

## ACLU of Wisconsin Foundation Staff

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## Protecting liberty through the courts and the community



### American Civil Liberties Union of Wisconsin Foundation



ACLUofWI



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2011-2012 Annual Report

# Leadership

Since early 2011, threats to civil liberties and civil rights nationwide – and especially in Wisconsin – have been unprecedented. At the American Civil Liberties Union of Wisconsin, our whole organization has stepped up to meet these challenges.

The 2011-2012 Annual Report doesn't have the room to explain all that we have done. It does tell some of Wisconsin's civil liberties stories and explains some of issues that are central to what we do. We hope it gives you a sense of the variety of the important issues we address, the strategies we employ, and why the ACLU of Wisconsin has the capability to fulfill our mission of taking on challenges no one else can. Our affiliate has a brand new website and we invite you to visit for more details and the latest news: [www.aclu-wi.org](http://www.aclu-wi.org).

As Executive Director of our affiliate, I'm indebted to our great staff, board, volunteers and collaborators for our success in fighting back old and new threats. Amazingly, given the abuses of power coming out of Madison, we have been able to carry on an affirmative program in the courts, the court of public opinion, and among young people.

Our federal lawsuit against Wisconsin's discriminatory Voter ID law has provided a backstop against voter suppression. Our work to keep the Wisconsin State Capitol open for First Amendment activities continues. Our complaint challenging discrimination on the basis of disability by private voucher schools in Milwaukee is moving ahead. Our "Know Your Rights" workshops, legal observer trainings, and youth development programs empowered more people than ever before.

In 2011, we also began improving and expanding our capacity to communicate pro-civil liberties messages to Wisconsin residents both young and old. Our website serves as an anchor to our vibrant social media

presence. We know we are reaching our audience because when we live-tweet events, such as court hearings on Capitol access, people are joining ACLU online.

ACLU supporters who have joined our email list will play an important part of our efforts, especially as the new legislative session starts. I'd encourage all ACLU members and donors in Wisconsin to go to [www.aclu-wi.org](http://www.aclu-wi.org) to sign up. Our e-newsletters and action alerts are focused on Wisconsin's civil liberties news and we promise to send you our important updates without filling your inbox with spam.

On behalf of the ACLU of Wisconsin Board of Directors, I ask you to remain vigilant, engaged, and as financially generous as you were last year. The future of civil liberties in Wisconsin is hopeful, if we all work together.



Chris Ahmuty  
Executive Director

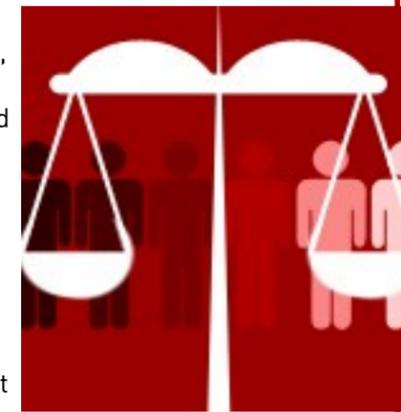


## ACLU of Wisconsin 2011-12 Foundation Board

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# Connecting racial justice and the environment

When it comes to access to shared roads, clean air and a healthy environment, we should all be able to share these resources equally. But when government puts dirty coal plants in minority communities or cuts public transit while expanding highways out to sprawling suburbs, we see how discrimination impacts communities one policy decision at a time.



The ACLU of Wisconsin Foundation works in coalition with organizations committed to a clean environment, healthy neighborhoods and racial justice to amplify the voice of minority communities for equal access to clean air and affordable transit.

We call on the federal government's civil rights law enforcement agencies to pay attention to the discriminatory impact of decisions made by Governor Walker's administration and the Southeastern Wisconsin Regional Planning Commission (SEWRPC). We filed complaints with the federal government over how our tax dollars are spent on expanding suburban highways rather than on inner city public transit. These resources are needed by the poorest communities in Milwaukee and our legal department can be a voice for the most disenfranchised families in the region.

We also worked with clean air and minority health coalitions to put pressure on the state Department of Natural Resources to pull a permit for the We Energies' Valley coal plant. We took on this fight because cracking down on air pollution isn't just about global warming: the coal plant, located in a majority-minority neighborhood, has a discriminatory impact on the public health of the community. The public pressure worked and we helped to persuade We Energies in May to convert the power plant to natural gas in a victory for public health.

