

## Writer offers view from the ground

**Articles question authority and lead to troubles in court**

By James H. Ewert Jr.  
City Beat Editor

In April of 2003, a 48-year-old woman living in a former public housing complex on Chicago's South Side approached independent journalist Jamie Kalven, explaining that she had been the victim of police misconduct.

Diane Bond told Kalven that Chicago police officers unlawfully entered her apartment, handcuffed her, beat her and her 19-year-old son, forced her to expose her genitals and threatened to plant drugs on her.

What struck Kalven most while investigating Bond's allegations were not the details themselves, but the fact that the police department denies the event ever took place.

"Assuming for one moment that these allegations are true, how could it be that these guys operated with this degree of impunity?" Kalven said. "The question that really interests me is how do they go about not knowing, how do bureaucracies and governments go about not knowing things that are within their power to know?"

Shortly thereafter, Kalven began writing what was to become a 17-part series of articles he would publish independently on his website [viewfromtheground.com](http://viewfromtheground.com). He called the series "Kicking the Pigeon" and placed Bond's personal account of the story at the center.

Bond later filed a federal civil rights lawsuit against the police officers and several high ranking members of the Chicago Police Department. What makes the case unusual, is that Kalven, a journalist, agreed to be a witness for Bond.

Now Kalven is awaiting word from U.S. District Court Judge Joan Lefkow on the fate of a pending subpoena issued by the city of Chicago that would require him to relinquish all notes and documents he gathered while writing "Kicking the Pigeon" and any

other stories about public housing and police misconduct.

The city's subpoena comes at a time when journalists face increasing pressure from local and federal governments to divulge confidential sources and information. As more reporters are being thrown in jail for refusing to cooperate, many in the journalism industry are pushing harder for a federal shield law that will protect journalists from being forced to reveal confidential information they gathered while reporting. Kalven's case however, is set apart by his admitted roles as not only an objective journalist, but a human rights activist as well.

### A View From the Ground

According to Kalven, his story began in a place most articles about public housing do not—in public housing. For most stories on the issue Kalven said, are reported on second-hand through court cases, while he uses more personal accounts and a journalistic narrative to convey his points.

In 2001, as the city was preparing to demolish the several buildings that made up Stateway Gardens, many people were abandoning the neighborhood, but Kalven was just moving in.

Located along the Dan Ryan expressway, just across from U.S. Cellular Field, the complex is now completely gone due to the Chicago Housing Authority's Plan for Transformation, which aims to reinvent the city's entire public housing program.

The few that were staying in the neighborhood notorious for drugs and crime felt just as deserted by the police as the buildings were the city.

"I heard endlessly from residents about often observing instances of what seem to be excessive force or police misconduct," Kalven said. "There is a sense of, 'Who cares about community policing,' in a neighborhood that's only going to be here briefly."

To Kalven however, the community represented much more

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Andrew Nelles/The Chronicle  
Aaron Vandermeer, assistant to composer David Baker, uses several cell phones as instruments for the Chicago Sinfonietta on Oct. 2. The performance integrated audience participation into the concert.

## Cellular symphony

**Conductor integrates audience cell phones into orchestra**

By Allison Riggio  
Assistant City Beat Editor

Cell phones aren't usually considered symphony-appropriate. But during two recent concerts of the Chicago Sinfonietta, cell phone use was more than just permitted—it was encouraged.

For the finale of a seemingly typical orchestral performance, audience members were encouraged to play ring tones on their cell phones to coincide with various points in the orchestral piece.

Composer David Baker's "Concertino for Cellular Phones and Symphony Orchestra" made its worldwide debut with the Sinfonietta on Oct. 1 at Dominican University, 7900 W. Division St., and Oct. 2 at Symphony Center, 220 S.

Michigan Ave.

"You are going to be featured as soloists with the Chicago Sinfonietta," said conductor Paul Freeman to the audience. "Please turn on your cell phones."

Just before beginning the concerto at Symphony Center, Freeman instructed audience members to locate their cell phone's available ring tones and to play them when cued by spotlights mounted on the stage. When a green light went on, audience members on the main floor of the hall were to play their tones, and when a red light went on, balcony guests were to do so. When the lights went off, audience members were to end their ring tones as quickly as possible.

