



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of WISCONSIN**

WISCONSIN CIVIL LIBERTIES

JUNE/JULY 2007

WWW.ACLU-WI.ORG

Fight Goes on for Same Sex Domestic Partners

Wisconsin voters on November 7, 2006, added the following provision to the state Constitution: "Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state."

Despite the disappointing election results, the fight for fairness for gay and lesbian Wisconsinites has not ended.

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of Wisconsin was already in the fight. In April 2005, six state employees and their same-sex life partners from around Wisconsin, represented by the ACLU of Wisconsin and the ACLU's Lesbian and Gay Rights Project, filed a lawsuit, *Helgeland v. Department of Employee Trust Funds*, challenging their exclusion from family health insurance and family medical leave protections that heterosexual state employees can obtain through marriage.



Two of the plaintiffs, Diane Schermann and Michelle (Missy) Collins from Eau Claire, were featured in an episode of the ACLU's Freedom Files on Court TV. Their experience illustrates the unfairness of excluding continued on page 7

ACLU ... was on hand to make sure that they were able to exercise their right to free speech. Free speech is our thing and we recently have placed legal observers ... for immigration protests...

ACLU of Wisconsin Defends Civil Liberties In Immigration Debate

The federal bureaucracy, the Bush Administration and the U.S. Congress have not fixed the immigration dilemma facing America. While nobody is talking about building hundreds of miles of fences in Wisconsin, it is still an issue that raises civil liberties concerns locally. The ACLU of Wisconsin agrees that the current system of immigration laws is not working, but maintains that violating important civil liberties will not help anyone. The ACLU of Wisconsin has been working to prevent civil liberties violations.

Free speech is a prerequisite to any successful public policy debate, so the ACLU of Wisconsin has worked to protect the rights of demonstrators. On May 1, 2007 in Milwaukee, the ACLU of Wisconsin, working with the National Lawyers Guild, placed over 25 trained legal observers at one protest. Organized by Voces de la Frontera nearly 30,000 marchers called for immigration reform. ACLU, without taking a position on all of the marchers' demands, was on hand to make sure that they were able to exercise their right to free speech. Free speech is our thing and we recently have placed legal observers not only for immigra-

tion protests, but for peace protests and even a Klan and Anti-Klan confrontation.

The ACLU of Wisconsin has also weighed in to oppose a proposed local immigration ordinance in the City of Green Bay. On June 5, 2007 the Common Council voted 9-3 to take a major step toward adopting a city ordinance that would penalize local businesses and discriminate against lawful workers under the guise of immigration reform. A proposed ordinance would require applicants for city licenses or permits to promise not to hire undocumented workers. According to the Green Bay Press Gazette, council President Chad Fradette said the proposed ordinance "is meant to do two things: punish businesses who hire illegals, and create the perception that Green Bay is not a welcome place for illegal immigrants to live."

The ACLU of Wisconsin contends that enforcement of the ordinance will be unworkable. Will the police go around asking for people's papers? Will they take tips from concerned citizens? In the past employer-based sanctions have led a significant number of employers to discriminate against anyone who appears foreign, continued on pg. 7

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 from the Badger State

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CAPITOL WATCH

Voter Fraud is Red Herring Hiding Voter Disfranchisement

The integrity of our election processes is essential to our democracy. Citizens are justifiably concerned when politicians, political operatives and special interests try to steal elections.

Some Wisconsin politicians have tried to divert the public's legitimate concern onto felons voting while still on probation or parole. In Wisconsin you must be "off paper" to vote; meaning that you must have served your probation or parole. However, not many probationers or parolees try to vote, charges are few and convictions are rare. After the 2004 presidential election federal prosecutors in Milwaukee brought voting fraud charges against 14 individuals, of whom only 5 were convicted. Kimberly Prude is one of those five. She was on probation when she voted. She is now incarcerated in Racine until sometime in 2008 simply because she cast a vote. Ironically, probationers and parolees are penalized for carrying out acts of good citizenship, as Milwaukee commentator Joel McNally says.

More than 62,000 Wisconsin residents are disfranchised. The majority of these citizens is not in prison or jail, but lives in the community.

One in nine African American voters is disfranchised in Wisconsin, compared to one in fifty of all Wisconsin voters. As a result Wisconsin has the 11th highest rate of African-American disfranchisement in the United States. African American comprise 39% of the disfranchised population, even though they comprise only 5% of the voting age population.

