in February. In the Ninth Congressional District candidate petitions have been challenged. Many Leagues in the Tenth Congressional District (north and east of us) are working together to present a candidate forum on Sunday, February 26, at the Highland Park Country Club at 3:00 PM. Palatine and Elgin Leagues will present a forum for candidates in the Eighth Congressional District on Saturday, February 11, at the Palatine Village Hall at 10:30 AM. Robin LaBedz will be the moderator. Petitions of two Republican candidates have been challenged and one Democratic candidate has a scheduling conflict. Whenever there is only one candidate, he or she will be allowed to make a short statement but will be asked no questions. This certainly diminishes the value of the candidate forum for voters. And the poor candidate forum organizers! They may not know until the hour of the event who will participate. .

What's Happening at the FEC? No-thing! How Deadlock and Inaction Prevent Enforcement

The Federal Election Commission (FEC) is comprised of six commissioners – evenly split between Republicans and Democrats. A finding or action needs 4 votes for passage. Commissioners are appointed by the President and confirmed by the Senate. 2012 is an important election year but finds that 5 of the 6 FEC Commissioners are serving despite expired terms and three of the six openly disagree with many of the fundamental campaign finance laws they are charged to enforce.

The Supreme Court's decision in Citizens United (5-4) has led to the explosion of super PACs and the avalanche of cash to buy advertising seen in just the last month. According to the Center for Responsive Politics, as of January 20, 2012, 286 groups organized as Super PACs have reported total receipts of \$32,008,813 and total expenditures of \$33,239,005 in the 2012 cycle. Despite this avalanche of unrestrained fundraising and spending, the ability of the FEC to promulgate rules is hobbled by deadlock and inaction.

Time for Action

To inspire an end to FEC inertia, LWVUS is partnering with other national organizations in "We the People," a petition-signing initiative to pressure President Obama to clean house at the FEC and appoint new commissioners. This petition process has been set up by the White House on the WhiteHouse.gov website. Many of the procedures they put in place are designed to safeguard the process by preventing automated systems from "stuffing the ballot box." While the process may seem complicated, step-by-step instructions to succeed in signing are at: <http://www.lwv.org/content/step-step-instructions-signing-white-house-petition>.

Frequently Asked Questions About LWWIL Voters Lawsuit

(Excerpts) Full text at http://www.lwwil.org/FAQs_redistricting_lawsuit.asp includes more Q/As on further legal aspects, editorials, seminal redistricting cases, and a link to Brennan Center Guide to Redistricting. Now that this lawsuit and a motion to reconsider were both dismissed, the LWWIL has filed an appeal.

When did the League of Women Voters of Illinois (LWWIL) file suit?

The League of Women Voters of Illinois filed a lawsuit on August 16, 2011 against the Illinois State Board of Elections. In addition to the LWWIL lawsuit, Illinois Republican lawmakers filed two suits: one challenging the map drawn by the Illinois General Assembly and another challenging the Congressional map. All three lawsuits were filed in the United States District Court for the Northern District of Illinois. Lawyers in all three cases requested a 3-judge panel (a common practice in Federal court) to hear their respective cases.

Why did the League of Women Voters of Illinois file this lawsuit?

The Board of LWWIL consistently has expressed its support for redistricting reform, including pursuit of a legal option; the Board voted several times between 2009 and 2011 in favor of filing a lawsuit. This lawsuit is not the first attempt of the League of Women Voters of Illinois to reform the current system. Two years ago, LWWIL was involved in a citizens' initiative to amend the Illinois Constitution to create a fairer, less partisan, more transparent process of redistricting. The League and its partners did not have sufficient resources – either time or money – to procure the requisite number of signatures (nearly 500,000 were needed) to place the measure – the Illinois Fair Map Amendment – on the 2010 election ballot. Although launching another citizens' initiative remains a possibility, it would not be effective until 2021 – ten years from now – after the next census. This lawsuit seemed like an opportunity to effect change sooner and keep the issue alive.

What is the basis of the lawsuit?