When cued, the main floor erupted with the sound of jumbled rings and songs to create a loud, boisterous addition to the instruments in the orchestra. The balcony, which was less populated

than the main seating, was cued in at seemingly less intense points of the concerto. This frenzied result was the intent of the composer, according to Jim Hirsch, the executive director of the Chicago Sinfonietta.

"When you're walking down the street and you pass 15 people and you hear all these little snippets of conversations and all this ambient noise—that's kind of the chaos of everyday life," Hirsch said. "[I think] that's what [Baker] was really trying to recreate a little bit in the concert environment."

Some members of the audience, however, could have done without the addition of cell phones in the piece. Ruby White said that though she enjoyed the concert, she would have preferred to hear a different selection played by the Sinfonietta—without audience involvement.

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## DIY immigration reform

**Local governments sidestep Congress to take on immigration**

By Eric Kasang  
City Beat Editor

With more reporters present than spectators, the Cook County Law Enforcement and Corrections Committee approved on Oct. 2 a resolution to deem the area a "sanctuary county." The proposal, which prohibits County departments from asking about a person's immigration status or denying county services, still needs to be approved by the full Cook County Board.

Before voting 3-to-2 in favor of it, county commissioners debated the merits of local government involving itself in a federal matter.

Cook County, however, is far from alone in taking on the immigration issue. While Congress has failed to provide any comprehensive immigration reform, communities around the

United States, like Hazelton, Pa., and Sandwich, Mass., are enacting laws or sponsoring resolutions to both create tighter enforcement against and provide protection for undocumented workers. And the debate is not disappearing anytime soon.

At the Oct. 2 meeting, Cook County Commissioner Roberto Maldonado, who represents Chicago's North and Northwest Sides, explained the strictly symbolic nature of the resolution.

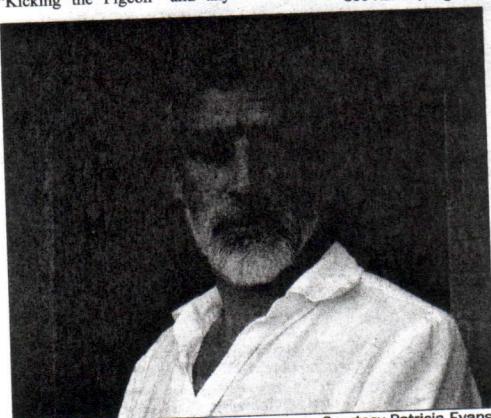
"What we are doing with [the resolution] is telling them that we believe in your struggle," Maldonado said. "And we sup-

port you as we await comprehensive immigration reform in this country."

Maldonado said the part of the resolution that had "teeth" contained a provision that Cook County agencies and employees, like the Sheriff's Department, could not demand to know the immigration status of a person seeking county services. This measure stems from a recent incident at Stroger Hospital where security guards allegedly demanded to know the immigration status of a 77-year-old man and assaulted him while he waited for his wife in a parked car.

Maldonado also mentioned an incident where Cook County Sheriff's officers allegedly asked to see identification from people

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Courtesy Patricia Evans

Author and independent journalist Jamie Kalven is currently awaiting word from Federal Circuit Court Judge Joan Lefkow on the fate of a pending subpoena against him. The City of Chicago is seeking all notes and documents Kalven gathered while writing about alleged police misconduct in public housing.

## Kalven: Courts challenging reporters' privilege

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than several buildings on the eve of destruction. For him, it was a place where he already had numerous ties and connections, and it was also where he and a colleague would eventually set up a website called [viewfromtheground.com](http://viewfromtheground.com).

The site would serve as a blog to report and document stories on the condition of public housing in Chicago. Frustrated by mainstream press coverage of the issue, Kalven sought to immerse himself in the community and report from the ground up, a technique rarely used in conventional journalism.

"What we did instead of criticizing the coverage of public housing by the press, we did primary reporting," Kalven said. "Nobody expects this sort of stuff to come out of a place like Stateway, and the internet allows a kind of strategic access to decision makers."

The website would not only become Kalven's vehicle for exposing what he calls severe and serious human rights violations, but the source of his and his subjects' ongoing legal battles.

