



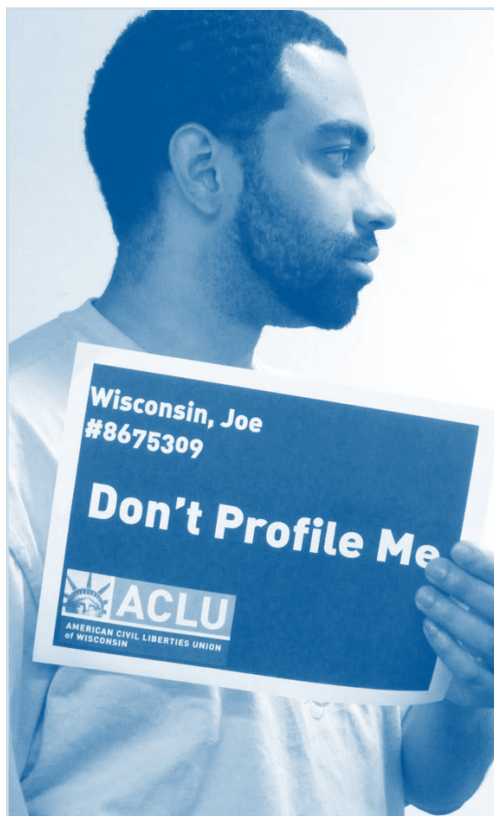
ACLU

AMERICAN CIVIL LIBERTIES UNION of WISCONSIN

WISCONSIN CIVIL LIBERTIES

SUMMER 2010

WWW.ACLU-WI.ORG



Racial Profiling by the Numbers: Data Tracking for Wisconsin

The ACLU of Wisconsin is working to address the problem of racial profiling in our state. We get many complaints filed by people of color after being stopped by law enforcement. But official statewide data collection of police stops is the first necessary step in identifying the problem of racial profiling beyond anecdotal evidence.

A new law requires the collection and analysis of traffic stop data beginning in January 2011. An administrative rule is pending in the legislature and will determine what traffic stop data is collected. All law enforcement agencies in Wisconsin will be participating in this effort to eliminate biased policing.

The ACLU of Wisconsin organized individuals statewide to attend hearings on racial profiling to share their stories

about experiencing discrimination during traffic stops. The ACLU and civil rights advocacy groups asked for a broad scope of data collection. Data should be subject to public records requests in addition to the Office of Justice Assistance's yearly analysis. It should then be searchable by city (and neighborhoods in the case of large urban areas), be promptly made available to the public for review and allow for evolving technology to be applied to future analysis.

The data will prove what we already know: racial profiling exists. With more transparency and accountability, we can work with law enforcement to keep our state safe for everyone, regardless of the color of their skin. ■

Defending the Rights of Transgender Prisoners

All incarcerated people should be protected by the constitution from cruel and unusual punishment. In Wisconsin this cruelty often results from inhumane conditions. Extreme heat, overcrowding and the absence of basic health care can result in unnecessary physical and mental anguish or even death.

Often the lack of health care in prison is a consequence of inadequate funding. Prisoners can't vote, don't make political contributions and don't have influential friends, so legislators rarely put a high priority on prisoners' needs.

But the legislature went beyond indif-

ference to prisoners' medical needs by depriving a particularly vulnerable and misunderstood group

Prisoners can't vote, don't make political contributions and don't have influential friends, so legislators rarely put a high priority on prisoners' needs.

of people: transgender prisoners. Ignoring objections by Department of Corrections medical personnel, lawmakers passed what they called the "Sex Change Prevention Act" to prohibit prisoners with Gender Identity Disorder from receiving prescribed medical care, including hormone therapy.

The American Civil Liberties Union and Lambda Legal challenged the law in January 2006 on behalf of transgender prisoners, some of whom had

been receiving hormone treatment in Wisconsin prisons for years prior to the passage of the law. After years of fighting the issue in the courts, including a four-day trial in the fall of 2007, this spring the U.S. District Court for the Eastern District of Wisconsin struck down the law.

continued on page 7

INSIDE:

WELCOME NEW BOARD p2

NEW SEX ED LAW p3

ACLU NEWS AROUND THE STATE p4-5

BILL OF RIGHTS CELEBRATION p6

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EXECUTIVE DIRECTOR'S LETTER

by Chris Ahmuty, ACLU of Wisconsin Executive Director

Do you and I live in a national security state driven by extreme partisanship, corporate interests, fear of crime, and racial, ethnic, religious, and gender bias? Regardless of your answer, you should take heart because we have the constitution on our side. And your support for the American Civil Liberties Union means that there is an effective way to promote constitutional rights. You have the power to influence our government in ways that are more substantial and more long lasting than the means available to extremists who want to impose their beliefs and morality on everyone.