While our federal complaint might not stop the Zoo Interchange, the federal government is signaling more investigations into discriminatory transportation policy.

# Reforming prison conditions

In a state with a disproportionate minority incarceration rate, our criminal justice system – from police practices to prisons – puts discrimination under a microscope. Racial profiling through traffic stops or stop-and-frisk interventions on the street is a problem that minority communities experience, but most police departments do not track. Once behind bars, people are not just denied their freedom, they are denied even the most basic health care.



After Governor Walker repealed the law requiring police departments to collect data about the race of drivers stopped along Wisconsin roads, the ACLU of Wisconsin Foundation turned to racial justice coalitions and the broader public to begin collecting stories from people who felt their interactions with police were racially motivated. By listening to people's stories about their experiences of racial profiling, we can use their examples to hold police departments accountable for discriminatory traffic stops.

We also worked with Lambda Legal to show a federal court that denying transgender prisoners' treatment prescribed by their doctors was cruel and unusual punishment, tantamount to torture. The *Sundstrum v. Frank* decision was a critical legal victory for prisoners and for transgender individuals who have a basic right to work with their doctor to obtain hormone therapy or other medically-appropriate treatment.

We've claimed victories over reforming prison conditions in recent years, and monitoring the Taycheedah women's prison for mental and physical medical care is ongoing. We also continue to monitor the declining conditions at the Milwaukee County Jail.

The lack of medical staff in the Milwaukee County Jail has come to the attention of the courts and we expect Sheriff Clarke to comply with court orders in 2013.

# LET ME VOTE

The right to vote is the foundation of our democracy. But after legislators made a wave of changes to Wisconsin voting laws in 2011, the ACLU of Wisconsin Foundation had to double down on our efforts to educate voters, advocate for fairness and challenge voter suppression in court.

We spoke with voters from around the state and it was clear that the law would impact elderly, veteran, student, minority, homeless and low-income voters. We collected the stories of those voters and took the Wisconsin Voter ID law to federal court including a complaint under the federal Civil Rights Act. Fortunately, two challenges in state courts stopped the Voter ID law for the 2011 and 2012 elections. Our pending federal court challenge remains the last line of defense against voter disenfranchisement if challenges in the state courts face appeals in the future.

Still, confusion over photo ID rules and other changes in the law continued to impact statewide elections. The ACLU of Wisconsin Foundation educated voters statewide by developing factsheets on what voters needed to know before casting ballots in the Recall primary and special elections. We advocated for student voting rights as legislators, Government Accountability Board staff and voting rights advocacy groups debated how student IDs could be used under the law. And during the special elections, the ACLU of Wisconsin Foundation was once again a proud partner in the nonpartisan Wisconsin Election Protection effort which sponsors the 866-OUR-VOTE voter empowerment hotline.

During the unprecedented, statewide recall petition effort, the ACLU of Wisconsin said that the rights of confidential electors (or voters who are domestic violence survivors whose names are shielded from public voter rolls) should be similarly protected before the names of Recall petitions were released to the public. While our objections didn't result in action by the Government Accountability Board, there was a robust debate in the news around privacy rights and public petitions.



Ruthelle Frank is an 84-year-old woman who was born and raised in Brokaw, Wisconsin. She votes in every election and has even held public office on her village board. But after the Wisconsin Legislature passed a law requiring all eligible voters to show one of a limited type

of photo ID in order to vote, Ruthelle found herself facing a barrier to her right to vote. When she was born at home in 1927, her mother recorded her birth in the family Bible. She only has a birth announcement, with her name misspelled, and not a birth certificate which would be required to obtain an ID under the Voter ID law.

"I have exercised my right to vote in every election since 1948," Frank said. "I

should not suddenly be barred from voting just because I don't believe in paying for identification in order to vote. That's like a poll tax and sends this country back decades ago when it comes to civil rights."

As one of the plaintiffs in the ACLU's federal challenge to Wisconsin's Voter ID law, her story will show that people's right to vote shouldn't depend on a government ID. Wisconsin should let Ruthelle vote in future elections just as she has in so many elections in the past.