The basis for the controversy, however, doesn't have as much to do with the allegations of police misconduct, but Kalven's rather complex motives and his claim that handing over his notes would severely hamper his ability to do the type of embedded work he does.

"We don't consider this to be a reporter's privilege case," said Jennifer Hoyle, spokeswoman for the City of Chicago's Law Department. "Jamie Kalven is listed as a witness for Diane Bond, he is not acting in this respect as a reporter, that's the whole point of our subpoena. He has become intimately involved with this case beyond what you would normally see from a reporter."

Hoyle said the city is pursuing his notes just as they would those of any other witness that has information pertinent to a case. Although Kalven has already delivered a four hour deposition to the city, Hoyle said he has not completely cooperated.

"We think it's relevant, to the extent that he has information regarding statements made by other witnesses that may not be consistent with what they are now saying," Hoyle said.

The city is now appealing a ruling by Magistrate Judge Arlander Keys that the subpoena, was too broad. Because of Keys' decision,

## Symphony: Audience mixed on contributing to classical music

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"I think I hear enough of cell phones every day other than coming to a concert to hear cell phones," White said.

Prior to the concert, Freeman

During 2002 to 2004 citizens filed 10,150 complaints of excessive force. 18 were followed through with a suspension longer than 7 days. 99.8% were not followed through

|                                |       |    |
|--------------------------------|-------|----|
| Complaints of illegal arrest   | 661   | 0  |
| Complaints of illegal searches | 3,837 | 1  |
| Complaints of excessive force  | 5,358 | 15 |

Suspended longer than 7 days

### In the last 5 years, 662 officers had 10 or more complaints — 5% of police force

From 2002 to 2004 the city investigated 18,077 allegations of misconduct, of those complaints 7,864 name the 662 repeat offenders.

Information obtained through documents made available by the Chicago Police Department during court proceedings

Josh Covarrubias/The Chronicle

Kalven has not had to formally claim reporters' privilege, a legal maneuver that asserts the press' right to gather information freely under the 1st Amendment.

If Kalven does, however, he may have difficulties due to an opinion three years ago by U.S. 7th Circuit Court Judge Richard Posner that virtually eliminated any rights granted to reporters in Illinois, Wisconsin and Indiana.

#### Reporters Privilege

Posner's opinion originated from a case involving Sun-Times reporter Abdou Pallasch.

Pallasch and other reporters were interviewing, for a book, an FBI mole who had successfully infiltrated the Irish Republican Army, a terrorist group. The mole was a key witness for Irish prosecutors charging the group's leader, Mickey McKeivitt. On the eve of the trial, McKeivitt's attorneys heard about the book and interviews Pallasch had conducted and filed suit in the U.S. 7th Circuit court to obtain notes and recordings of interviews.

Pallasch said he was ready to go to prison for not giving up his materials. But when his lawyers told him that by refusing the order, Judge Richard Posner would write an opinion that could later be used against him and other reporters, Pallasch gave up the notes and recordings.

"We think it's over, the worst is done, we short-circuited the whole process so there's not going to be any opinion that comes out because the case is over," Pallasch remembered thinking. "Much to our shock and horror chagrin, two months later, from out of nowhere, Posner issues this opinion without any benefit of briefs or oral arguments."

Posner's opinion eradicated any protection journalists have to not

reveal sources or provide information in the federal 7th Circuit. Now Pallasch said the opinion is being used by cities and governments to club journalists into testifying and revealing sources.

"They figure their role as zealous advocates is just to try any tool they've got, and now here's a

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*—Jennifer Hoyle, spokeswoman for the Chicago Department of Law*

new tool they can use," Pallasch said. "If it goes into federal court, it's open season and sure, why not try to get everything they can from the journalists, which is kind of sad."

Although no one can speculate on the city's motives for pursuing Kalven's notes, Kalven and others believe it may have to do with the fact that he is an independent journalist with a self-professed "human rights activist" title.

Lucy Dalglish, executive director for the Reporters Committee for Freedom of the Press, based in Arlington, Va., said Kalven's multiple roles as reporter, journalist and witness, akin to that of a citizen journalist, make it complicated to determine his intentions for writing the stories in question.

