



The Kettle Moraine Press Association (KEMPA) held its annual conference on October 14, 2005 at UW-Whitewater. Renee Crawford, Associate Director of the ACLU of WI led a workshop on Student Press Rights and Responsibilities. Over 50 student journalists from around WI and northern IL participating in the newspaper write-off, editorial writing and cartoon-off competitions attended the discussion. First place for the Cartoon Write off went to Frances Schoeller from Milton High School for his cartoon (above) based on the restrictions to Free Speech set by the Supreme Court's broad Hazelwood decision in 1988 that allows high school principals the right to censor the content of student publications. First place in the News Feature category went to Kurt Gosselin from Tremper High School and first place Editorial went to David Seitz of Wauwatosa East High School. KEMPA (www.kempaonline.com) was founded in the early 1970's with the singular goal of providing programs to enhance and promote scholastic journalism.

Government Spies in America's Dairyland?

Laurence Dupuis, Legal Director

Law abiding Wisconsin residents may be subjects of government surveillance according to the ACLU of Wisconsin's ongoing investigation of FBI and other agency programs here. Given recent disclosures in the national media, the ACLU of Wisconsin is stepping up its watchdog efforts in the hope of determining the extent and legality of government efforts, such as the Wisconsin Joint Terrorism Task Force.

After revelations in the New York Times that the National Security Agency has been eavesdropping on hundreds and perhaps thousands of Americans' international communications without seeking court approval, about one in five people surveyed in a CNN/USA Today/Gallup poll released on February 16, 2006, thought it was likely their phone calls have been monitored. FBI agents told the press that the NSA's program had resulted in nothing but a deluge of false leads they were forced to chase down — adding hay to the haystack instead of providing information that helps find the needle.

In late December, US News and World Report broke the story that the FBI was surreptitiously checking mosques for

radioactivity, without court orders or any apparent reason to suspect that nuclear materials were to be found. At about the same time, NBC

News revealed that the Department of Defense had created a database of "threat" groups and "suspicious incidents" around the country that included purely domestic anti-war demonstrations, protests against military recruitment and other constitutionally-protected expressive activity.

While some Americans and elected officials (led by Wisconsin Sen. Russ Feingold) are worried about NSA wiretapping and other government invasions of privacy, too many people apparently see no problem with the government's Orwellian surveillance activities. A January CBS News/New York Times poll found that 53% of those surveyed approved of the NSA wiretapping. This percentage is discouraging but may be interpreted as surprisingly small given the Bush

...too many people apparently see no problem with the government's Orwellian surveillance activities.

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ACLU Honors Professor Athan Theoharis

Athan Theoharis is considered one of the foremost national experts on FOIA, Spying, Torture, Special Rendition, the FBI, the NSA and Government abuse of power. He has dedicated his lifetime to supporting civil liberties, freedom and personal privacy rights. A professor of history at Marquette University, he is the author of *A Culture of Secrecy: The Government Versus the People's Right*

to Know and multiple other works, and has received numerous research grants and awards. Professor Theoharis has been a member of the ACLU of Wisconsin since the mid-1970's and he has been an invaluable member of the Board of Directors since the 1980's. In a time of increased U.S.



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NEWS

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Annual Bill of Rights Dinner and Annual Campaign

The ACLU of WIF wishes to thank its many sponsors and donors and volunteers for this year's Annual Campaign and Annual Bill of Rights Dinner for their generous support. A special thank you to Dawn Anderson who's dedicated volunteer work on the Bill of Rights Dinner helped to make the event a huge success. Your continuing donations and support will help ensure our ability to continue to fight for the rights of Wisconsinites.

Board Election

The ACLU of WI Board of Directors held its annual Election in January 2006. The response from our membership was the highest in our history with over 1,100 ACLU members casting votes. New Board of Directors members include: Dr. Rafat Arain (Milwaukee), Dr. Bart Hobson (Wausau), Lori Gendelman (Milwaukee), Jose Sentmanat (Madison). We also welcome Gretchen Revie (Appleton) to the Board to replace a retiring Board member.