## Wisconsinites who would be disenfranchised by Voter ID



While Ruthelle's story describes someone who would clearly be impacted by Wisconsin's voter ID law, the details of the law have a far-reaching impact on a wide variety of Wisconsin voters. Voters who would be disenfranchised by the voter ID law include those who:

- were born in *Alaska, Arkansas, Delaware, Florida, Georgia, Hawaii, Iowa, Nebraska, Nevada, North Carolina, South Carolina, or Puerto Rico*, and **do not have a certified copy of their birth certificate** (For

people born in Puerto Rico, the copy must be from October 2010 or later);

- were **never issued a birth certificate** (for example, because they were born at home in a state like Mississippi, Alabama or Tennessee), or for some reason other than lack of money they can't get a birth certificate (for example, they don't have the kind of ID they need to get a birth certificate from the state where they were born);
- are having trouble getting a qualifying photo ID because they have **little or no income so they can't afford the papers they need to get the ID** such as a birth certificate, marriage certificate, or certificates of U.S. citizenship or naturalization;
- are having trouble getting a qualifying photo ID because they **cannot obtain a Social Security Card** due to lack of proof of identity—and in a Catch-22—have no other way to prove identity to the DMV;
- are having trouble getting a photo ID because they **don't have transportation to get to the DMV office**, or they work during all the hours their local DMV office is open;
- **do not have a regular home address or they do not have proof of their address in their name** like a utility bill or paycheck. For example, they are homeless, they live in a shelter, they live in someone else's house and don't have bills in their name, or they move often and don't have a regular address;
- are **a person with a disability** that will make it very hard for them to get to a DMV office to get their photo ID, it is hard for them to leave their home, or they are unable to sign their name sometimes or always;
- are **a student at a Wisconsin technical college** and they don't have a Wisconsin driver's license, state ID card, U.S. passport, or tribal or military ID; or are **a student at any Wisconsin college or university**, they have a driver's license from another state (but don't have a car or drive regularly in Wisconsin) and do not have a passport or tribal or military ID.

## Standing up to the abuse of power



Throughout 2011, protesters at our state's Capitol rallied against the abuses of power that were imposed by one-party dominated legislative and executive branches of our state government. The ACLU of Wisconsin spoke out against the gutting of the rights of workers to

unionize, secretive and partisan redistricting, and violations of open meetings laws. While not all court challenges of these controversies have been settled, it was clear that courts are the last line of defense when government abuses its power.

In December of 2011, the state Department of Administration issued new rules about how the public can access our Capitol building and exercise their Constitutionally protected right to free speech and assembly. The ACLU of Wisconsin was the strongest critic of the new limits and we pressured the DOA to change the unreasonable and discriminatory rules. The new rules defined groups of as few as four people as a rally and imposed a permit scheme that is too restrictive.

After Capitol Police began issuing citations to citizens holding signs or participating in the daily Solidarity Sing Along, the ACLU of Wisconsin Foundation worked to connect activists with attorneys who could help challenge their tickets. Our expert lawyers continue to work with a coordinating organization in Madison to address the enforcement of new and unreasonable rules restricting the rights of protesters at the Capitol. The right to peaceable assembly and the redress of grievances shouldn't be sacrificed in our state's premier location for free speech.

## Defending the rights of youth in schools



From opposing drug-sniffing dogs and sex-segregated public schools in Madison to defending students with disabilities in Milwaukee and Gay-Straight Alliance members in West Bend, the ACLU of Wisconsin was a voice for students' basic rights.

In the spring of 2011, the West Bend School District school board narrowly approved the formation of a Gay-Straight Alliance at the high school. We supported the students and parents who wanted the GSA and didn't have to take legal action. We were pleased that the school board listened to public pressure to vote in favor of equality and fairness.

In Sauk City, a middle school student wanted to wear an "I ♥ Boobies" breast cancer awareness bracelet to class. There were no records of disruption, yet school staff insisted the bracelets were vulgar. A federal judge in Wisconsin agreed with the school when we took the student's complaint to court, but the student free speech lawsuit was just one chapter in the ACLU's work nationally to defend students' right to wear a bracelet that is as controversial as it is effective in demystifying a critical women's health concern.