Dalglish mentioned independent journalist Josh Wolf, who is currently in jail for refusing to hand over footage of a protest he shot where demonstrators attempted to set a San Francisco police car on fire. She said the circumstances regarding Wolf and

Kalven's cases are similar because there are questions surrounding their intentions at the time of their respective events.

"One of the reasons a reporter's privilege is conveyed by many courts is to protect the independence of the media ability to gather and report news," Dalglish said. "If you have someone there who is clearly on one side or the other, the need to protect the independence of the media is obviously not as great."

Legal battles like the one Pallasch faced and Kalven is currently facing may play part in what Kalven calls "the self-censorship of the mainstream press." He said when [viewfromtheground.com](http://viewfromtheground.com) began, his intention was to report on topics like public housing and police misconduct that are often covered in a traditional way that prevents the stories from being effective. When starting the site, Kalven said the distribution list was carefully created to have it sent out to many top officials and community organizations throughout the city to directly point out problems to the right people.

"Most of the reporting on police misconduct cases is essentially reporting on trials, and that's a particular type of reporting," Kalven said. "This is reporting that's coming from the ground, it's coming from the actual setting that the alleged abuses took place. It's an area where the institutional press, the dailies, has really failed to cover."

#### Citizen Journalism

Richard Roth, associate dean at the Medill School of Journalism at Northwestern University said mounting legal struggles over information and sources shouldn't deter journalists from reporting on stories they might run into trouble

for.

"There's no reason to worry about subpoenas and getting sued—let the lawyers worry about that," Roth said. "If you're a journalist, go do the job... I don't think it's a question of self-censorship, I think it's a question of lazy reporting or alternatively paying attention to the wrong stuff."

Roth, who is also the Society of Professional Journalists director of region 5, which encompasses much of the Northern Midwest, said there's nothing *wrong* with Kalven's type of reporting—it is similar to citizen journalism, but often can blur the news-gathering line.

"There's a difference when there are these other people who want to wrap themselves in the skirts of journalism being reporters and they're writing for themselves," Roth said.

Despite the criticism, Kalven has received for what some call biased reporting, he continues to believe it's possible to care passionately about human rights, your city and your neighborhood, while still being a rigorous journalist. He said the readers can judge for themselves the integrity of the reporting.

"I am someone who is trying to combat what I regard as serious human rights violations by various means," Kalven said. "I don't think the journalism is impeached by the fact I have these other roles. You have to read it and judge it, challenge it and look for soft spots like you would any other reporting."

*Kalven has been invited to speak about his story at Columbia Tuesday Oct. 10 at 6 p.m. in room 219 of the 33 E. Congress Pkwy. building.*

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much like [this one]."

Hirsch said this evolution of mixing classical and modern entities might help break the stereotype of what an orchestra really can do.

"There's a lot of things like [this] that are going on in the orchestral world that are all a part of the process of transforming the orchestra from its museum-like 19th century quality into a much more dynamic, relevant performing ensemble," Hirsch said.

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told audience members the idea for such a piece originated while he was in an airport in Prague. He said he noticed passengers all around him making final phone calls before boarding the plane and realized the "miracle" of this modern technology.

"[Maestro Freeman] saw all these different people on cell phones and kind of how intrusive it was, but also [saw] in a way how it connects people to each other," Hirsch said.

Freeman collaborated with Baker on the idea, who finished

writing "Concertino for Cellular Phones and Symphony Orchestra" about a month ago, Hirsch said.

Attendee Erin O'Keefe agreed that the originality of the performance correlated well with the way cell phones have evolved in our society.

"I do think that it is relevant to our time—the mixing of something that's classical and a foundation of our society, plus something [like cell phones] that we all use," O'Keefe said.

According to Hirsch, the Sinfonietta's mission is to try to

broaden perceptions of how classical music should be performed. The group often tries to incorporate diverse additions to their performances, like playing with a steel drum ensemble or adding visual aids to concerts.

"[An orchestra] becomes classical at the point that it plays repertoire that came out of classical music," Hirsch said, "but the instruments are capable of playing really anything, aren't they? Part of our mission is to... stretch the boundaries of how people perceive classical music by doing pieces very