Annual Meeting

The Annual Membership meeting was held March 18, 2006 at the Pfister Hotel. About 50 members attended the meeting which featured Board member presentations on ACLU activities in the past year and an exciting group demonstration from our Other America Tour youth facilitators.

Democracy's Ghosts

The ACLU of WI will be hosting a brown bag lunch public screening of the new video *Democracy's Ghosts: How 5 Million People Lost the Right to Vote* on Thursday, May 18, 2006 at 12:00 noon in our Milwaukee offices. The 35 minute video chronicles ex-felon disenfranchisement in the U.S. from it's inception to the present day. For more information on ex-felon disenfranchisement the ACLU website www.democracysghosts.org. Please call 414-272-4032 x11 or email liberty@aclu-wi.org to reserve a space at the event. ■

CAPITOL WATCH

The current Wisconsin Legislature will hold its last scheduled general floor period from April 25 - May 4, 2006. During a floor period, the state Assembly and Senate may debate, amend or vote on proposed laws. But the fact is that most of the decision-making during a floor period doesn't occur on the floor, but in a secret private caucus of the majority party. And deliberation behind closed doors often means mischief.

Civil libertarians can only hope that the legislature gets through the floor period transpires without more damage to civil liberties. For the past two years, the folks who control the Legislature have ignored the real needs of Wisconsin residents — like affordable health care, reducing the number of prisoners in our corrections system, and providing an adequate education to all Wisconsin children. Instead, they've been obsessed with pushing their "Gays, Godlessness, Gallows, and Anti-Get-Out the Vote" agenda.

Gays — The Legislature wants Wisconsin voters to write discrimination into our State Constitution. On November 6, 2006, voters will confront a referendum that would prohibit Wisconsin from ever recognizing civil marriage and civil unions between committed same gender couples. The referendum would also threaten any legal relationships, like domestic partnerships,

that may be "substantially similar to that of marriage."

The amendment reminds civil libertarians of the widespread bans on inter-racial marriages that existed before the United States Supreme Court struck down anti-miscegenation statutes in *Loving v. Virginia* in 1967.

The Legislature put this referendum on the ballot after Governor Jim Doyle vetoed unnecessary legislation that would have defined a valid marriage in Wisconsin as only one between one man and one woman. The ACLU of Wisconsin testified three times against these cynical proposals. Wisconsin doesn't need the Marriage - a.k.a. Discrimination - Amendment to defend the religious institution of marriage, or "civilization as we know it," as amendment supporters argue.

The truth is that legislators are using fear to drive their radical right base to the polls during a hotly contested Governor's race. That's shameful. That's why the ACLU of Wisconsin urges its members to Vote No on the Amendment.

Godlessness — We know that throughout Wisconsin, schools and students are struggling with large classes, old buildings, and inadequate supportive services. Is the legislature looking at making sure our schools provide our children with an adequate education? No!

Commentary by Chris Ahmuty,
ACLU/WI Executive Director
and Chief Lobbyist



Youth & Civil Liberties

The Other America Tour is Coming to a City Near You!

By Emilio De Torre, Youth and Program Director

Milwaukee enjoyed a very special March Madness by smashing stereotypes, sharing ideas and exploring the common grounds upon which 500 young people from fourteen different Milwaukee high schools may begin to forge a better future. The ACLU-WI's Other America Tour was hosted and sponsored by a very supportive Cardinal Stritch University from March 20 - 24, 2006.

The award-winning The Other America Tour, inspired by Michael Harrington's 1962 expose on poverty in the US, works to promote awareness, responsibility and action among young people in Wisconsin. High school and college-aged youth train for 70 hours to work directly with their peers across the state to explore exclusion, race, gender, class, sexual identity, religion, age, ability, environmental justice and national ideology. Coordinated by ACLU-WI Program Associate, Patricia Briones, sixteen HS students will peer facilitate the workshops in Wisconsin this year for almost 1,000 participants.

