

June 27, 1980

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL L. SHAKMAN and PAUL )  
M. LURIE et. al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE DEMOCRATIC ORGANIZATION )  
OF COOK COUNTY et. al., )  
 )  
Defendants. )

No. 69 C 2145

CONSENT JUDGMENT  
OF SHERIFF OF COOK COUNTY

Plaintiffs Michael L. Shakman and Paul M. Lurie have filed their First Amended Complaint as supplemented. The plaintiffs (on behalf of themselves and the classes they represent under the First Amended Complaint as supplemented, as determined by previous Orders of Court) and defendant Richard J. Elrod, individually and as Sheriff of Cook County, Illinois ("Sheriff Elrod"), have filed cross-motions for summary judgment herein. The Court entered its opinion and findings of fact on September 24, 1979, which partially granted and partially denied the cross-motions for summary judgment. Plaintiffs and defendant Sheriff Elrod have agreed that it is in the best interest of these parties to avoid further protracted appellate and trial court litigation of the issues settled by this Judgment and have agreed to the entry of this Consent Judgment on such issues with respect to the persons named or referred to in paragraph C below. It is understood that this disposition of this aspect of the litigation does not constitute an admission on the part of defendant of any liability or wrongdoing as alleged in the complaint or as stated in the findings of fact, nor any admission of or concurrence in the rationale of a constitutional infringement as found and held to arise in the order of September 24, 1979.

Now, therefore, upon the consent of the plaintiffs and Sheriff Elrod, it is Ordered, Adjudged and Decreed as follows:

A. This Court has jurisdiction of the parties to this Judgment and of the subject matter of this action under Sections 1331 and 1343(3) of Title 28 of the United States Code.

B. As used in this Judgment (1) the term "Governmental Employment" means any employment (whether full-time or part-time, permanent or temporary, and regardless of whether the employment is paid for by federal funds) within the Northern District of Illinois by or for the County of Cook or any other non-federal governmental entity; (2) the terms "Governmental Employee" and "Employee" mean a person employed in Governmental Employment.

C. The provisions of this Judgment apply to Sheriff Elrod, individually and as a public officeholder, his successors as such public officeholder, the present and future agents, servants, employees and attorneys of Sheriff Elrod and others named or referred to herein-above, and all others in active concert or participation with Sheriff Elrod or others named or referred to above who receive actual notice of this Judgment by personal service or otherwise.

D. It is declared that compulsory or coerced political financial contributions by any Governmental Employee, contractor or supplier, to any individual or organization and all compulsory or coerced political activity by any Governmental Employee are prohibited, and, once hired, a Governmental Employee is free from all compulsory political requirements in connection with his employment. However, Governmental Employees may engage on a voluntary basis, on their own time, in any lawful political activity (including the making of political financial contributions).

E. Sheriff Elrod and all others named or referred to in paragraph C above are permanently enjoined from directly or indirectly, in whole or in part:

(1) conditioning any governmental employment or any term or aspect of such employment (including but not limited to firing, layoff, promotion, demotion, compensation, job assignment, transfer or benefits) upon any employee's (a) past, present or future political support of, or sponsorship by or affiliation or connection with, any political party or any official or associate of any political party or any candidate for public office or any program, position or project of any such political party, official or associate, or (b) lack of such political support, sponsorship, affiliation or connection; or determining, basing or knowingly prejudicing or affecting any aspect of Governmental Employment, with respect to one who is at the time already a Governmental Employee, on the basis of such political support, sponsorship, affiliation or connection, or lack thereof; or taking any action of a punitive or prejudicial nature or effect against any employee relating to his or her employment based upon such political support, sponsorship, affiliation or connection, or lack thereof, or the employee's political beliefs or lawful political activity of any kind or lack of political activity. Nothing in this judgment shall prohibit the disciplining of governmental employees for engaging in political activity in violation of any law.

(2) knowingly causing or permitting any Employee to do any partisan political work during the regular working hours of his or her Governmental Employment, or during time paid for by public funds; provided that nothing contained in this subparagraph E (2) shall prohibit Governmental Employees from voluntarily using vacation time, personal leave time or from taking nonpaid leaves of absence to do political work, but permission to do so must be granted nondiscriminatorily.

(3) knowingly inducing, aiding, abetting, participating in, cooperating with or encouraging the commission of any act which is proscribed by this paragraph E, or threatening to commit any such act.

F. Sheriff Elrod will cause a copy of the "Notice", a copy of which is attached hereto, together with a copy of this Judgment, to be delivered within 30 days of the entry of this Judgment to (1) all Governmental Employees of the Sheriff of Cook County, and (2) all persons who have any responsibility for any personnel decisions affecting Governmental Employees of the Sheriff of Cook County.

G. Sheriff Elrod or his successors in office are directed for a period of ten years following the entry of this Judgment to cause copies of the Notice referred to in paragraph F of this Judgment, together with a copy of this Judgment, to be delivered to (1) all Governmental Employees hereafter employed by the Sheriff of Cook County, (2) all Governmental Employees whose Governmental Employment by the Sheriff of Cook County is hereafter terminated, and (3) all persons hereafter assuming any personnel responsibility as described in paragraph F of this Judgment. Such Notice shall be delivered to such persons within 15 days of such employment, termination or assuming any such personnel responsibility, as the case may be.

H. A copy of this Judgment and the Notice shall be posted in a prominent place at each place where persons may make applications for employment with the Sheriff of Cook County. Such copies shall remain posted for a period of ten years following the entry of this Judgment and shall state that copies of the Notice and of this Judgment are available to any person who requests them.

