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MEDIA RELEASE

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**ACLU CONDEMNS PROPOSED KENOSHA ORDINANCE
PROHIBITING CRITICISM OF POLICE OFFICERS**

MILWAUKEE -- The American Civil Liberties Union of Wisconsin today urges the Kenosha City Council to reject the patently unconstitutional proposed ordinance prohibiting the use of “profane, vile, filthy or obscene language” in the presence of a police officer or firefighter. The City’s Public Safety and Welfare Committee approved the proposed modification of an already unconstitutional provision of the Kenosha disorderly conduct ordinance on Monday, sending the proposal to the City Council for consideration on September 7, 2009.

Chris Ahmuty, the ACLU of Wisconsin’s executive director, said, “It is astonishing that Kenosha, after all the criticism of the arrest of Harvard Professor Henry Louis Gates for shouting at a police officer, that Kenosha would even consider enacting such an obviously unenforceable ordinance.”

“This ordinance is plainly unconstitutional,” said Larry Dupuis, the ACLU of Wisconsin’s legal director. “As far back as 1974, the Supreme Court struck down a nearly identical ordinance that made it illegal to ‘curse or revile or to use obscene or opprobrious language toward or with reference to any member of the city police.’ In that case, *Lewis v. City of New Orleans*, the Court said, ‘The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.’ As long as a person is not interfering with the police carrying out their duties, the rule for officers should be the same rule we all learned in preschool: ‘sticks and stones can break my bones, but names can never hurt me.’”

The ACLU further urges the Council to take the opportunity presented by the proposed amendment to repeal the existing provision of the ordinance, which forbids the use of “profane, vile, filthy or obscene language in any public place within the hearing of other persons.”

“It is equally clear that the government cannot prohibit public profanity,” continued Dupuis. “In *Cohen v. California*, decided in 1971, the Supreme Court threw out the disorderly conduct conviction of a man who wore a t-shirt that read ‘Fuck the Draft’ in a courthouse. In America, we don’t have ‘speech police’ deciding what language is inappropriate.

“As the Court in *Cohen* said, ‘[O]ne man’s vulgarity is another man’s lyric.’ The chairperson of the committee should understand this. He told the *Kenosha News* that the proposed ordinance would allow the police to arrest someone for ‘being a knob.’ Of course, some people consider the word ‘knob’ to be ‘vile, filthy and obscene.’ I doubt the chairperson would like to spend time in the Kenosha County jail for using that term in front of a reporter.”

The ACLU of Wisconsin is a membership organization dedicated to defending the civil liberties and rights of all Wisconsin residents.

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