The main goals are for students to leave with a greater awareness of bias and diversity in their society, to provide them with greater knowledge of issues, and to give them some

tools to initiate activism and progressive change. For the most part, the participants are students who live in the same cities, but are separated due to racial, ethnic, socioeconomic or religious status. By partnering young people of diverse backgrounds, students are able to work together on activities that promote greater understanding and respect for one another, while also learning how they can take action in their communities to make a difference. Through dynamic day-long workshops, performance art/theater, poetry (featuring Milwaukee's own powerful and poignant Muhibb Dyer and Kwabena Nixon, as well as ACLU-WI's poet-in-residence, Angie Trudell Vasquez), and a dynamic interactive presentation known as the Tunnel of Oppression, young people are encouraged to explore the issues most essential to their identities as individuals and citizens.

Check out our website to get involved: <http://www.aclu-wi.org/youth> Special thanks to the Brico Fund, the Women's Fund, and to Cardinal Stritch University's Office of Vocation Development. Their generous support of The Other America Tour helps us promote diversity across Wisconsin! ■

The 2006 Jack and Lucy Rosenberg Youth Civil Libertarian of the Year, Robert Phansalkar!!

Robert Phansalkar is a junior at UW-Madison, majoring in Political Science and Hindi. Phansalkar joined the ACLU in 2002 and attended the National Membership Conference in Washington with members of The Other America Tour. Phansalkar soon became an advisor for the Other America Tour and became familiarized with the ACLU of WI's Youth Programs.

Phansalkar has served on the ACLU of WI Board of Directors since 2003 and as the Youth and Civil Liberties Council Chair since 2004. In 2005, he was elected President of the ACLU-UW Madison Chapter.

That same year, Phansalkar drafted a new ACLU bylaw governing the ACLU of WI's Student Chapters. Phansalkar presented the bylaw to various student leaders from across the country at the 2005 ACLU National Biennial in New Orleans, where he served as a Wisconsin delegate.

At UW-Madison, Phansalkar successfully organized a lobby day for Civil Marriage Equality at the State Capitol and organized, drafted, and presented a constitutional Harassment Policy to UW's Division of University Housing. The University implemented Phansalkar's policy in early 2006 with no alterations. For his ongoing and passionate commitment to civil liberties, we are proud to honor Rob Phansalkar. Read the press on UW-Madison's new Harassment Policy: http://badgerherald.com/news/2006/02/07/housing_changes ■

The Other America Tour Facilitators

| | |
|--|---|
| Angelica Atterbury - Juneau HS | Davita Flowers-Shanklin-Milw HS of the Arts |
| Lauran Bowe Slagle - Milw HS of the Arts | Jason Hargis |
| Alejandra Briones - Milw Lutheran HS | Marisa Hernández-Milw HS of the Arts |
| Inez Clay - Riverside University HS | Alyssa Kutil - Pius XI High School |
| Julian D. Curlin - Milw Vincent HS | Naomi Lerman - Milw HS of the Arts |
| Josh DelColle - Marquette Univ HS | Brittney Long - South Division HS |
| Sana Eshai - Waukesha South HS | Maggie Piery - South Milw High School |
| Jasmine Essuman - Nicolet HS | Ebony Taylor - University School of Milw |



Teen facilitators reflecting after coordinating workshops for 500 Milwaukee HS youth at Cardinal Stritch University.

Over 600 Guys Named Steve Support Your Civil Rights!

By Emilio De Torre

Pardon me? With the young American public under assault from creationists attempting to incorporate religious doctrine and pseudo-science in our public school system's curricula, how can 600 guys named Steve help prevent school districts like the one in Grantsburg, WI, from implementing Intelligent Design?

Well, since you've asked, the citizens of the state of Wisconsin still face challenges to our guaranteed constitutional rights. In December 2005, a federal judge in Dover, PA ruled in favor of the ACLU, that intelligent design could not be taught in public school - ID being a euphemism for creationism, the bible's version of the earth's creation. (Not to be confused with the very popular Spaghetti Monster version heralded in an August, 2005 NY Times article). ID is fundamentally a religious doctrine, a sort of "Creationism-lite, half the calories, all the flavor."