Disfranchisement doesn't make sense. Restricting voting does not prevent crime, nor does it provide compensation for victims. In fact, disfranchising persons after release from prison is



Members from all over Wisconsin participated in the National Day of Action in Washington DC on June 26, 2007. They rallied with 1,000's of other civil libertarians from around the country to demand the restoration of habeas corpus, an end to US torture, close Guantanamo Bay an end to extraordinary rendition and the restoration of the rule of law and justice in the US. They then lobbied nearly all Wisconsin Senators and Congresspeople including Senators Russ Feingold and Herb Kohl who gave their constituents the royal treatment!

antithetical to the reentry process and harmful to long-terms prospects for sustainable reintegration of ex-offenders into society.

Disfranchisement doesn't have to be. Wisconsin's felony disfranchisement laws are harsher than several of its neighboring states. Michigan, Illinois, Indiana and Ohio automatically restore voting rights upon release from incarceration. Since 1997, 18 states have made progressive changes to their felony disfranchisement laws, including Iowa.

In June 2007 Wisconsin legislators have introduced a bill to restore voting rights post incarceration. The sponsors include State Representatives Parisi, Williams, Young, Grigsby and Kessler and State Senators Risser and Wirsch. The ACLU of Wisconsin supports Assembly Bill 390. ACLU members are encouraged to thank the sponsors. In the months to come ACLU of Wisconsin will be working with other organizations, such as the NAACP, to educate the public as well as legislators about restoring integrity to our elections. ■

ACLU of Wisconsin's Other America Tour Has Much to Celebrate

Excited facilitators, advisors and volunteers packed Milwaukee's Bay View Public Library conference room to be publicly recognized for their hard work and dedication to one of Wisconsin's preeminent social justice and action programs for youth. On Saturday, June 2nd, the ACLU of Wisconsin's Other America Tour celebrated its seventh annual awards program. Families, community partners and teachers from Southeast Wisconsin gathered to applaud the strong results that these young men and women achieved this year by bringing the Tour to over 500 high school students in March and April.

The Tour focuses on age, race, gender, national identity, ability, religion, class, sexual identity, youth right and how society, the US Constitution and other laws affect all of this - for better or for worse. All of the workshops are facilitated by young people who have received upwards of 80 hours of training in order to educate others on these subjects. For many of the visiting students, this is the first and all too often only time they have a forum to discuss these issues with their peers.

ACLU of Wisconsin Board President Mildred Larson spoke at the event sharing her experiences as an activist and emphasizing the impact that concerned individuals

and groups have in changing society for the better when they act upon their ideals. The attendees were proud to be considered on the forefront of civil liberties education and action.

In 2007 for the second year, Cardinal Stritch College was the Tour's host and an in-kind sponsor. Oconomowoc, Pulaski, Cedarburg, New School for Community Service, Nicolet, Waukesha South, Brookfield East, Bay View, Milwaukee High School of the Arts, Wauwatosa West, Vincent, Community, Riverside University, South Division, and Arrowhead High Schools all participated this March and April.

The Lucy and Jack Rosenberg Foundation, the Brico Fund and the Women's Fund also provide essential support enabling this program to reach so many youth.

To find out how your community can become part of the Other America Tour, or if you'd like to become a facilitator or volunteer, please visit www.aclu-wi.org/youth or contact Patricia Briones at pbriones@aclu-wi.org. ■

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YOUTH & Civil Liberties



Health Care for Women Prisoners will Benefit from Lawsuit

The ACLU achieved a significant victory in its ongoing efforts to challenge the abysmal health care and mental health care provided for women prisoners at the Taycheedah Correctional Institution. In March 2007, federal Judge Rudolph Randa denied efforts by prison officials to dismiss ACLU's claims of inadequate health care at Taycheedah and granted the plaintiffs permission to proceed as a class. Prison officials had tried to argue that they were not given proper notice of the incredibly poor health care they were providing to Taycheedah prisoners. Prison officials had known for years that the care at the prison was dangerously deficient, but they had done almost nothing to improve it.

On May 1, 2006, in the first class action lawsuit on behalf of women prisoners in Wisconsin, the American Civil Liberties Union charged that the state prison system puts the lives of women prisoners at risk through grossly deficient health care and provides far inferior mental health treatment as compared to men. The lawsuit, filed by four women at Taycheedah Correctional Institution, represented by the ACLU National Prison Project, the ACLU of Wisconsin and lawyers at Jenner & Block in Chicago, asks the court to order reforms so that adequate care is available to women prisoners.