The extremists can only succeed if we remain silent.

This newsletter describes how your local ACLU addresses a variety of issues statewide. Space limitations only allow us to just scratch the surface. Visit our website at www.aclu-wi.org to learn more. You'll find plenty of examples of civil liberties news.

An especially important way to promote civil liberties is to talk to the candidates in this fall's elections. Let them know voters care about civil liberties. Please be visible at town hall meetings and candidate forums. If you want to volunteer for a campaign because you believe the candidate is good (or at least better) on civil liberties issues let them know of your concerns. And let us know us what you've done when you sign up for the ACLU's action alerts and lobbying notices. ■

You have the power to influence our government in ways that are more substantial and more long lasting ... The extremists can only succeed if we remain silent.



Chris Ahmuty with blogger Ana Marie Cox.

Welcome New Board Members!

The ACLU of Wisconsin extends a special welcome to our newest board members. **Martin Alvarado** volunteers at WORT-FM, community radio in Madison and is also involved with Community Action on Latin America. As a dual citizen of the United States and Mexico, he is concerned about immigration rights, racial profiling and ending torture. **Azeeza Islam** is a vocalist and has been a very active member of the theater community for many years, most recently as the Associate Artistic Director of the Milwaukee Public Theatre. Her life's mission has always been focused on the care of children. **Jo Deen Lowe** is a Ho-Chunk tribal member who regularly commutes from Central Wisconsin to Crandon for work. She is interested in education issues and prisoner rights relating to the traditional cultural practices of tribal people. ■

FIND ACLU OF WI NEWS ON-LINE

Have you visited the new ACLU of Wisconsin website? www.aclu-wi.org is the best place to find out about current action alerts, civil liberties news and ACLU events in your area. If you aren't following us on Twitter or Facebook (@ACLUofWisconsin), you can find our latest updates in the tweet box on our homepage. A special thanks to the generous support of Stacey Herzing and the guidance of our technology committee for helping us update and streamline our presence on the web.

ACLU

New student alliances at UW-Green Bay and Lawrence

The University of Wisconsin – Green Bay and Lawrence University have new ACLU Student Alliance organizations on campus this year. Students on both campuses contacted the ACLU of Wisconsin for help in organizing around civil liberties and rights.

The ACLU Student Alliance at UW-Green Bay was formed by Melissa Childs, Heather Lannove and Chris Topel after they questioned archaic campus rules about sorority houses.

“We contacted the ACLU of Wisconsin to ask about equal rights and local housing law,” said Childs, a senior double majoring in business administration and social change and development. “We were so impressed by the organization’s expertise and response that we wanted to bring a speaker to campus for more information on our rights.”

On the first of April, ACLU of Wisconsin board president Erik Guenther traveled with ACLU of Wisconsin staff to UW-Green Bay to deliver a well-attended presentation on free speech and the Internet.

“This fall the group will work to sponsor voting awareness events, movie nights, diversity awareness clinics, and a speech providing information on the treatment of the homeless,” said Childs.

At Lawrence University in Appleton, their ACLU Student Alliance called AC[LU]² is led by President Marc Brown, a biology major and Vice President Rachel Waterman who is studying government. Both expect to graduate in 2013.

“We started the ACLU Student Alliance at Lawrence University because we noticed that while there were several international human rights groups, there weren’t any that focused on civil rights issues here at home,” said Brown. “Next year we hope to host speakers from campus security, local law enforcement, the ACLU as well as collaborating with other student groups to host a larger film festival on campus.”

Both the ACLUSA at UW-Green Bay and the AC[LU]² have groups on Facebook. For more information on how you can start an ACLU Student Alliance at your local high school or college campus, contact our Youth and Programs Department at (414) 272-4032 x 23 or liberty@aclu-wi.org. ■



Attorney Erik Guenther teaches UWGB students about Internet free speech.

New Sex Ed Law Needs Local Support

Sex education in public schools will improve since Governor Jim Doyle signed the Healthy Youth Act into law in February. The new law raises the state standards for human growth and development curricula statewide to require that schools teach non-discriminatory sex ed and include information about the benefits of both abstinence and use of contraception.

“The ACLU of Wisconsin is working to monitor the implementation of the new sex ed standards. We have factsheets on the law, the rights of parents and students, and tools for civil libertarians to take action to ensure that their school offers fact-based, age-appropriate and non-discriminatory sex ed,”

said Madison ACLU Community Advocate Stacy Harbaugh.