In 2004, the Grantsburg School Board thought that the Wisconsin state law mandating that evolution be taught in schools was too prohibitive. That October they voted to include the following in their policy on science education: "When theories of origin are taught, students will study various scientific models or theories of origin and identify the scientific data supporting each." This policy could have required the teaching of ID.

You may believe there is no cause for worry. After all, there would seem to be a big difference between allowing for multiple scientific theories and implementing creationism in a science class. However, consider the following information from the National Center for

Science Education (NCSE) website. David Ahlquist, the Grantsburg School Board president is also a pastor at a local Baptist church. In 2004 a local newspaper reported that his church had hosted Dr. Ron Carlson, a creationist who believes Earth to be less than 10,000 years old and who travels the world giving and writing lectures such as, "The Abomination of Harry Potter" and "Warning: Christianity and Yoga Do Not Mix."

After much criticism, the Grantsburg School Board voted to change its science policy, explicitly stating that the "policy does not call for the teaching of Creationism or Intelligent Design." The entire School Board except for Ahlquist voted for the revision.

College of Letters and Science at UW-Oshkosh, the Reverend John T. McFadden of the First Congregational United Church of Christ in Appleton, WI drafted an "Open Letter Concerning Religion and Science." In two thoughtfully worded paragraphs it emphasizes that many "believe that the timeless truths of the Bible and the discoveries of modern science may comfortably coexist." Actually, in a sermon appropriately entitled, "We Will Not Limit God," Reverend McFadden explains that "to say that God could not have brought the worlds into being through a process that cosmologists call 'the Big Bang' or to say that God could not choose to cover this earth with life in all its infinite variety

through the process of natural selection is not defending God, it is limiting God." In a recent phone conversation I had with Reverend McFadden, he explained the motivation for crafting such a letter. He clarified that his purpose was "not to mock members of different faiths," but to illustrate that the "clear truths of science don't diminish faith. they enrich it." He went on to say that it is not for "specific faith stances to seek to shape science classes in a pluralistic culture." Over 10,300 clergy have signed this letter to date. And this, dear readers, brings me back to my curious title. In 2003, the NCSE created "Project Steve," which is

a spirited nose-thumbing at the ID tactic of compiling lists of "accredited scientists" who "doubt" evolution. The over 600 scientists named Steve who've endorsed this Monty Pythonesque bit of activism help to illustrate the overwhelming numbers of educated professionals who oppose the debasement of our public schools by inserting pseudo-science (or, ahem, religion) where it doesn't belong. ■



This reversal may have been partly inspired by the many letters of protest signed by 43 of the University of Wisconsin System's deans and over 300 religious studies and science faculty members encouraging the board to change their policy.

Another letter exposing the faux "conflict" between science and religion has come to the forefront of the debate as well. With the encouragement of Dr. Michael Zimmerman, the Dean of the

Litigation Highlights

Judge Finds Milwaukee Jail in Contempt for Holding Prisoners for Days without Sleep in Crowded, Filthy Booking Room. In the long-running case of *Christensen v. Sullivan*, filed in 1996, the ACLU of Wisconsin Foundation and the Legal Aid Society of Milwaukee represented prisoners at the Milwaukee County Jail who received inadequate medical treatment and were subjected to severe overcrowded and inhumane conditions throughout the jail, but particularly in the booking room. The case settled in 2001 with an agreement by the County Sheriff's Department, which runs the Jail, to improve its medical care under the supervision of a court-appointed monitor and to control crowding in the jail and its booking room. As a key component of the settlement, the Sheriff promised that it would hold no prisoner in the booking room — which has no beds or showers and is designed to hold people for only a short time — for longer than 30 hours.