Students with disabilities face discrimination in Milwaukee voucher schools. While public schools must provide equal educational opportunities to all students, those with disabilities have been denied access to or dismissed from private voucher schools that are unable or unwilling to accommodate their educational needs. The ACLU of Wisconsin Foundation worked with Disability Rights Wisconsin and Milwaukee families to file a complaint with the U.S. Department of Justice. As Milwaukee's Parental Choice Program continues to fail in delivering promised school reform, the ACLU of Wisconsin will continue to fight for students' rights in our schools.

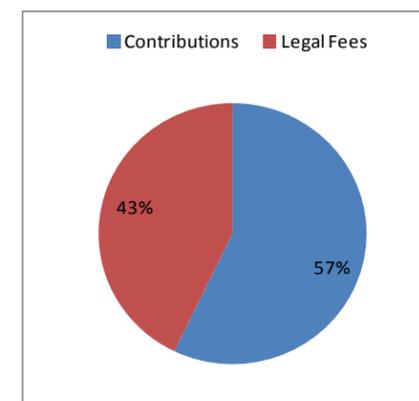
## Financial activity for year ending March 31, 2012

### ACLU of Wisconsin Foundation, Inc.

Statement of Activities—For the Year Ending March 31, 2012

UNRESTRICTED NET ASSETS	
SUPPORT AND REVENUE	
Contributions	\$ 379,618
Legal Fees	285,006
Less benefit to donors	(11,450)
Net revenue from special event	13,061
Investment return	585
Miscellaneous	200
Gain on disposal of equipment	606
Total unrestricted support and revenue	653,174
EXPENSES	
Program service (legal rights)	478,670
Management and General	84,474
Fundraising	134,418
Total expenses	697,562
Net assets released from restrictions	(17,460)
Change in unrestricted net assets	(29,928)
TEMPORARILY RESTRICTED NET ASSETS	
Contributions	67,607
Investment return	149
Net assets released from restrictions	(17,460)
Loss on pledges receivable	(101,902)
Change in temp. restr. net assets	(51,606)
Change in net assets	(78,534)
Net assets (beginning of year)	1,049,471
Net assets—end of year	\$ 970,937

Foundation Revenue



### ACLU of Wisconsin, Inc.

Statement of Activities—For the Year Ending March 31, 2012

UNRESTRICTED NET ASSETS	
SUPPORT AND REVENUE	
Base renewable income	\$ 202,398
Investment return	(227)
Other revenue	3,037
Total support and revenue	205,208
EXPENSES	
Program services (defense of liberties)	133,596
Management and general	105,746
Member services	28,144
Total expenses	267,486
Change in net assets	(62,278)
Net assets, beginning of year	340,687
Net assets, end of year	\$ 278,409

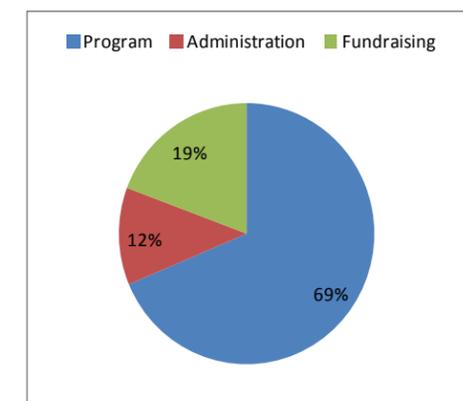
The **ACLU of Wisconsin Foundation** is a 501 c3 non-profit organization; gifts to the Foundation are tax-deductible. The Foundation funds and produces the legal, education and outreach programs of the ACLU of Wisconsin.

The **ACLU of Wisconsin** is a 501 c4 non-profit organization that collects membership dues from individuals across the state. These membership dues are not tax-deductible donations and are used primarily for lobbying and advocacy.

Not reflected in these audited figures is shared revenue receivable that results from the relationship between the ACLU national and its affiliate foundations.

Please note that legal fees are unpredictable and are reserved for future litigation as well as aiding operations.

Foundation Expense



### Where we stand in 2012...

ACLU legal observers continue to monitor Capitol protests daily and our director is advising defense attorneys about constitutional law.

We continue to watch for legislative expansions of voucher schools and the federal government is expected to further investigate disability discrimination.