However in March, the district attorney of Juneau County made an ill-advised attack on Wisconsin’s new law. A letter from District Attorney Scott Southworth to Juneau County schools erroneously compared teaching the facts about reproduction and contraception to encouraging the sexual assault of children. The ACLU of Wisconsin has prepared a legal memorandum that can be sent to concerned school officials explaining why teachers who follow the law could not be successfully prosecuted. Schools across the state have been teaching comprehensive models of sex education without prosecution for years.

School leaders who have questions on how to implement the new law, should contact the Department of Public Instruction directly for answers to their questions, resources for parents and appropriate curricula suggestions. A great on-line resource can be found at www.dpi.wi.gov/sspw/hgd.html.

The ACLU Madison Community Advocate, Stacy Harbaugh, can be reached at (608) 469-5540 for materials on the rights of parents and youth and how to work for comprehensive sex ed in your school. ■

Schools across the state have been teaching comprehensive models of sexuality education without prosecution for years.

STUDENT ALLIANCES STATEWIDE:

ACLU Student Alliance at Nicolet High School, Milwaukee

ACLU Student Alliance at Rufus King High School, Milwaukee

ACLU Student Alliance at UW-Eau Claire

ACLU Student Alliance at UW-Green Bay

ACLU Student Alliance at UW-Madison

ACLU Student Alliance at UW-Milwaukee

ACLU Student Alliance at UW-Parkside/Carthage College

Lawrence University AC[LU]²

1 Race-Based Mascot Bill Signed Into Law

STATEWIDE – In May, Governor Doyle signed a bill setting up a complaint procedure to address discriminatory race-based public school team names and mascots. Approximately 30 schools in Wisconsin have mascot names or images that use Native American imagery or stereotypes. Ten schools have the mascot name “Indians.” The law is not about political correctness: all public schools in Wisconsin are required to provide students with an adequate, nondiscriminatory education. Race-based nicknames, logos and mascots are inherently discriminatory and shouldn’t be endorsed by a public school.

2 ACLU Visits La Crosse for PTA Convention and Sex Ed Update

LA CROSSE – In April, Madison ACLU Community Advocate Stacy Harbaugh talked to parents and teachers at the statewide PTA convention about the new comprehensive sex ed law. She shared the story of how the ACLU of Wisconsin effectively uses social networking for outreach on current civil liberties issues for the Great Lakes Regional NOW meeting.

3 ACLU Responds to Juneau Co. DA, Supports Mauston School Board on Sex Ed

JUNEAU COUNTY – Juneau County District Attorney Scott Southworth attacked Wisconsin’s new sex ed law in April by suggesting that teachers will be criminally prosecuted for contributing to the delinquency of a minor. Staff visited the Mauston school board meeting with other advocates for comprehensive sex ed to lend public support for board members to resist the District Attorney’s intimidation.

4 Fond du Lac Middle School Book Challenge

FOND DU LAC – In February, the ACLU of Wisconsin supported the Fond du Lac Theisen Middle School Book Reconsideration Committee’s decision not to censor “One of Those Hideous Books Where the Mother Dies” by Sonya Sones. We also recognized the bravery and leadership of 13-year-old Shelby Berg for originally suggesting the book be added to her school’s library and for defending the book in the recent challenge. To get updates on protecting books and other media from censorship in Wisconsin, join our Banned Books Reading Club on Facebook.

5 ACLU of WI Returns to Superior

SUPERIOR – In early May, Executive Director Chris Ahmuty returned to Superior to visit with members in Northwest Wisconsin. He hosted a lively discussion in the Superior Public Library at an ACLU of Wisconsin meet and greet. Among the topics discussed were the rights of American Indians in the criminal justice system and educational adequacy in public schools.

6 DHS Spying on Activists Investigated

MADISON – In 2009, a Department of Homeland Security analyst for the Wisconsin Statewide Information Center created a threat assessment of pro- and anti-abortion groups. The investigation was shared with Middleton police in advance of a protest over a University of Wisconsin Hospital board meeting to discuss options to offer second trimester abortion services at the Madison Surgery Center. In 2010 when litigation revealed the existence of a “threat assessment,” the ACLU of Wisconsin, Pro-Life Wisconsin and others denounced the creation of the assessment without proof of a credible threat. Without a warrant based on probable cause to believe that a crime is being committed or is about to be committed, the police or the federal government should not spy on activists.