In November 2003, an anonymous source inside the jail revealed that people were being held in the booking room for up to 72 hours without getting showers. The County resisted efforts to get information about the allegations, and in fact denied those allegations, until April 2004, when the County produced computer reports showing that thousands of prisoners were held in the booking room for more than 30 hours, with many held for three or more days. Ultimately, records showed that over 16,000 violations occurred between the time the settlement was approved by the Court in 2001 and May 2004.

Interviews with prisoners who were in the booking room during that time painted a grim picture. These prisoners, who had not been convicted of any crime, were held for days at a time without beds, showers, basic hygiene or any food other than “mystery-meat” sandwiches. They were not allowed to lie down in the open waiting area of the booking room and could only sleep, if at all, during eight-hour shifts in which they were locked with 7 or more other prisoners in cells with open toilets and no beds. The concrete floors of these cells — where the prisoners were expected to sleep — were often splattered with liquid from the toilet

and crawling with silverfish. The toilet and body odors in these cells were overpowering, and tempers sometimes flared in the crowded conditions.

On January 4, 2006, Judge Clare Fiorenza issued a decision finding that the County's failure to move people out of the booking room constituted willful contempt of court and breach of the settlement agreement. Although she also ruled that individual monetary payments to prisoners are not available for violations of the agreement, the Judge will now be considering other remedies designed to ensure that such inhumane treatment does not recur. Peter Koneazny, the litigation director at the Legal Aid Society and former ACLU of Wisconsin Legal Director, led the team of lawyers that uncovered and halted the mistreatment. Attorney Patrick Patterson argued the case to the court and, along with Attorney Curry First, was an architect of the legal strategy.

Wisconsin Supreme Court Protects Victims of Police Brutality in State Courts: In December 2005, the Wisconsin Supreme Court ruled unanimously that state trial courts may not require plaintiffs alleging a federal civil rights claim to meet a higher burden of proof than the burden used by federal courts in deciding such claims. Attorney Michael Halfenger of Foley & Lardner's Milwaukee office filed a friend of the court brief on behalf of the American Civil Liberties Union of Wisconsin and argued before the Court on October 7, 2005, urging the Court to ensure that federal rights be fully protected in state courts.

The case, *Shaw v. Leatherberry*, was filed by a woman who charged that Sheriff's deputies used excessive force in strip searching her at the Dane County Jail. The trial judge instructed the jury that Ms. Shaw could only win if she proved her case by “clear and convincing evidence,” a higher burden of proof than the normal “preponderance of the evidence” standard used by federal courts in similar cases. The Supreme Court reversed the trial judge's burden of proof instruction, holding that “the Supremacy Clause preempts our state courts from imposing a higher burden of proof in” federal civil rights actions.

“The Supreme Court made absolutely clear that — as a matter of federal law — state courts can't interfere with federal rights by tinkering with the burden of proof,” Halfenger said. “The decision keeps state courts open as fair forums for constitutional claims against police officers who use excessive force.”

Department of Corrections Changes Policy on Prison Visitors' Right to Wear Religious Head Covering:

In May 2005, a Muslim woman who was forced to remove her religious headscarf, or hijab, in front of male guards and prisoners as a condition of visiting her son's father at Columbia Correctional Institution filed a lawsuit in federal court in contesting the violation of her right to exercise her religion. The woman was represented by David Lasker, a Madison attorney, and the ACLU of Wisconsin.

Cynthia Rhouni, a practicing Muslim woman, wears a headscarf at all times in public, particularly in the presence of men, as required by her faith. Failure to wear a headscarf under such circumstances constitutes a serious violation of her beliefs. On February 2, 2003, Ms. Rhouni took her son to visit his father, an inmate at Columbia Correctional Institution. At the gatehouse, the guard on duty told Ms. Rhouni she would have to remove her headscarf to enter. Ms. Rhouni explained that she wears the headscarf for religious reasons and offered to remove it in the presence of a female guard so the prison could be sure she was unarmed, but prison officials refused to accommodate Ms. Rhouni's request. Because she felt it was necessary for her son, who was having problems in school, to see his father, Ms. Rhouni took off her headscarf in front of the male guard and left it in a gatehouse locker. She entered the prison visiting area, but was humiliated and filled with guilt because she did not have her scarf while in the presence of the male prisoners. Shortly after the lawsuit was filed, the Department of Corrections changed its policy to permit visitors to wear attire required by their religion after a reasonable security search. ■

SPIES *cont'd. from page 1*

administration's fear-mongering.