Part of the League's argument is based in two recent Supreme Court rulings – *Citizens United v. Federal Election Commission*, 129 S.Ct. 2893 (2009) and *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011) – that a state government may not seek to control or balance partisan activity in elections. Government cannot set out to “equalize speech” and so, of course, cannot, therefore, use redistricting to drown out one view or another.

...efforts to challenge political gerrymandering under the 14th Amendment have not been successful. None of the recent Supreme Court decisions regarding either political or racial gerrymandering have been unanimous. Justice Kennedy, even though siding with the majority in *Vieth v. Jubelirer* 541 U.S. 267 (2004), an important redistricting case, found a First Amendment consideration compelling: “The First Amendment may be the more relevant [more relevant than the 14th Amendment] constitutional provision in future cases that allege unconstitutional partisan gerrymandering. After all, these allegations involve the First Amendment interest of not burdening or penalizing citizens because of their participation in the electoral process, their voting history, their association with a political party, or their expression of political views.” Our lawyers have incorporated this theory into our court pleadings. The League's approach to challenging the partisan gerrymandering of Illinois legislative districts is novel and is one that has never been tested, but given the public frustration with the current system, the League chose this approach. Ultimately the League wants the federal court to order a process that is driven by “impartial” decision-makers.

What would happen if LWWIL's lawsuit was to succeed?

As was mentioned earlier, LWWIL is asking the U.S. District Court to order a change in Illinois' redistricting process. Specifically, LWWIL would like the Court to:

1. Declare that the maps drawn and about to be implemented deny or abridge the First Amendment rights of LWWIL members and other residents throughout Illinois.
2. Enjoin the Illinois State Board of Elections from implementing the new legislative maps based on the Court's finding in #1 above.
3. Direct the appropriate Illinois public and elected officials to develop a new process for developing new state legislative districts through the selection of an impartial decision-maker or body by the Legislative Redistricting Commission (Article IV, section 3 of the Illinois Constitution) that ensures the least infringement on the First Amendment rights of Illinois residents based on their political views, opinions and beliefs and ensures that any process developed safeguards against the dilution of minority voting rights under the Voting Rights Act.

The news article below is recommended by LWVUS to understand the importance of the Voting Rights Act's "preclearance" provision in successfully fighting Voter Suppression laws and Redistricting maps, and the urgency League feels that legal attempts to undermine or eliminate the Act may succeed. Also, see News from LWVUS in our December/January and February bulletins. Our League lobbied hard for this Act's renewal when it was due to expire in 2006. It was the topic of that year's MLK Program.

Key Provision of Voting Rights Law Under Court Scrutiny

By Tom Curry, msnbc.com National Affairs Writer

January 20, 2012

A central part of election law dating back to the historic civil rights struggles of the 1960s could be scrapped or curtailed in the coming months as a critical case makes its way through the courts. The fate of a key part of the 1965 Voting Rights Act is now being decided by the federal appeals court in Washington, as a three-judge panel weighs an appeal from Shelby County, Alabama, asking the court to find that Congress exceeded its power when it renewed section 5 of the law in 2006.

Under section 5, nine states, mostly in the South but also including Alaska and Arizona, and dozens of counties and townships in other states, must get permission, or "preclearance," from the Justice Department or a federal court in Washington for any change in voting procedures, no matter how small, that they seek to make. Just last month, the Justice Department used its section 5 power to block South Carolina's law that would have required voters to show photo identification before they cast their ballots.

Why would section 5 of the VRA – which Congress renewed for another 25 years in 2006 -- be unconstitutional? Because, said Shelby County's lawyer Bert Rein during oral arguments Thursday before the appeals, the formula used to determine which states are covered by section 5 is "archaic" – based on voter turnout and registration data from 1972 -- and the flagrant racial intimidation and discrimination in voting procedures that prevailed in those states when the law was written in 1965 and renewed in 1970, 1975, and 1982, no longer exists.

Rein said, "Use of old numbers doesn't work.... There's something amiss in the formula." Judge Stephen Williams seemed sympathetic to that line of reasoning and pointed out during the oral arguments that under the 25-year extension of section 5, section 5 coverage will be determined by voting data that will be 59 years old by the final year of that extension.