7 Oshkosh Conference on LGBT Youth Includes Homelessness Issues

OSHKOSH – On March 5, the ACLU of Wisconsin was a part of the Gay Straight Alliance for Safe Schools’ statewide conference on LGBT Youth. Maria Cadenas from the Cream City Foundation, Terry Batson from the Center for Urban Initiatives and Research at UW-Milwaukee, and ACLU Madison Community Advocate Stacy Harbaugh spoke with youth advocates about the increasing and disproportionate numbers of homeless LGBT youth. The ACLU of Wisconsin works with advocates to make the shelter and foster care systems more responsive to the needs of LGBT youth.



Police pepper spray UWM student protesters. Photo by Mary Rutkowski





Governor Doyle signs the race-based mascot bill.



9 Taking Action Against MPS Takeover

MILWAUKEE – Chris Ahmuty testified at a hearing in January opposing the proposal to allow the mayor of Milwaukee to take control of the district away from the MPS school board. We said that the proposal wouldn't remedy Wisconsin's failure to provide an adequate education to far too many of Milwaukee's children. Rather than spending time and effort to push through a controversial takeover program, the governor, mayor and state legislators need to comply with the state Constitutional obligation to ensure that all Milwaukee children have the opportunity to obtain a meaningful, adequate education. The takeover proposal did not pass the state legislature.

10 Carthage College Students Stand Up for Free Speech, LGBT Rights

RACINE/KENOSHA – A potential conflict between students and administrators at Carthage College in February ended with an excellent example of respect for students' free speech rights. When the school's InterVarsity Christian Fellowship sponsored an anti-gay speaker, students threatened to protest. But after negotiations, the school's administration made space for LGBT rights supporters to have a concurrent teach-in on campus. The ACLU of Wisconsin applauded this effort by the school to accommodate and encourage more free speech, student debate and an open and fair exchange of ideas.

8 UW Milwaukee Student Protest Ends with Pepper Spray, Citations

MILWAUKEE – On March 4, UW-Milwaukee and Milwaukee City Police used pepper spray against students who were protesting against tuition hikes. Police cited 15 people on charges such as unlawful assembly and disorderly conduct. Trained volunteer legal observers contacted the ACLU of Wisconsin for assistance while the protest was happening. The ACLU of Wisconsin has been coordinating legal assistance for the student protesters who are challenging their citations and were also threatened with school disciplinary procedures. Prominent criminal defense and civil rights attorney James Shellow was instrumental in the response to the arrests and, along with West Bend Attorney Waring Fincke and Milwaukee Attorney Craig Mastantuono, has led a team of 14 lawyers who are volunteering their services to represent the students.

MEMBER ACTION



Ways You Can Host the ACLU in Your Community

The ACLU of Wisconsin works statewide to protect civil liberties. Now you can help us come to your community to talk about changes in sex ed in schools, privacy rights, criminal justice reform, voting rights, protecting women's health options and more. **Host a meet and greet** at your local coffeeshop. **Sponsor a fundraiser** at your house to get your friends involved. Let us know about a great community event where we could have an information table or **conduct a workshop** on important civil liberties topics. Contact us at liberty@aclu-wi.org or call (608) 469-5540 with your idea.

Februray 20, 2010

ACLU of Wisconsin Foundation Annual Bill of Rights Celebration

Keynote Speaker: Blogger Ana Marie Cox

Ana Marie Cox is a pioneering political journalist and founder of the Wonkette Blog. Cox makes an impact on new media through her blog, 1.5 million Twitter followers, contributions to *GQ* and *Time* magazines and frequent appearances on The Rachel Maddow Show on MSNBC.

The Eunice Z. Edgar Lifetime Achievement Award

The Progressive magazine was recognized for more than a century of incisive journalism. *The Progressive* was founded in 1909 by Wisconsin Senator Robert La Follette and continues to be a relevant voice for freedom. Projects like the “McCarthyism Watch” exemplify the role of the press as a check on the actions of government and a defender of civil liberties and civil rights.

William Gorham Rice

Civil Libertarians of the Year Award

West Bend Activists for Free Speech who stood up to book burners and censorship in their community.

Jack and Lucy Rosenberg

Youth Civil Libertarian of the Year Award

Camp Everytown produces a generation of young Wisconsin leaders through a high-school age summer camp in which participants receive intensive leadership training that help them become outspoken advocates against discrimination.



Progressive Magazine editor Matt Rothschild talks to English Professor Peg Murdoch

The Bill of Rights Celebration as made possible by our media sponsors *CitiGal* and the *Wisconsin Gazette*. Stacey Herzing, William H. Lynch and Barbara Manger sponsored tables to enable our dedicated volunteers and youth to attend.



