



Winter 2009-10

## Court Victory for South Milwaukee Residents Fighting Housing Discrimination

The ACLU of Wisconsin achieved a major victory in July on behalf of minority and disabled tenants of the Lake Bluff apartments in South Milwaukee. The city of South Milwaukee had been trying to tear down this integrated, accessible, affordable housing complex, but a federal court jury decided that razing Lake Bluff would discriminate against persons of color and people with disabilities.

ACLU of Wisconsin Legal Director Larry Dupuis and Senior Staff Attorney Karyn Rotker have been representing Lake Bluff tenants since 2003, along with attorneys from two other legal assistance programs. We intervened in the case to protect the tenants' rights under the Fair Housing Act and Americans with Disabilities Act, in keeping with our longstanding commitment to racial justice and equal protection. About one-third of Lake Bluff's tenants are persons of color – the last census showed that citywide, the population of South Milwaukee was only 1% African-American. Lake Bluff also houses many families with members who have physical disabilities.

Our clients included families like the Allens, a married couple with four children. Dean Allen was a minister in the northern Wisconsin town of Oconto when his wife Jodie suffered a severe spinal cord injury that left her wheelchair-dependent. The Allen's house could not



Lake Bluff plaintiff Cheryl Batchelor with Jaden and Jesse Survillion, Jr.

be renovated to be accessible to Mrs. Allen, and Lake Bluff ended up being the only apartment the Allens could find in Wisconsin that was both accessible and large enough to provide a home for them  
HOUSING DISCRIMINATION continued on page 7

WWW.ACLU-WI.ORG



## Civil Libertarian Proposals Finding Success at Capitol

At the Capitol in Madison, politicians are advancing pro civil liberties legislation. On the docket are the:

- Wisconsin Democracy Restoration Act which would restore voting rights to people with felony convictions upon release from incarceration,
- Healthy Youth Act on comprehensive sexuality education (see the article on page 3), and the
- Jacki Rickert Medical Marijuana Act (to regulate the medical use and possession of cannabis for qualified, registered patients.

Earlier this year, the ACLU of Wisconsin successfully advocated for state budget provisions including:

- the establishment of a domestic partner registry for committed same-sex couples,
- health insurance coverage for the domestic partners for all state and UW employees,
- contraceptive equity in prescription drug coverage,
- and traffic stop data collection to address racial profiling.

### INSIDE:

CAPITOL WATCH	1
CANDIDATES' STATEMENTS	4
OFFICIAL BALLOT	6
SAVE THE DATE	8



AMERICAN CIVIL LIBERTIES UNION  
of WISCONSIN

207 E. Buffalo St. Ste. 325  
Milwaukee, WI 53202-5774

414.272.4032 voice

414.272.0182 fax

liberty@aclu-wi.org

www.aclu-wi.org

**Exec. Director/Publisher:**  
Christopher Ahmuty

**Newsletter Designer/Editor:**  
Stacy Harbaugh

**ACLU of WI Staff:**

Christopher Ahmuty,  
*Executive Director*

Renee Crawford,  
*Associate Director*

Emilio De Torre,  
*Youth & Program Director*

Larry Dupuis,  
*Legal Director*

Marion Ecks,  
*Development Assistant*

Laura Emir,  
*Development Director*

Stacy Harbaugh,  
*Madison Community Advocate*

Jason Hargis,  
*YCLC Program Associate*

Donovan Lee,  
*Paralegal and Intake*

Coordinator

Karyn Rotker,  
*PRCL Senior Staff Atty.*

Angie Trudell Vasquez,  
*Office Manager*

# ACLU Will Remain Strong Nationally and in Wisconsin

*A Message From the ACLU of Wisconsin Executive Director*

Civil libertarians fervently believe in freedom and justice for all. Since its founding in 1930, The American Civil Liberties Union in Wisconsin has been particularly privileged to have a large number deeply committed supporters. In the years since, September 11, 2001, our membership has grown significantly and our program has become increasingly sophisticated and effective.

Recently, you may have read that one fantastic donor to the national ACLU has had to suspend his annual support of \$20 million because of the current state of world financial markets. Since last fall it has been more difficult to raise funds from more typical supporters as well. It's natural to ask if the ACLU's post 9/11 expanded program is sustainable given funding considerations. For the ACLU of Wisconsin, the financial realities have imposed new constraints on some of our programs. However, we remain committed to and financially capable of meeting our core mission.