Rein's argument was that Congress's decision to impose section 5 on states such as Alabama for another 25 years wasn't proportional to the problems in those states which, he contended, might be addressed through case-by-case litigation, as the Justice Department does in the other 41 states, using a different section of the Voting Rights Act, section 2, which bans any election procedure that denies people the right to vote on account of race or color.

When the House voted to renew expiring sections of the Voting Right Act in 2006, three Republican members from Georgia and Texas proposed amendments that would have limited the extension of the expiring provisions to ten years, rather than 25 years, and would have made it easier for states and other jurisdictions to show a record of non-discrimination and thus be freed from section 5 oversight. Those amendments were defeated on the House floor.

Overshadowing Thursday's appeals court argument was the Supreme Court's decision in a 2009 Texas case, Northwest Austin Municipal Utility District Number One vs. Holder. In that decision the [Supreme] court expressed doubts about the continued need for section 5, noting that "voter turnout and registration rates now approach parity" between whites and blacks in the section 5 states.

Judge David Tatel complained to Justice Department lawyer Sarah Harrington during Thursday's argument that the Justice Department brief made no mention of the 2009 Northwest Austin decision, saying the brief "doesn't engage it; it doesn't cite it.... Is that because you don't think we're bound by Northwest Austin?"

Harrington answered, in effect, that, no, that's not the Justice Department's position, but that section 5 is still good law and necessary public policy, under prior Supreme Court decisions. Tatel repeatedly pressed Harrington on how the Northwest Austin decision should guide the court in the Shelby County case.

(continued on next page)

But Rein came under pressure, too. Judge Thomas Griffith asked him what evidence of discriminatory practices in the section 5 states Congress had before it when it decided to reauthorize the law in 2006. “You’re not arguing that (Congress had no evidence), are you?” Griffith asked.

When Rein replied: “We believe the evidence was equivocal.” Griffith implied that assessing that evidence was the job of Congress, asking, “Isn’t that fundamentally a legislative task?”

Griffith asked Rein what would happen in the nine states if section 5 were removed, seeming to imply that discrimination might return. “I’m not able to make that kind of prediction,” said Rein. “But Congress is,” replied Griffith, seeming to signal his skepticism about having the court substitute its judgment for that of Congress.

Responding to Rein’s portrait of conditions in the section 5 states as being completely different today from what they were in 1965, Harrington said things have gotten better in those states, but “things have not gotten better enough.”

Election law expert Dan Tokaji at Ohio State University’s Moritz College of Law said, “If I had to speculate on how this [federal appeals court] panel rules, I’d say they’d uphold section 5,” but he added “there’s a very good chance it will get to the Supreme Court.”

Additional Food for Thought

By Cathy Duoba

I am definitely not a constitutional lawyer, but it seems there are several problems with eliminating Section 5 and substituting Section 2 as the sole avenue for legal relief.

The first and most obvious, and most important, problem is that to use case-by-case litigation, you first have to have a “case” – meaning the law goes into effect, an election is held, data on the election collected, and only then can plaintiffs come forward to sue that their voting rights were violated. Even if they succeed years later, the barn door is locked after several horses have escaped (several elections held).

Second, there is the hurdle that a successful decision in one jurisdiction does not apply to other jurisdictions with similar laws. Cases must be brought and won in each jurisdiction (with many more horses having escaped). This will be overwhelmingly costly (another problem) since states/counties passing these laws are very determined about “states’ rights” and have greater financial resources to fight these suits all the way to the Supreme Court. In a final irony, the taxes paid by the plaintiffs are part of those financial resources used to fight his suit.

Finally, there is the problem of the shift in the “burden of proof”. Currently, pre-clearance means that when the Justice Department finds a law’s provisions are discriminatory, the jurisdiction has to prove that the finding was incorrect and their law’s provisions do not discriminate. Under Section 2, the plaintiff would have to prove that discrimination occurred and that the provisions of the law denied people the right to vote on account of race or color.