Some Wisconsinites now reasonably wonder whether their innocent activities are being watched or listened to by the government. The ACLU of Wisconsin Foundation has been trying to find out. In 2003, in the course of defending protestors and legal observers arrested during anti-war demonstrations, ACLU cooperating attorney Michael Cohn obtained "Daily Protest Reports" from the Milwaukee Police Department's "Intelligence Division." Some of these reports inexplicably contained the names of political figures in attendance, despite the fact that they were not arrested and were not responsible for organizing the demonstrations.

This led the ACLU of Wisconsin Foundation to seek information on the extent to which the Milwaukee Police Department and other local law enforcement agencies might be acting at the direction of the FBI. In 2004, we requested information from local law enforcement agencies about their participation in so-called Joint Terrorism Task Forces. We learned that local law enforcement officers participating in the Task Forces are "deputized" as "Special Deputy United States Marshals" and are obliged to follow FBI guidelines on investigative procedures. We sought clarifying language in the agreements between the FBI and the Milwaukee and Madison Police Departments to ensure that local law enforcement agents would not participate in any FBI-initiated activities that violated state law or local policy, including the Bill of Rights protection ordinances passed by both cities. Our requests were rebuffed.

In 2005, the ACLU of Wisconsin Foundation filed a Freedom of Information Act request for documents in the possession of the

FBI on various groups and individuals who had reason to suspect they might be under surveillance. Our clients include Peace Action-Wisconsin, the Islamic Society of Milwaukee, the Wisconsin Coalition to Normalize Relations with Cuba and the Milwaukee Chapter of the National Lawyers Guild, and individuals working with these and other activist groups. The FBI has denied that it has any information on most of the groups and individuals. However, it released information about records pertaining to the ACLU of Wisconsin, including about ten lightly redacted pages, one heavily redacted memo, and logs indicating that about 40 pages were being withheld as exempt from disclosure. We have not received any response to our request with respect to the Islamic Society. Given the recent revelations about FBI fishing expeditions at mosques, this silence is particularly troubling.

While the ACLU is considering further legal action to uncover information about spying on Wisconsinites, informed citizens must raise their voices to educate others about the perils of unchecked government spying and apply pressure to policy-makers to reign in the would-be spies. The history of J. Edgar Hoover's FBI teaches that the government resists disclosure of its surveillance activities, often because those activities are illegal and embarrassing, not because secrecy is necessary to a legitimate investigation. It took the representatives of the people in the form of the Church Commission to bring the FBI to account for its earlier abuses. ■

Military Recruitment Tactics in High Schools Invade Family Privacy

Karyn Rotker Staff Attorney, Poverty, Race and Civil Liberties Project

Should military recruiters get a high school student's name, address and phone number — without parent permission? The ACLU of Wisconsin doesn't think so.

While the No Child Left Behind (NCLB) act says that military recruiters can get students' names, addresses, and phone numbers, the law also says that students (even students under age 18) or parents can tell a school to keep their information private.

Over this school year, we've worked with districts around the state to help protect student privacy. We sent a letter to every district in the state, making sure they know that they have to let parents or students "opt out" of giving information to the military. We've asked them to provide meaningful notice — instead of long and confusing notices, or notices buried in handbooks. We explained the requirement to provide notice in languages other than English, for families who are not proficient in English. We also clarified a separate portion of the No Child Left Behind law that says although schools are to provide military recruiters the same access to students as college recruiters and employers, it does not require that military recruiters be given more access to students than other recruiters.