The ACLU of Wisconsin Board of Directors and I have already made some changes to assure that our organization will remain strong. Like many other nonprofits, we cut our 2009-10 budgets deeply. With the help of key stakeholders we re-organized some of our programs, particularly in the youth and communications area. We did not depart from the goals of our strategic plan, which include increasing our statewide presence and integrating our litigation, lobbying and advocacy departments to become even more effective.

I was recently in Superior, Wisconsin where I met with what one local member called a "collection of brave souls," civil libertarians who thrive in one another's company. Because such devoted supporters exist not just in Superior, but throughout Wisconsin, I know that the fight for civil liberties will remain as vital as ever. No one donor makes the ACLU at either the national or state levels – we thrive through the support of thousands. We appreciate the involvement of all our supporters.

*Therefore, I'd ask you to do a few things.*

- **Vote in the board election using the ballot in this newsletter or online.**
- **Visit our re-designed website and if you use social media join us on Facebook or follow us on Twitter.**
- **Let us know how we're doing. Is there a civil liberties violation in your community? Tell us about it.**
- **And please respond generously when asked for support.**

Thanks,  
Chris Ahmuty  
Executive Director



This is a publication of the ACLU of Wisconsin, a not-for-profit citizen's group which holds 501(c)(4) IRS status. The ACLU of Wisconsin Foundation, Inc. is a 501(c)(3) charity.

---

## Healthy Youth Act: Ensuring Comprehensive Sexuality Education in Public Schools

This fall, state Representative Tamara Grigsby and Senator Lena Taylor introduced the Healthy Youth Act (AB 458/SB 324). If passed, the Healthy Youth Act would raise state standards for human growth and development curriculum (a.k.a sex ed) to a comprehensive sexuality education model. Comprehensive sexuality education would ensure that Wisconsin public school students get effective, age-appropriate and medically accurate information about reproduction.

The Healthy Youth Act would amend the state statute on human growth and development curriculum with guidelines for what comprehensive sexuality education should include. If local schools decide to teach students anything less than a comprehensive model, they must tell parents what students will not be learning. As with current law, any parent can opt their children out of whatever human growth and development lessons are being offered.

“While values may vary from family to family or between generations,” said Community Advocate Stacy Harbaugh, “comprehensive sexuality education teaches us the facts about reproduction and should be available to everybody. For parents who aren’t experts on the science of reproduction and sexually transmitted infection, public schools can fill a crucial educational need.”

Comprehensive sexuality education is an important issue for civil libertarians. It is effective and has a broad base of support from medical and educational advocacy organizations. But the Healthy Youth Act is also non-discriminatory and honors free speech. Specific provisions of the bill would require that sex ed be taught without bias in gender or sexual orientation. And rather than muzzling teachers in abstinence-only mandates, the bill would let teachers answer students’ questions about reproduction with honesty and accuracy. ACLU members are encouraged to call their legislators and ask them to vote “yes” on AB 458 or SB 240 in 2010.

---

## Federal Judge Orders Trial in Taycheedah Case

In November, a federal judge denied a request by Wisconsin state officials to dismiss a class action lawsuit and ordered a trial in the case filed by the American Civil Liberties Union, the ACLU of Wisconsin and the law firm of Jenner & Block charging that inhumane medical and mental health care jeopardizes the lives of women prisoners at the Taycheedah state prison.

In a sternly-worded ruling, U.S. District Court Judge Rudolph T. Randa said there “is a great deal of evidence demonstrating that there are systemic and gross deficiencies in staffing, facilities and procedures” at the Taycheedah Correctional Institution (TCI), Wisconsin’s largest women’s prison, and that the evidence suggests that state prison officials “are and have been subjectively aware of the risks that are posed by the administration of medical and mental health care at TCI.” Judge Randa described the state’s attempt to have the case dismissed as “curious” given that the state’s own expert witness described health care at TCI as a system “designed to let people ‘fall through the cracks.’”

# ACLU of Wisconsin **State Board Election Ballot**

## Who can vote:

Current members of the ACLU of Wisconsin are entitled to vote for candidates for the State Board of Directors for a three-year term ending in 2011. You may vote either online or via paper ballot.

The paper ballot must be postmarked by 1/11/2010 OR online voting is open until noon on 1/11/2010 at <http://www.aclu-wi.org/board/>. Instructions to vote online can be found on the website – be sure to have your copy of the newsletter with you when you vote.

## Instructions to vote via US Mail:

- Review the Candidate Statements
- Make your selections on the official ballot on page 6
- Cut or tear the ballot along the marked lines and place inside the enclosed small ballot envelope and seal it. Do not write anything on this envelope.
- Place the smaller envelope inside the pre-addressed return envelope and seal.
- Place a stamp on the envelope and mail.
- Ballot must be postmarked by 1/11/2010 to be counted.