"When the government puts someone behind bars, it

has an obligation to provide humane treatment," said Gouri Bhat, a lawyer with the ACLU's National Prison Project. "The women at Taycheedah are in prison to pay their debt to society, not to be subjected to untreated disease and premature death. But that is exactly what they are enduring at Taycheedah."

The complaint charges that the prison's health system violates the Constitution's Eighth Amendment prohibition on cruel and unusual punishment, as well as the Fourteenth

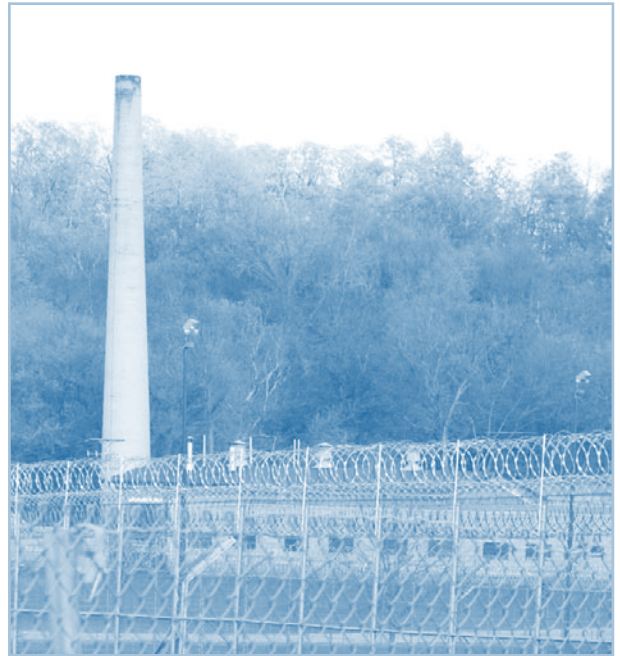
The complaint charges that the prison's health system violates the Constitution's Eighth Amendment prohibition on cruel and unusual punishment, as well as the Fourteenth Amendment guarantee of equal protection, because the women receive mental health care far inferior to what male prisoners receive.

Amendment guarantee of equal protection, because the women receive mental health care far inferior to what male prisoners receive. Unlike the women at Taycheedah, men with severe mental health issues may be assigned to an inpatient psychiatric facility that provides round-the-clock care and individualized treatment for male offenders.

The lawsuit graphically describes the human suffering resulting from the breakdown of an understaffed, underfunded and dangerously dysfunctional health care system. One of the plaintiffs, Debbie Ann Ramos, was not seen by a

gynecologist for seven years after arriving at Taycheedah, despite a diagnosis of chronic endometriosis and progressively worsening vaginal bleeding. Ramos ultimately needed a hysterectomy that might have been avoided by timely care. Another plaintiff, Kristine Flynn, has received no group or individual therapy in five years at Taycheedah even though she has been diagnosed as bipolar and seriously mentally ill. Flynn attempted suicide six days after her eight medications were abruptly discontinued by prison staff. Vernessia Parker, another plaintiff who has been suicidal, was found by a court to be in need of in-patient mental health treatment but has never left Taycheedah.

"These situations are not isolated mistakes," said Larry Dupuis, the ACLU of Wisconsin's legal director. "They are manifestations of a system that has been in crisis for years, and the state has made no meaningful effort to address its underlying problems." ■



Abstinence-Only, Is It Too Late?

In early June, Wisconsin Congressman David Obey and the Democratic Congress were ready to give a failed abstinence-only-until-marriage program a funding increase of \$27,000,000. The Community Based Abstinence Education program (CBAE) already receives \$113,000,000 in funding.

Instead the House Appropriations Committee, which Obey chairs, needed to consider funding for women's health programs which are successful, but underfunded, such as Title X, the National Family Planning Program.

Whatever appropriation Congress makes for CBAE, it is a waste of taxpayer money.

In Wisconsin last year Governor Jim Doyle's administration turned down over \$600,000 in abstinence-only funding, because the state recognized that abstinence-only programs don't work. This was confirmed by a federally commissioned

study released in April 2007 which shows that abstinence-only programs don't work. Teens who participated in these programs were just as likely to have sex as those who didn't, and they had the same number of sexual partners. In addition, another recent congressional report details widespread

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use of gender stereotypes as scientific fact in some of the most widely used federally funded abstinence-only curricula. Some of these curricula teach religion and some are homophobic.