The ACLU of Wisconsin was even more active in Milwaukee, the state's largest school district. After receiving complaints that students were unaware of their ability to "opt out" of disclosing private information, and complaints of harassment by recruiters in the schools and classrooms, we pressured the MPS Board and administration to protect student rights. We testified at several school board meetings about properly implementing an "opt out" plan. Already, the district has increased access and improved to its "opt out" notices, and it's also developing guidelines for recruiter access to students. MPS board members also voted to legislatively oppose the military recruiter sections of NCLB. Public education material is available in English and Spanish, "Top 10 Questions and Answers about Military Recruiters and High School Students." You can download these handouts from our website: www.aclu-wi.org ■

THEOHARIS *cont'd. from page 1*

Government surveillance and interference in the rights of the people in the United States, Professor Theoharis' lifetime of work has an extra relevancy for all of our freedoms. The ACLU of Wisconsin is proud to honor Professor Athan Theoharis' lifelong dedication to protecting our Constitution with knowledge and truth. To read Professor Theoharis' recent articles in The Nation go to <http://www.thenation.com/doc/20060306/theoharris> ■



Capitol Watch *cont'd. from page 2*

Instead, they're spending their time to - they say - protect God in public school classrooms. For instance, State Senator Tom Reynolds (R-West Allis), has introduced Senate Bill 506, which would prohibit a school board from adopting any textbook that uses the terms "CE" or "common era," and "BCE" or "before the common era," instead of "AD" and "BC," when referring to years. This must be his bill for the ages.

At the same time, even though studies show Wisconsin doing poorly in science education, there's little chance for Assembly Bill 1143 - that would ensure that any material presented as science in the school curriculum is testable as a scientific hypotheses and describes only natural processes — to move forward. State Representative Terese Buceau (D-Madison) introduced AB 1143 to keep "intelligent design" and "creation science" out of the science classroom, but the Legislature is keeping it from moving forward. See Emilio page 4.

Gallows — Wisconsin has been free of the distorting and discriminatory effects of capital punishment since 1853, when our state abolished the death penalty. (Although capital punishment is a possible sentence in federal court here, in state court life imprisonment without parole is available, and is the maximum sentence that can be imposed.) Now Wisconsin legislators, led by State Senator Alan Lasee (R-DePere) and Assembly member Dean Kaufert (R-Neenah), want to put Wisconsin back on the road to judicial murder by placing a referendum on the September 2006 primary ballot.

Senate Joint Resolution 5 would ask voters the following question: "Should the death penalty be enacted in the State of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the homicide is vicious and the conviction is supported by DNA evidence?" The proposed ballot question is obviously loaded, beginning with the fact that voters are not offered the alternative of supporting life imprisonment without parole. And voters need to know other facts that aren't discussed — including the

high cost of the death penalty, the lack of deterrent effect, and its racially discriminatory application.

Despite the opposition of groups from the Wisconsin Catholic Conference to the ACLU of Wisconsin, the State Senate passed the death penalty resolution. There's a chance that the Assembly will take it up during the floorperiod. Will it repeat the kind of shameful political manipulation it exhibited on the Marriage a.k.a. Discrimination Amendment? Assembly Speaker and gubernatorial candidate John Gard (R-Peshtigo) knows, but isn't telling.

The ACLU of Wisconsin asks its members, especially those in Speaker Gard's district, to politely tell their Legislators that they oppose the death penalty — and that responsible Legislators should do so as well.

Anti-Get-Out-the-Vote — In the United States, voting is a right, not a privilege. Wisconsin is justifiably proud of having one of the highest percentage turnouts in the nation. We also have honest elections, despite the fact that until this year voters in communities of less than 5,000 people didn't even have to register.

Yet since the 2000 election, some Wisconsin politicians have been looking for ways to suppress the vote in Wisconsin.

Twice the Legislature has passed, and Governor Doyle has vetoed, bills that would require voters to present photo ID at the polls in order to vote. This proposal is unnecessary, expensive and discriminatory. The photo ID requirement's greatest flaw is that it unconstitutionally disenfranchises large numbers of citizens — especially minorities, poor persons, college students, disabled persons, and senior citizens - who often don't have one of the three forms of allowable ID (a Wisconsin driver's license, State ID or military ID).