## Joint membership? Please note:

If you have a joint membership mark one set of votes inside the boxes next to the candidate list and mark another set of votes to the left of the boxes next to the candidate list. On-line joint memberships should follow the directions on the website.

## Candidates were asked to respond to three questions:

1. Outline your major civil liberties interests,
2. Describe your activities in civil liberties,
3. Describe your vision for the ACLU of Wisconsin as an organization.

## CANDIDATES' STATEMENTS

### J. Corkey Custer, Madison [financial planning, planned giving and fundraising]

1. I would be hard pressed to say that any area is more valuable than another, but censorship, free speech, and anti-torture issues are particularly dear to my heart.
2. During the Salvadoran civil war, I was involved in the Sanctuary movement, and did some work in-country. I participated in fact-finding missions, refugee accompaniment, and as an election observer. I have been active in politics and serve on the executive board of the Dane County Democratic Party.
3. I'd like to help with additional outreach to give the public a better awareness of what the ACLU actually does.

### Lori Susan Eshleman, Milwaukee [lawyer]

1. I am very interested in voters' rights and have long worked at the polls to fight for free and fair elections. I took an interest in the recent controversies over the balancing of a patient's right to legal and medically appropriate health care and a caregiver's right to act within one's moral conscience. I was a health care worker for twenty-seven years and have strong opinions which I must reconcile with the ACLU position. I am a fervent First Amendment activist with years of legal observing organizing in the state.

2. I have been a legal observer trainer and organizer since 2000. I routinely volunteer either for a political party or for voter rights organizations at election time. I have volunteered in literacy programs, the Hope House shelter and am very active in the Community Involvement Committee of the Association for Women Lawyers, leading book drives for juvenile justice facilities.
3. I have increasingly come to the opinion that we need to have a strong emphasis on youth to make sure of our future and to tap into that energy. I understand the need to seek money from our more well-heeled constituency, however, there is a vast resource out there such as we saw with the Obama campaign that needs tending. I am always shocked at the paucity of education given in our schools concerning our political and governmental systems, this is a void we can help fill.

### Erik R. Guenther, Madison [lawyer]

1. In 2002, I was selected as the "Volunteer Attorney of the Year" by the ACLU-WI, for my work with the organization representing individuals cited as "inmates of a disorderly house" for attending an electronic music concert in Racine, WI. We were successful in having all citations dismissed vindicating the First Amendment rights of all attendees. Soon after, I began my service as an ACLU-WI board member. I currently serve as the organization's President.

2. My major motivation for becoming an attorney was to protect the rights to due process of law. As a criminal defense attorney with Hurley, Burish & Stanton, S.C., I litigate cases to protect the constitutional rights of my clients throughout Wisconsin. I also routinely work for free to represent individuals whose rights have been abused by the government. Currently, I am litigating against the Department of Corrections seeking hormone therapy for transgender inmates, along with the ACLU-WI, National ACLU and Lambda Legal. I frequently educate college students throughout Wisconsin on their rights when they are contacted by law enforcement. The Wisconsin State Journal described me as a “rising star in the state legal establishment and already a teacher in cutting-edge legal issues and a civil liberties expert.”

3. I am proud to work with the preeminent organization dedicated to the preservation of the Bill of Rights and individual liberty. I look forward to working on long-term funding to ensure this vital mission of the ACLU continues in Wisconsin for generations to come.

---

**James H. Hall, Jr., Milwaukee [lawyer]**

1. My major civil liberties interests include matters that the Wisconsin Affiliate has made a priority for some years under its “race and poverty” agenda as well as traditional civil liberties such as privacy, separation of church and state, free speech and reproductive freedom. I believe that, particularly in an environment such as Wisconsin, it is very important to address the many disparities that exist in our society (employment, education, health care, etc.), many of which are caused or perpetuated by governmental action. The ACLU is in a pre-eminent position to address such matters.

2. I have served on the ACLU of Wisconsin Board for many years and have served on its Executive Committee, Development Committee and other committees. I have had the honor and privilege of serving as our affiliate’s representative on the National Board for approximately 16 years (since 1991), through January of 2006, when I rotated off that Board. On the National Board, I have been involved in both substantive and operational matters and my activities have included service on the National Budget Committee, Endowment Committee, Development Committee as well as several committees addressing particular policies.

3. By occupation I am a lawyer. My practice includes an emphasis on civil rights and civil liberties and I have been involved in a number of such matters over the years, primarily in the areas of education, employment, housing and public accommodations.