Is it too late to act? No, ACLU of Wisconsin wants to know if abstinence-only curricula are being used in Wisconsin's public schools regardless of the funding source. If you're a parent or teacher in such a school, please let ACLU of Wisconsin know exactly what curricula is being taught and whether or not there is also a comprehensive sex education curricula in your district. Email ACLU of Wisconsin at Liberty@aclu-wi.org. ■



The ACLU has just published a new report "Religious Refusals and Reproductive Rights: Accessing Birth Control at the Pharmacy." The authors explain in depth ACLU's position on religious refusals by pharmacists. It balances legitimate free exercise of religion rights and a woman's right to reproductive health care.

To get your copy, go to: <http://www.aclu.org/reproductiverights/religion/index.html> ■

Members of the ACLU of Wisconsin traveled to the ACLU National membership conference in Washington DC from October 13th to the 17th. Participants witnessed Supreme Court Justice Antonin Scalia debate ACLU President Nadine

Strossen in addition to partaking in many gripping and informative workshops on the NSA wiretapping, torture, Habeas Corpus, School to Prison Pipeline and other pressing threats to our civil liberties.



Civil Liberties Haikus

**A woman's right to choose
Does not stop just because
Some one thinks it should.**

Civil Libertarians Celebrate

The Bill of Right Celebration was held on March 31, 2007 at the Italian Community Center in Milwaukee. The ACLU of Wisconsin Foundation celebration dinner was a wonderful evening that highlighted the accomplishments of our most dedicated volunteers in 2006. Our keynote speaker this year was political satirist and Milwaukee native, Will Durst. His hilarious insights on current events and civil liberties issues were a perfect way to end the evening.

ACLU/WIF presented these awards

Eunice Z. Edgar Life Achievement Award, presented to **James H. Hall, Jr.** William Gorham Rice Civil Libertarian of the Year Award, presented to attorneys **Michael J. Cohn, Peter G. Earle, and Arthur Heitzer.** Jack and Lucy Rosenberg Young Civil Libertarian of the Year Award, presented to **Ursula Mlynarek** ACLU of Wisconsin Special Recognition Award, presented to **Intellectual Freedom Information Services of the Cooperative Children's Book Center**, School of Education, University of Wisconsin – Madison.



Featured Honoree

Ursula Mlynarek has been an activist for change in many areas of social justice and civil liberties. In 2005, Ursula reached out to the ACLU of Wisconsin to request assistance in addressing the unfair recruitment practices in our high schools by the military and has continued her work organizing rallies and protests, and tabling with student rights information next

to the military recruitment tables on campus. In addition, she's pioneered chapters of Amnesty International and Gay-Straight Alliance at her high school, and initiated the ACLU of Wisconsin's first high school-based Student Alliance. She also has hosted "movies that matter" for her high school comrades based on the ACLU's Freedom Files project, and has volunteered to run workshops at ACLU youth sponsored events.

We are proud to award Ursula Mlynarek the ACLU of Wisconsin's 2007 Jack and Lucy Rosenberg Young Civil Libertarian of the Year, and

announce the honor she earned as a ACLU's National 2007 Youth Scholarship. You can read more at <http://www.aclu.org/students/29373res20070419.html>

"Ursula is not a follower. When she perceives an injustice or a potential forum to educate others on their rights and liberties, she will become the vehicle for change."
 — Emilio De Torre, Youth and Program Director, ACLU of Wisconsin



Civil Liberties Haikus

Habeas corpus rot
 Time has stopped laws fall
 Back to the dark ages.

ACLU is Out and About in Madison

ACLU members and volunteers in the Madison area will have many opportunities to meet face to face in the coming months.

We've been at the Farmers' Market in June and can be there later in the summer, if we have volunteers. (See below to volunteer.)

The Madison Area Office is busy preparing for a Banned Books Week event (Sept. 29 – Oct. 6) and more local Know Your Rights workshops on the UW campus. Also, there will be a major statewide ACLU Activist Conference on November 17 at the Pyle Center.

With the help of Ginny Moore Kruse, we are encouraging librarians and educa-

tors statewide to observe Banned Books Week and to incorporate discussions about censorship into their fall activities. Locally, a planning committee is organizing a public reading with high-profile speakers. To support or underwrite the event in Madison (tentatively scheduled for Thursday, Sept. 27) contact Stacy in the ACLU's Madison office.

A Know Your Rights workshop entitled "Don't Get Arrested Over Spring Break!" was held at the UW Law School in March and was very successful. With the enthusiasm and expertise of attorneys Erik Guenther and Marcus Berghahn (recently recognized with a Pro Bono Award from the Dane County Bar Association), the KYR events are a

great way for the ACLU to increase its visibility while doing a valuable service in the community. Check for details on the next KYR event, July 19th.