Certainly in Milwaukee — and elsewhere in Wisconsin — there have been

But instead of helping persons convicted of crimes become better citizens and participate in the political process, politicians are busy making a stink about felons voting.

serious technical problems with elections (such as delayed registration and the failure to properly handle absentee ballots). But those problems require training and staffing to solve, not photo IDs. And photo ID won't solve the problems Wisconsin is having implementing the statewide database required by the federal Help America Vote Act (HAVA).

Another serious election issue is the rights of felons and ex-felons. In Wisconsin, once persons convicted of felonies have paid their debt to society - serving their prison, parole, and extended supervision time, and paying restitution - they are again eligible to vote. But the Legislature failed to take up legislation that would have restored voting rights to everyone, including felons who are not in prison at the time of an election. This law is especially important because Wisconsin has one of the largest racial disparities in the country for criminal convictions, so keeping felons or ex-felons from voting discriminates against minorities.

But instead of helping persons convicted of crimes become better citizens and participate in the political process, politicians are busy making a stink about felons voting. This is so even though few, if any, cases of illegal voting have occurred. In fact, the U.S. Attorney in Milwaukee had to dismiss virtually all of the prosecutions he brought trying to prove that felons had voted illegally.

The ACLU of Wisconsin urges the Wisconsin Legislature to end the confusion and change state law to restore voting rights to everyone who's not serving a felony sentence in prison or jail.

What can you do? Sign Up for ACLU Action Alerts! We will not send you spam or share your email address outside of the ACLU. Email liberty@aclu-wi.org.

Legislators have introduced nearly 1200 Assembly Bills and 700 Senate Bills this session. For a complete list of bills and resolutions that the ACLU of Wisconsin is monitoring click the link at www.aclu-wi.org/legis/index.shtml. ■

Stand Up for Freedom and Say No to Government Abuse of Power

This is a moment in our nation's history when ordinary Americans are subjected to illegal surveillance, including wiretapping of phone calls and emails; prisoners are illegally detained in Guantanamo Bay — in flagrant violation of the Geneva Conventions on Torture; and the CIA has been authorized by the President to secretly kidnap people and send them to countries that engage in torture. It's time to stand up!

The 2006 ACLU Membership Conference, Stand Up for Freedom: Stop the Abuse of Power will be held in our nation's capital October 15-17. Join other ACLU members from around the country to discuss and learn about recent government abuses of power, and to develop your organizing tools. The ACLU will offer an "Early Bird Special" featuring discount registration rates for those first to sign-up for the conference, as well as

a special rate for college students.

The government's abuses of power ignore fundamental Constitutional principles and undermine our vital system of checks and balances, weakening the hallmarks of American democracy. You cannot afford to miss this important opportunity to protect the civil liberties of all Americans. **For more information go to: www.aclu.org.**

Community Advocate: *Help Us Fight for What's Right!* The Community Advocate will undertake the planning and implementation of a proactive civil liberties program in the Madison, WI area. Visit www.aclu-wi.org for full job announcement. No Phone Calls Please! To apply, send cover letter, resume, and a writing sample immediately to: ACLU/WI, 207 E. Buffalo St., # 325, Milwaukee, WI 53202-5774 or email to HR-MAO@aclu-wi.org. *The ACLU is an AA/EO opportunity employer. Members of diversity communities and women are strongly encouraged to apply.*

ACLU of Wisconsin Members Prepare to Lobby

MEMBER ACTION

To find out more about the **ACLU/WI's State Lobbying Network** go to our web site, www.aclu-wi.org, where you can sign up to help defend civil liberties. Or return the coupon below to ACLU/WI, 207 East Buffalo Street, Suite 325, Milwaukee, WI 53202-5774.

Name: _____

Address: _____

Phone: _____

Email: _____

Legislators you know: _____

We will not share your Lobbying Network contact information beyond the ACLU.

www.aclu-wi.org



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