I. Sheriff Elrod shall cause to be filed with the Clerk of this Court within 45 days of the entry of this Judgment and on or before each January 1 thereafter for a period of ten years following the entry of this Judgment an affidavit showing compliance with paragraphs F, G and H for the period since the date of the most recent affidavit.

J. Except as provided in Paragraph K, this Judgment represents the agreed-to disposition of the claims asserted in this case by plaintiffs Michael L. Shakman and Paul M. Lurie, on behalf of themselves and the classes referred to above, against Sheriff Elrod, and Plaintiffs' claims for money damages, compensatory and exemplary, against Sheriff Elrod are hereby dismissed.

K. Jurisdiction is retained for the following purposes:

(1) To enable the parties to this Judgment to continue to litigate the following questions before this Court:

(a) Certain Governmental Employment positions under the jurisdiction of the Sheriff of Cook County by their nature involve policy-making to such a degree or are so confidential in nature as to require that discharge from such positions be exempt from inquiry under this Judgment. Jurisdiction is maintained to litigate the question of which Governmental Employment positions under such defendant's jurisdiction are so exempt for the foregoing reasons.

(b) On September 24, 1979, this Court entered its decision granting plaintiffs' Partial Summary Judgment on the question of the lawfulness of defendants' conditioning, basing or affecting the hiring of Governmental Employees upon or because of any political reason or factor. The parties reserve their rights to further litigate such hiring decision and the remedies therefore.

(c) There is currently pending in the United States District Court for the Northern District of Illinois Eastern Division an action entitled Burns et al. v. Elrod No. 71C607 (the "Burns Case"), which involves claims by employees discharged by Sheriff Elrod for allegedly political reasons. Because of the pendency of the Burns Case, jurisdiction is maintained to determine what further relief, if any, should be granted as to those employees of the Sheriff of Cook County whose employment has been involuntarily terminated or not renewed since December 7, 1970.

(d) What remedies and implementing procedures ought to be granted and established by the Court in connection with the resolution of the questions raised in the foregoing subparagraphs (a), (b) and (c)?

(e) Plaintiffs costs and attorneys fees.

(2) To enable the parties to this Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Judgment, for the enforcement of compliance with the provisions contained herein, and for the punishment of the violation of any of such provisions. Application to enforce such provisions or to impose punishment for any such violation may be presented to this Court by any registered voter. Prior written notice of all such applications and other matters in this action shall be given to the named parties hereto.

L. The Court expressly finds and determines, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason for delay. It directs that this Judgment be entered forthwith and be effective upon its entry.

ENTER:

\_\_\_\_\_  
District Judge

Dated: \_\_\_\_\_

IMPORTANT NOTICE

TO: ALL EMPLOYEES OF THE SHERIFF OF COOK COUNTY.

On \_\_\_\_\_, 1980, a Judgment was entered in the U. S. District Court for the Northern District of Illinois in the case of Michael L. Shakman et al. v. The Democratic Organization of Cook County, etc.,...the Republican County Central Committee of Cook County, et al., No. 69 C 2145.

The provisions of the Judgment are very important to you as a governmental employee. Only a few of its provisions are summarized in this notice; there are many others you may want to read. The Judgment can be obtained for reading and copying at the Office of the Clerk of the District Court, on the 20th Floor of the U. S. Courthouse, at 219 South Dearborn Street, Chicago, Illinois.

By its terms, the Judgment is legally binding, permanently, on all of the defendants covered by it, on their successors in office, and on others.

Among its provisions, the Judgment prohibits compulsory or coerced political financial contributions or political activity by any city, county, state or other non-federal governmental employee. The Judgment covers you. It applies to you whether or not you are a temporary or permanent employee, work full-time or part-time, or are covered or not covered by civil service. (The only employees not covered by the Judgment are those who the court later determines hold employment positions which involve policy-making to such a degree or which are so confidential as to require that those positions be exempted.)

The Judgment does not prohibit voluntary political activity. Therefore as a voluntary matter, you may do any political work on your own time or make any political financial contributions you wish which are otherwise legally permissible, but your employment cannot be affected one way or the other by whether you do or do not do so.

The Judgment declares that, "once hired, a governmental employee is free from all compulsory political requirements in connection with his employment," and it enjoins the defendants (and others) from "determining, basing or knowingly prejudicing

or affecting any term or aspect of governmental employment...on the basis of such political support, sponsorship, affiliation or connection or lack thereof". This means that you cannot be required:

1. To do work for a political candidate or political party;
2. To make political financial contributions;
3. To raise money for a political cause;
4. To obtain or to maintain the sponsorship of any political party, organization or official.

Likewise you cannot be required to refrain from doing any of these things for any political candidate or party you prefer.

Under the Judgment you cannot be discharged or demoted, not retained in temporary employment, not promoted, or otherwise punished or discriminated against or affected in your governmental employment because of your political affiliation, activity or contributions for any party or candidate, or the lack of such affiliation, activity or contributions. It is also a violation of the Judgment for any person bound by the Judgment to threaten any of such prohibited acts.

The Judgment also prohibits permitting a governmental employee to do political work during working hours for which he is receiving government pay.

Any registered voter is entitled to bring complaints concerning any violations of the Judgment before this U. S. District Court in accordance with the provisions of paragraph K(2) of the Judgment.

The Judgment requires that notice of it be given to present and future employees of the Sheriff of Cook County.

Nothing in the Judgment eliminates or alters any requirement that governmental employees perform the duties of their governmental jobs in a satisfactory manner.

Dated: \_\_\_\_\_, 1980

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Judge of the United States District  
Court