

CLINIC

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Chicago and Phillip Luetkehans of Itasca and Kane County State's Attorney John Barsanti — were released Monday.

Both Martens and Luetkehans agreed that though Planned Parenthood might have failed to fully disclose information, that failure is not a sufficient basis for suspending, revoking or not renewing the occupancy permit. Barsanti's investigation was confined to searching for criminal fraud, and on Monday morning, he confirmed that he found none.

"All government can do is to treat people fairly, and I believe we have," Weisner said. "We conducted an external review process with multiple people, and found nothing here that rises to the level of denying an occupancy permit."

Luetkehans noted that only minor surgeries are permitted at medical clinics under the city's zoning laws, and set out the three types of abortion procedures that courts have upheld as minor surgeries. Aurora officials said Planned Parenthood representatives signed a letter Monday afternoon agreeing to only perform minor surgeries, and said they would only perform first-trimester and early second-trimester abortions.

Steve Trombley, president and CEO of Planned Parenthood/Chicago Area, said he is pleased with the decision, and announced that the clinic will be open around



PHOTOS BY MARIANNE MATHER / STAFF PHOTOGRAPHER
St. Charles resident Pat Desideri holds an anti-Planned Parenthood sign while listening to Eric Scheidler, the Pro-Life Action League spokesman, relay the news that Planned Parenthood was granted an occupancy permit Monday. A group of people opposed to the Planned Parenthood in Aurora gathered Monday afternoon outside of Aurora's City Hall as Mayor Weisner held a press conference inside.

10 a.m. today. A 40-foot banner that reads, "This center is now open" will be hung from the side of the building, officials said.

About three dozen anti-abortion protesters and three Planned Parenthood supporters rallied on the sidewalk below City Hall during the press conference. Bonnie Grabenhofer, president of the Illinois National Organization for Women, was elated, calling the decision "a victory for women."

"This is a national issue, and it will have an impact nationally as well," she said. "It shows that threats and intimidation and harassment do not work."

Eric Scheidler, spokesman for the Pro-Life Action League and Fox Valley Families Against

Planned Parenthood, was upset at the news.

"The mayor has betrayed us," he said. "He has lied to us. We're going to sue the city so they enforce their own zoning laws."

Scheidler said that Weisner had promised public discussion on the issue once the reports from the attorneys were in, and took the mayor's decision as going back on that promise. Alderman Rick Lawrence, 4th Ward, also in attendance at Monday's rally, said that the City Council should have been given an opportunity to vote on the permit. Aldermen were given the attorneys' reports less than an hour before the press conference.

"(The mayor) left us all in the



Aurora Corporation Counsel Alayne Weingartz answers questions Monday during a press conference at City Hall. The city of Aurora granted Planned Parenthood its occupancy permit.

city," Lawrence said. "We had no idea what to tell our constituents."

City spokesman Carrie Anne Ergo said that occupancy permits are an administrative function, and not subject to council review.

"The mayor has an obligation under the law to follow the city's processes," she said. "To deny this permit any longer would have opened the citizens of Aurora up to expensive litigation."

Luetkehans' report also addressed anti-abortion protesters' assertion that Planned Parenthood needed to obtain a special use permit to open a not-for-profit clinic, according to Aurora zoning code. That particular special use is not mentioned in the planned development district, Luetkehans wrote, and any ambiguity should be found in favor of the applicant — in this case, Planned

Parenthood.

City attorney Alayne Weingartz said she agrees with Luetkehans' opinion, and considers the matter closed.

But Scheidler said that the special use permit issue would be grounds for another lawsuit, one that his organization might file as soon as today. He said they would be seeking a temporary restraining order, hoping to prevent the clinic from opening.

Scheidler's groups filed suit Monday morning against Trombley and Planned Parenthood, charging libel and seeking \$50,000 in damages.

But the court battles will be fought later. For now, Trombley said, it's a busy time at the clinic, as they prepare to open their doors after a long delay.

"This is a victory for women everywhere who deserve access to health care," he said.

For the Record

The Beacon News tries to be accurate and fair in every story it publishes. When a mistake occurs, we want to fix it. To report errors, call Associate Editor John Russell at 844-5902.