Camp Everytown: John Fitzgerald, LG Shanklin-Flowers, Martha Barry and Paula Pennebaker



Heather Ullsvik, Tami Williams and Joel Richter



Youth members: Salvador Gomez, Jason Hargis, Maggie Piery, Joseph Riggenschach and Xiaohoa Ching

Support the ACLU of Wisconsin Through Your Workplace Community Shares of Wisconsin Campaign

An easy way to support the ACLU of Wisconsin Foundation is through your employer's payroll program. Community Shares of Wisconsin and Community Shares of Greater Milwaukee are organizations that make a tremendous impact on non-profits such as the ACLU of Wisconsin Foundation through giving campaigns each fall.

By giving through your workplace, you can support our work on a monthly basis. Contributions of all sizes each month add up to a huge yearly impact for civil liberties. Ask your employer if they partner with Community Shares. If your employer does not offer a workplace giving program, ask your company to consider starting one with the Community Shares organization in your area. Workplace giving is an easy way for individual employees to make a contribution to the charity of their choice and in some cases can be matched by employers to double the impact of a gift.

Contact us at liberty@aclu-wi.org or call (608) 469-5540 if you have questions about Community Shares of Wisconsin, Community Shares of Greater Milwaukee or how your workplace can take part in this powerful way to support systemic change in Wisconsin. ■

ACLU-WISCONSIN,
Proud member of:



Police should get warrants before tracking people with GPS devices.

The ACLU of Wisconsin works to overturn GPS ruling

The ACLU of Wisconsin is working to overturn a ruling to make it clear that police should get warrants before tracking people with GPS devices. In Madison, Wisconsin, law enforcement agents used a global positioning device (GPS) without first obtaining a warrant to track a person suspected of violating a restraining order. This was challenged in court, but according to the Wisconsin Court of Appeals, such GPS tracking is not a "search or seizure."

The consequence of the Appeals Court's reasoning in *State of Wisconsin v. Sveum* is that the police are free to track individuals' vehicular movements wherever they go and without any approval by a court. This is true even though tracking someone's movements can give a detailed picture of someone's personal associations—they can be tracked to churches, bars, protests or a doctor's office.

In February, the ACLU and the Electronic Frontier Foundation (EFF) filed a friend-of-the-court brief and presented an oral argument to the Wisconsin Supreme Court urging the justices to reverse the lower court's decision. While we can all agree that the police should help enforce a restraining order, allowing them the power to obtain information on the location of anyone's car and movements, for any reason or for no reason at all without a valid warrant is unconstitutional. ■

...make it clear that police should get warrants before tracking people with GPS devices.

TRANSGENDER *continued from page 1*

"This decision recognizes that many transgender prisoners require individualized medical treatment," said John Knight, a senior staff attorney with the ACLU's LGBT Project. "While the court's ruling does not require any particular treatment, it does mean that doctors are the ones who make these medical decisions."

In addition to finding that the deprivation of prescribed treatment violated the prohibition on cruel and unusual punishment, the court also found that because the state took away medical discretion to prescribe essential treatments to prisoners with Gender Identity Disorder, but did not take away discretion in the case of any other disorders, the law violates the Constitution's guarantee of equal protection.

"The court understood that medical treatment is critical for transgender people and that medical decisions should be made by doctors not legislators," said Dru Levasseur, Lambda Legal's Transgender Rights attorney. "The state cannot decide to withhold treatment from people because they disapprove of their gender identity or medical needs: it's unconstitutional."

The legal team included John Knight, a senior staff attorney with the ACLU LGBT Project; Larry Dupuis, Legal Director of the ACLU of Wisconsin; Cole Thaler and Dru Levasseur, former and current Transgender Rights Project attorneys at Lambda Legal and ACLU cooperating attorney Erik Guenther of Hurley, Burish & Stanton, S.C.

Find more about the *Sundstrom v. Frank* case on-line at capcityliberty.blogspot.com with links, resources and media coverage of this ACLU of Wisconsin Foundation victory. ■





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INSIDE:

WELCOME NEW BOARD p2

NEW SEX ED LAW p3

ACLU NEWS
AROUND THE STATE p4-5

BILL OF RIGHTS
CELEBRATION p6

Get the ACLU of Wisconsin's News by Email

Are you getting email action alerts and updates from the Wisconsin ACLU? **If not, you aren't on our new email action list!**

This summer the ACLU of Wisconsin will expand our e-action system to update our members and supporters about local and statewide civil liberties news. By subscribing to our email list, you can hear about local ACLU events, legislative action alerts, and opportunities for you to volunteer and get engaged in your community.

Sign up today by visiting our homepage at www.aclu-wi.org