



207 E. Buffalo Street, #325  
Milwaukee, WI 53202-5774

**For Immediate Release: May 1, 2009**

**Contact: Christopher Ahmuty, Executive Director, (414) 272-4032, ext. 13**

**ACLU of Wisconsin  
Statement on  
Governor Doyle's declaration of public health emergency**

Milwaukee – On Friday morning, May 1, 2009 Christopher Ahmuty, executive director of the American Civil Liberties Union of Wisconsin, issued the following statement on Governor Doyle's declaration of a public health emergency in response to the presence of the Influenza A (H1N1) virus in Wisconsin.

“The outbreak of a communicable disease, such as the Influenza Wisconsin is witnessing, may cause great public fear and concern. **It is especially important at such times that the state implement a public health policy which is rational, effective and has the least intrusion possible on civil liberties.** The ACLU of Wisconsin commends Governor Doyle for addressing the presence of the Influenza A (H1N1) virus in a deliberate way in his declaration of a public health emergency.”

“We wish to remind all public officials that government actions designed to control communicable diseases raise serious civil liberties concerns, such as the loss of one's physical freedom to assemble, travel and work. Public health actions that single groups or individuals because of their ethnicity or country of origin also raise serious civil liberties concerns.”

“The ACLU of Wisconsin believes that there may be instances in which the danger to the public from a communicable disease is so grave that a compelling interest which justifies state action is shown. Each communicable disease is unique in terms of its causes, transmissibility, effects and treatment and must be considered individually.”

“Therefore, all state action should be based on the most recent and most comprehensive medical and scientific information available. All actions should be reviewed periodically in light of new information.”

**“The ACLU of Wisconsin asks state and local officials before implementing actions in response to the current Influenza outbreak to examine it in terms of the following factors and civil liberties concerns:**

1) The gravity of the harm. The justification for coercive state action is less when the gravity of the harm is low.

2) The means of transmission, the efficiency of transmission, and the likelihood of the behavior which enhances transmission. There is more justification for state action when a disease is transmitted by casual contact, when fewer contacts are required for transmission, and when behavior which transmits the disease is likely to occur in public.

3) The degree of intrusion and duration of the proposed public health measure. When the action is more intrusive, the duration of infringement longer, the public health justification must be greater.

4) The effectiveness of the proposed public health measure. The justification for compulsory public health measures decreases as those measures are less likely to effectively control the risk of transmission of a communicable disease to the public.

**The ACLU opposes any compulsory public health measures undertaken merely to stem public fear of a disease.**

The ACLU of Wisconsin is a membership organization which defends the civil liberties and civil rights of all Wisconsin residents. Visit [www.aclu-wi.org](http://www.aclu-wi.org).