---

**Stacey Herzing, Milwaukee [marketing, strategy, Director of Communications, Herzing University]**

1. I am very concerned about the eroding of the Bill of Rights and about the unprecedented Constitutional interpretations that reached a new height under the Bush Administration. Given this, my major civil liberties interests are the re-establishment of habeas corpus and reversal of indefinite detention; the suspension of warrantless wire-tapping; the closing of Guantanamo and now also Bagram. We must hold Obama to his campaign promises to reverse, not expand, the Constitutional abuses of the Bush Administration. Voter protection, equality of voter access, women’s issues, and LGBT issues are also very important to me.

2. I serve on the ACLU-WI Executive Committee, the Strategic Planning Committee, and I am the Affirmative Action Officer. I have been assisting our affiliate to upgrade our technical and communication capabilities, including web site re-design. I am also Board President of the Cream City Foundation and on the board of Equality Wisconsin. I have been an election volunteer for local and national campaigns, and I am a member of the Milwaukee Art Museum Photography Council and the Wisconsin Donor Collaborative.

3. The board must address some of the financial challenges of the recent economy while continuing to fulfill the ACLU’s mission and meet the objectives of our affiliate’s strategic plan. I believe we can do this. It is an opportunity for the ACLU-WI to re-think how we meet challenges and for our affiliate to reach out to new communities and constituencies.

---

**Jo Deen B. Lowe, New Lisbon [lawyer, esp. Native American legal issues]**

1. My goals are to take steps to assure equal access to justice, procedural fairness in law, racial discrimination, the assurance of due process, equal access to education, and freedom of religion, particularly relating to the incarcerated.

2. I am a supporter of the exercise of Treaty Rights of Native Americans. Frosty nights on the boat landings, cold steel ball bearings, concrete walleyes and heated and hate commentary against Native Americans are good inspiration. I have served as a District Attorney, as a tribal supreme court justice and on a local school board--the assurance of

due process my aim. Access to Justice was studied at the request of the Wisconsin Bar; the Committee was able to identify gaps in access to legal service. I served as part of that Committee. I am currently a member of the OJA Traffic Stop Data Collection Advisory Committee. On a regular basis I address issues of disparate treatment, special education, disproportionate contact of minorities and inmate rights issues.

3. Priorities for the coming year include sharing my perspectives and experience and actively engaging in those items prioritized by the Board. I am looking to focus some ACLU light on issues as experienced in the Northwoods.

**Nancy J. Nusbaum, De Pere [former Mayor of De Pere, WI and former Brown County Executive]**

1. My primary areas of interest include the protection of civil liberties for those in the LGBT community, the protection of civil liberties for minorities and immigrants, both documented and undocumented, and protection of a woman's right to reproductive freedom.

2. Both as an elected official and as a private individual I have pursued goals of protecting civil liberties. I am a past chair and currently a board member of NARAL Pro-choice Wisconsin. I volunteered and canvassed against the 2006 Wisconsin marriage amendment and am currently on the board of FAIR Wisconsin. As Brown County Executive, I fought against an "English Only" bill proposed by our county board and, after it passed, I vetoed it. I have served three years on the board of the ACLU of Wisconsin.

3. My priorities include that we continue to oppose actions in both the private and public sector that deprive persons of their civil liberties as well as to support those who engage in the struggle to defend those same liberties.

**Athan Theoharis, Fox Point [retired college history professor, esp. federal surveillance, FBI]**

As a long-term member of the State Board, I have been interested in promoting a greater public interest in civil liberties and the specific threat posed by expanding the federal government's surveillance powers. As a subset, reflecting my professional interest as an historian, I have been interested in curbing government secrecy and ensuring public access to the often-secret decisions of federal officials (both of the White House and the federal intelligence community) and thus in expanding (more often protecting) access to federal records through the Freedom of Information Act. Beyond working through the ACLU-Wisconsin, I have published extensively on these issues, have served as a consultant to congressional committees, and have been frequently interviewed by the media (print, radio and television).