Recent Deaths

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- Bauer, John William**, 63, Sugar Grove
- Courter, Irene Krebs**, 82, formerly Aurora
- Fair, Roy**, 72, Sugar Grove
- Melchert, Henrietta C.**, 93, Aurora
- Urbancic, Jewel L.**, 77, Aurora
- Wilson, Thelma L.**, 92, Yorkville

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LAWSUIT

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that the anti-abortion activists in Aurora have "a well-documented history of advocating violence against both persons and property, as well as other related criminal activity."

Trombley's letter lays out a case against Joe Scheidler, a

well-known anti-abortion protester whose son Eric has been serving as spokesman for the Pro-Life Action League and Fox Valley Families Against Planned Parenthood.

The letter references NOW vs. Scheidler, a decades-long court case filed in Chicago that was heard by the U.S. Supreme Court three times, and cites a 1998 jury ruling that found Scheidler's group had commit-

ted 121 crimes "involving acts or threats of force or violence" against clinics that performed abortions.

The 19 Aurorans listed as plaintiffs on the complaint, including Eric Scheidler and his wife April, disagree with Trombley's characterization. The complaint says that the protests in Aurora have been non-violent, and that none of the 19 parties in the suit have a his-

tory of violent action.

The complaint states that Trombley's statements have "harmed plaintiffs' reputations with and among their neighbors in Aurora and surrounding communities," and were designed to cast "a dark cloud of criminality over not only plaintiffs, but all the other hundreds and thousands of the citizens of Aurora and nearby communities" who have pro-

tested Planned Parenthood's clinic in Aurora.

Attorney Tom Brejcha, of the Thomas More Society Pro-Life Law Center, said they are seeking damages in excess of \$50,000, and a retraction of Trombley's statements.

Brejcha originally planned to file the suit last week, but said that he delayed it because more Aurorans wanted to join as plaintiffs.

Sara Knaub, spokesman for Planned Parenthood/Chicago Area, said Monday evening that Trombley had not yet been served with the lawsuit.

"We are not aware of any basis for such a lawsuit, nor has Mr. Trombley been served with any such suit," she said. "Since there has been no service of process there is nothing for us to comment on beyond that."

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FIRED

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findings were referred to the appropriate law enforcement agencies."

It was unclear, however, exactly when the allegations against Jeffrey Rush became known to Blagojevich. A legislative source, speaking on condition of anonymity, told the Sun-Times that the governor's office was aware since at least last year of the "problems" Jeffrey Rush faced.

Blagojevich has a close political bond to Jeffrey Rush's father, who had "asked the administration to be patient" with Jeffrey Rush, the legislative source said.

Attempts to reach Jeffrey Rush were unsuccessful. Rep. Rush declined to answer questions about whether he intervened in his son's hiring. The congressman also would not say if he discussed the allegations against his son with administration officials.

"As a father, I am deeply disturbed and saddened by the allegations against my son Jeffrey," Rep. Rush said in a statement. "I fully support him during these difficult times and my entire family remains in intense prayer for him and others who may be involved in this serious matter. Throughout my life, the welfare of those on various ends of the criminal justice system has been a passionate concern of mine."

Any Corrections Department employee who has sex with inmates could violate a state law that makes such contact a felony pun-

ishable by up to five years in prison.

The crime of custodial sexual misconduct bars any "employee of a penal system" from engaging in "sexual conduct or sexual penetration with a person who is in the custody of that penal system." The law says it is irrelevant whether the sex was consensual because prisoners are "deemed incapable of consent."

The disclosure of Jeffrey Rush's termination is prompting a call for Blagojevich to explain the circumstances behind his hiring.

Federal authorities have been investigating Blagojevich's hiring practices since 2005.

"This is unacceptable, especially in a position like this. Any time you're dealing with a public-trust position or a more sensitive position like the Department of Corrections, you have to have people with the highest integrity," said Sen. John Millner (R-Carol Stream). "There should be an investigation into the hiring of this individual."

The Corrections Department vetted Jeffrey Rush the same as other hires, Schnapp said. All prison employees undergo criminal background checks.

Blagojevich spokeswoman Abby Ottenhoff confirmed Rep. Rush persuaded the administration to hire his son, who had "both law enforcement and supervisory experience."

Ottenhoff said the governor's office gave Rep. Rush "a courtesy call to notify him that Jeffrey was being terminated" after an internal Corrections Department investigation yielded its findings.

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