Help is needed to make the ACLU-WI Madison office run smoothly and be a powerful advocate for civil liberties in Madison. If you live in the Madison area and would like to get involved, contact the us to find a way that fits your schedule and allows you to play an active role in protecting civil liberties in Wisconsin.

For more information on the Madison Area Office, contact Stacy Harbaugh at sharbaugh@aclu-wi.org or call (608) 469-5540 for more information.

DOMESTIC PARTNERS, *continued from pg 1*

same-sex partners from benefits that others take for granted. Missy has faced a series of health problems. Diane's job with the Wisconsin Department of Transportation provides Diane with health insurance, but Missy is excluded from that coverage, and the couple can't afford health insurance for her even though she desperately needs it to treat her chronic back pain. She even delayed testing of a breast lump because she had no means of paying for the tests. Instead of having access to the health care providers that the spouses of straight employees enjoy, she relies on a patchwork of free health clinics, workers' compensation coverage, and emergency urgent care visits.

More than 100 Wisconsin employers, including several municipal governments, offer domestic partner benefits to their employees. But the State of Wisconsin has so far refused to offer such benefits. Just this month, the

Helgeland case would compel the State to grant the benefits in order to comply with the equal protection guarantees of the Wisconsin Constitution.

Legislature's Joint Finance Committee removed the Governor's budget proposal to extend domestic partner benefits to all state employees. A victory in the

Helgeland case would compel the State to grant the benefits in order to comply with the equal protection guarantees of the Wisconsin Constitution. As even supporters of the constitutional amendment that passed in November recognize, the amendment did not invalidate the equal

protection rights guaranteed in the Constitution. During the debate over the ban, supporters of the amendment insisted that it would not affect employees' domestic partner benefit rights. While the ACLU hopes the legislature will ultimately choose to treat Wisconsin's gay and lesbian employees fairly, if they do not, the courts will have to decide whether the Constitution tolerates this continuing unfairness. ■

IMMIGRATION, *continued from pg 1*

including U.S. citizens and legal residents. The ACLU is also concerned that the ordinance will be enforced selectively, perhaps targeting business owners with ethnic names, while ignoring large employers.

The City of Green Bay cannot solve problems with the federal government's immigration laws by pulling up the welcome mat. Ultimately, all Green Bay citizens will have to ask what kind of America they want to live in – one that honors the spirit of Emma Lazarus's poetry on the Statue of Liberty or one where legitimate concerns can lead to unintended harm to innocent Americans at best or long fences and vigilantism in the extreme?

ACLU of Wisconsin is continuing to consult with advocates and members in Green Bay. ■

Civil Liberties Haikus

Popular opinion wanes
On all issues, truth
Never stops growing.

Give us your Email!

Get Ready for 2007!

The ACLU of Wisconsin has an ambitious agenda planned for Wisconsin in 2007 and 2008!

You are the most important key to our success. As an ACLU of WI member, you care about fairness and equality. Become an ACLU activist and help protect the Bill of Rights and restore our Constitution.

On the federal level, we will be working with Wisconsin's Congressional delegation to ensure that the new Congress restores the Constitutional system of checks and balances and stops the administration's abuse of power.

Take a minute to go online and sign up for our the Action Alert list. Your emails and phone calls can make the difference!

Online: www.aclu-wi.org

Please help us keep in touch with you in the fastest and most cost-effective way.

Send us your email address!

When you join the Action Alert list, you stay informed and involved with the latest news and information and ACLU activities. Your email will not be shared with any other organization.

- 1. Online: <http://www.aclu-wi.org>**
- 2. Email: Send a message with your name, phone and postal address to liberty@aclu-wi.org**

SAVE THE DATE!!

ACLU of Wisconsin is hosting our Annual Membership Meeting

and Activist Conference on

**Saturday,
November 17, 2007**

at the Pyle Center in Madison, WI.

For more information go to our website **www.aclu-wi.org** and sign up for our Activist Network.

ACLU of Wisconsin extends a special thank you to Glen and Cleo Sonnedecker for their generous gift to the ACLU of Wisconsin Foundation Endowment Fund. Create a Legacy of Liberty. Contact the ACLU Office of Gift Planning toll-free at 877-867-1025 to find out the many ways you can include the ACLU Foundation in your estate planning.

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