## ACLU of Wisconsin Board of Directors' Official Ballot

### Voting Instructions:

- If yours is a joint membership, both members may vote. Mark one member's vote as an X in the box and mark the other member's vote as an X next to the box if voting for the same candidate.
- Vote for up to, but no more than seven candidates.
- Use the space provided for write-in candidates.
- Detach this ballot along the tear marks.
- Place the ballot in the small envelope provided. Place the small envelope in the pre-addressed return envelope, seal and stamp. It must be received by 1/11/2010.
- You may alternately vote on-line at our new website: [www.aclu-wi.org/board](http://www.aclu-wi.org/board)

- J. Corkey Custer
- Lori Susan Eshleman
- Erik R. Guenther
- James H. Hall, Jr.
- Stacey Herzing
- Jo Deen B. Lowe
- Nancy J. Nusbaum
- Athan Theoharis
- Write in: \_\_\_\_\_

**Visit [aclu-wi.org](http://aclu-wi.org) to see our NEW, updated website!**

- cast your ballot for the board of directors,
- get updates and take action on priority legislation
- read all the news on the ACLU of Wisconsin's work
- get links for our presence on Facebook and Twitter

**[aclu-wi.org](http://aclu-wi.org)**



*ACLU-UW Milwaukee Student Alliance President Angela Lang reads from George Orwell's 1984 at the Banned Books Week observation at Woodland Pattern Book Center, Milwaukee*

CAPITOL WATCH continued from page 1

But the news isn't all good. A proposal to collect DNA samples from everyone arrested for a felony charge, before they are found guilty, would come with a high cost, a greater backlog of testing, and would include innocent people and a racial imbalance in the state DNA database.

Learn more about these bills and take action on these issues through our new website and social media network at [www.aclu-wi.org](http://www.aclu-wi.org) and on Facebook and Twitter. Now is our time to act.

PRISONERS' RIGHTS from page 1

"Without court-ordered changes, women at TCI will continue to suffer needlessly in a system that still fails to comply with the requirements of the Constitution," said Gabriel Eber, staff attorney with the ACLU National Prison Project.

In a first-of-its-kind class action lawsuit filed in 2006 on behalf of women prisoners in Wisconsin, the ACLU charges that the state prison system puts the lives of women prisoners at risk through grossly deficient health care, provides far inferior mental health treatment as compared to men and fails to provide reasonable accommodations to allow prisoners with disabilities to access basic prison services.

You can read more about the Taycheedah case on the Cap City Liberty blog: links to the ACLU's complaint and Judge Randa's ruling are available on the November 28, 2009 post or you can search for "prisoners rights" for more articles.

HOUSING DISCRIMINATION continued from page 1

and their four children. Another ACLU client is Jesse Survillion, an African-American man who moved from Milwaukee to Lake Bluff nine years ago and lives there with his family, including two young children. Other clients included multi-racial and multi-generational families who appreciated the opportunity to live in the truly integrated community that Lake Bluff provides.

South Milwaukee officials and residents had shown a long history of opposition to Lake Bluff. Before the apartments were even built – on land that had been zoned multi-family for decades – South Milwaukee rezoned the property out from under the developers to block construction of affordable housing. When a state court judge nevertheless allowed construction of Lake Bluff, South Milwaukee fought the case all the way. South Milwaukee pushed hard for many years to get Lake Bluff torn down. This was despite the fact that Lake Bluff was structurally sound and violated no building codes, never had the kind of problems the neighbors had argued "low income" housing causes, and was among the most diverse neighborhoods in South Milwaukee.

Our attorneys and coalition partners were able to convince the federal jury that whether or not South Milwaukee had "intentionally" discriminated, tearing down Lake Bluff would have a greater negative impact on persons of color, could perpetuate segregation and would violate the Fair Housing Act and Americans with Disabilities Act. After our court victory, South Milwaukee officials passed a new fair housing ordinance that created methods for citizens to file complaints about housing discrimination and created a board to hear those complaints. The ACLU of Wisconsin is also involved in negotiations to seek to bring this litigation to a close and ensure that Lake Bluff remains an affordable, accessible, integrated community in this segregated region.

## ACLU Bill of Rights Celebration

Featuring  
Wonkette.com blog founder  
and internet journalist

**Ana Marie Cox**

**Save the Date!**

**Saturday, February 20th 2010**  
**Hotel InterContinental, Milwaukee**

Perhaps known best as the founding editor of the Capitol Hill based politics and lifestyle blog Wonkette, Ana Marie Cox has been covering Washington politics in various forms for over a decade. As Air America's National Correspondent, she is a regular presence at White House press briefings and presidential news conferences, and was a member of the McCain campaign press corps. She is also known for her million plus Twitter followers. Because of her background in pioneering, irreverent and influential online publications, she has repeatedly been brought into established organizations to offer guidance in the best ways to approach new media.

For more information on being a sponsor of the event, contact Laura Emir, Development Director for the ACLU of Wisconsin at (414) 272-4032 x 24 or [lemir@aclu-wi.org](mailto:lemir@aclu-wi.org).



**Watch for your invitation in the mail**



Non-Profit Org.  
U.S. Postage  
**PAID**  
Milwaukee, WI  
Permit No. 2264



**Board Election BALLOT INSIDE**