



CHRIS TAYLOR

STATE REPRESENTATIVE ♦ 48th ASSEMBLY DISTRICT

September 7, 2012

Via Hand-Delivery

Capitol Police Chief David Erwin
Division of Capitol Police
B2N, State Capitol
Madison, Wisconsin 53702

Dear Chief Erwin,

I was very shocked and disappointed today when you and Department of Administration Executive Assistant Gwendolyn Coomer walked out of a meeting scheduled in my office. I had requested this meeting with you several weeks ago to obtain more information about the enforcement of Capitol permitting policies. This meeting, which had been rescheduled twice due to your and DOA's request, ended abruptly with you and Ms. Coomer refusing to answer the most basic questions about the basis for recent arrests in the state Capitol and the specific conduct you believe to be unlawful.

My concerns are two-fold: 1) That my constituents and the public be treated fairly when in the Capitol, and 2) That enforcement actions against those using the Capitol comply with constitutional protections and free speech considerations.

When I asked about the specific conditions you were considering in determining whether an individual needed a permit or when making an arrest, you stated that these determinations were being made on a "case-by-case basis" and refused to articulate specific factors that would be considered. Instead, you and Ms. Coomer recommended that anyone considering holding a sign call the Capitol police to inquire whether a permit would be needed. This gives me grave concern that the public is not being provided adequate notice about what conduct you are prohibiting and under what specific legal authority you are acting. Further, this subjective manner of making permitting and arrest determinations can easily lead to abuse, with the result being that constitutionally protected political speech is being improperly silenced.

I am also troubled that you and the Walker administration have refused to tell an elected representative what specific conduct you are interpreting as being unlawful in the Capitol. The public and those of us who work in the Capitol, particularly legislators who take an oath to uphold our state constitution, deserve to know the exact basis for the arrests, the criteria that will be evaluated when determining whether to arrest somebody and the specific conduct you are interpreting as requiring a permit. Without this specification, your actions are guided by subjective criteria and random enforcement. Such randomness has the potential of rooting out

lawful, constitutional protected political expression, which has long been a proud tradition in our state.

My intent and hope in scheduling this meeting was to receive specific answers to pertinent questions. If I came across as rude, I do apologize. I was merely trying to ask very direct questions and get direct answers because these are important issues that deserve a thorough and complete response from you.

Because I am concerned I will not receive verbal answers to the most basic questions about your arrest activity, I have attached an e mail I previously sent to Ms. Coomer with just a few basic questions to which I am requesting you respond. Ms. Coomer asserted today that these questions posed complicated legal issues that were still being worked out, despite the fact that you have been arresting people for carrying signs for the last 2 days. Prior to arresting people, I would have expected that you and the DOA would have determined exactly what conduct would be subject to arrest. I am alarmed to hear this is still being "worked out."

I specifically request that you refrain from making further arrests of individuals carrying signs in the state Capitol or engaging in other constitutionally protected political speech until you are able to specify the conduct you consider unlawful and the legal basis for such a conclusion, which should also be made known to the public.

I thank you in advance for your prompt response.

Sincerely,

A handwritten signature in cursive script that reads "Chris Taylor". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Chris Taylor
State Representative

Cc: Mike Huebsch, Secretary, Department of Administration (Via Electronic Mail)

Taylor, Chris

From: Taylor, Chris
Sent: Wednesday, September 05, 2012 4:39 PM
To: Coomer, Gwendolyn (Wendy) - DOA
Subject: Arrest of sign-holders

Wendy,

I have several questions about the arrest today of people carrying signs. Under what statutory authority were they arrested? You stated that people aren't allowed to carry signs in permitted areas even when these are public areas of the Capitol, and I am wondering where that is specifically prohibited in statute or code.

Also, is DOA's intent to continue to arrest people carrying signs in permitted areas? What about non-permitted areas?

Thanks, Chris Taylor