Luckily, according to the attorney from the Brennan Center for Justice speaking at the LWVIL Issues Briefing last Saturday, the plaintiff is allowed to prove discrimination by bringing enough facts to prove that the “effect” of the law was discriminatory. The harder proof that the “intent” of the law was discriminatory will not be required. As past unsuccessful civil rights cases have shown, it is almost impossible to prove “intent” i.e. what was in the minds of the legislators, unless they voice their motives. Unlike half a century ago, legislators have become much more sophisticated when stating their arguments for their proposed laws (e.g. to prevent the possibility of future voter fraud even though it is not now a problem).



Elections: U.S. Supreme Court Blocks Texas Redistricting Plans “The League is disappointed by the Supreme Court’s decision to block the San Antonio federal court’s maps, and urges the federal court to ensure that any new redistricting plans provide the fair representation that Texans deserve,” said LWVUS president Elisabeth MacNamara. “We are, however, encouraged that the Supreme Court decision avoids the worst possible outcome—implementation of the state legislature’s original, discriminatory redistricting plans, which clearly violate both sections 2 and 5 of the Voting Rights Act.”

Redistricting: LWVUS and State Leagues Speak Out

The LWVUS and the Texas League spoke out following last week’s Supreme Court ruling regarding the state’s controversial redistricting plans. Meanwhile, the Pennsylvania League and a group of citizen plaintiffs are celebrating a historic victory as the state Supreme Court has struck down the state’s overtly partisan redistricting plans. The plaintiffs were appealing on the grounds that the plan unconstitutionally splits communities and places incumbent protection before voters’ needs. The voters offered up an alternative plan for consideration by the court. The California League joined other groups in submitting comprehensive recommendations for improving upon the state’s Independent Citizens Commission for the next redistricting.

Elections: Huge Win for South Carolina Voters!

Just before Christmas, the U.S. Department of Justice denied South Carolina’s controversial voter ID law, which was to become effective on January 1, 2012. LWVUS President Elisabeth MacNamara lauded the DOJ decision. Congratulations to the LWVSC for its unremitting efforts to defeat this law, both in the legislature and in urging the DOJ to deny pre-clearance!

Alabama and Mississippi are also awaiting a DOJ pre-clearance determination regarding new ID laws, and Florida is waiting for a decision on voter registration restrictions.

Elections: Dead People Voting and Talking News reports from New Hampshire and South Carolina recently claimed that dead people are voting. This is a voter suppression tactic used in the past and the claims have repeatedly been debunked. Learn more about the voter suppression tactic of claiming dead people vote in the Brennan Center investigation showing the claims to be false (see page 14).

Elections: Voting Rights Act under Attack

A challenge to Section 5 of the Voting Rights Act has been on the radar of voting rights groups across the country as numerous new voter suppression laws are being implemented. Section 5 requires all or parts of 16 states (called “covered jurisdictions”) to “pre-clear” proposed changes in voting or election procedures with either the U.S. Department of Justice or the U.S. District Court in the District of Columbia. Last Friday the U.S. District Court in DC heard arguments to overturn Section 5. We anticipate that this argument could be heard by the US Supreme Court before the November elections and could jeopardize a key provision that has been used to protect millions of voters. Find more information at http://nbcpolitics.msnbc.msn.com/_news/2012/01/20/10200523-key-provision-of-voting-rights-law-under-court-scrutiny

Elections: State Leagues Plan Poll Observer Programs in Photo ID States

In those states that have already passed an ID law, the League is actively educating voters and monitoring the effects of the law. Wisconsin and Tennessee have implemented poll observers programs.

Advocacy: Lobby Corps Action in January

This month the Lobby Corps is urging Senators to oppose efforts in the Senate to overturn Administration initiatives that protect public health and the environment. These initiatives include the new mercury and air toxics rule and the recent decision to block the Keystone XL pipeline.



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In this issue:

Page 1

Activity Calendar

Page 2

Message from LWVUS President

LWVAH Board Members

Page 3

Hot Pizza, Hot Topics!

MLK Recap

Page 4

Updates

Page 5

Privatization Study

Page 6

Voter Services

Page 7

LWVIL Lawsuit

Page 8-9

Voting Rights

Page 10

News from LWVUS

Page 11

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