



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

September 12, 2012

Secretary Mike Huebsch
101 E. Wilson Street, 10th Floor
PO Box 7864
Madison, WI 53707-7864

Dear Secretary Huebsch,

We are glad the DOA is now willing to discuss specific questions regarding the Capitol permit process and recent arrests that have occurred for peaceful protest in the state Capitol, as indicated in your staff's September 7th letter to Representative Taylor. Both Ms. Coomer's and Chief Erwin's unwillingness to do so was their articulated reason for walking out of the scheduled meeting she had with them last week. We are requesting an immediate meeting with you to discuss the issues set forth below.

First, we want to preface this discussion in stating that we are concerned with citations being issued to individuals who are engaging in peaceful political protest, which most commonly is in the form of carrying a sign, banner or singing a song. The vast majority of individuals who use the Capitol are peaceful and respectful. We take no issue with the Capitol police issuing citations for people engaging in harassing or threatening conduct.

The Capitol police's response to individuals peacefully protesting is now verging on ridiculous. In the last week, individuals holding banners received citations at their homes and in their workplace under various provisions of the Administrative Code which we do not believe have ever been used, or should be used, against people holding signs or banners. Several people were cited this week under Administrative Code provision 2.08 (1) (b) which regulates "equipment, apparatus or machines" that create a hazard. We fail to see how holding a banner falls into this category. Further, the fact that these citations were not issued at the time of the alleged unlawful conduct but several hours later makes us question whether any hazard existed.

Citations were also issued under administrative Code 2.14(2)(v), which prohibits a long list of conduct. We are not clear about the exact conduct that was objectionable, but the basis seems to be that individuals were somehow obstructing passage in the Capitol. Again, these tickets were issued many hours after the alleged unlawful conduct. We would think that the Capitol Police would try to remove an obstruction at the time it was created rather than issuing citations many hours later.

Last week citations were also issued under Adm. Code 2.07 (2). Neither Ms. Coomer nor Chief Erwin would answer Representative Taylor's specific questions about whether an individual

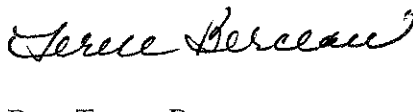
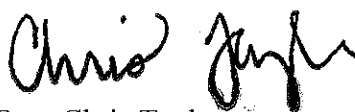
holding a sign would continue to be cited under this provision or any other, a question which still has not been answered. We would like, and the public deserves, to have this question publicly answered. As you may know, there was a specific discussion of this issue in a recent Dane County circuit court decision which specifically concluded that this section of the Administrative Code does not apply to a person holding a sign (We have attached this section of the court decision).

The manner in which citations are being issued is also of concern. Yesterday, a citation was delivered to an individual's place of business and police spoke to his supervisor. Citations have also been issued to people at their homes, again several hours after the conduct at issue occurred. We would request that the Capitol police immediately cease this manner of issuing citations, as the only basis for issuing citations in this way seems to be to intimidate and harass.

Finally, the Capitol police's process of arresting peaceful protestors who receive a forfeiture citation and requiring some of them to be fingerprinted and photographed at the Dane County jail is consuming needed resources and officer time that should be being used to keep our community safe. Madison officers are delayed in processing individuals who are accused of legitimate crimes, preventing the officer's return to our community to perform public safety tasks in the timeliest manner. Further, if this practice of fingerprinting and photographing individuals engaged in peaceful protest continues, it appears at odds with the Revised Uniform State Traffic Deposit Schedule that only requires these steps when an individual doesn't have a sufficient identification, the person represents a danger to himself or society, the person has previously failed to appear in court or respond to a citation, or there are other investigative actions that must be taken. We would also request that you refrain from fingerprinting and photographing these individuals who receive forfeiture citations who do not meet the criteria for this type of treatment.

Again, thank you for your response and we look forward to meeting with you.

Sincerely,



Rep. Chris Taylor
48th Assembly District

Rep. Terese Berceau
76th Assembly District



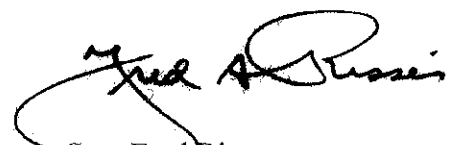
Rep. Mark Pocan
78th Assembly District



Sen. Mark Miller
16th Senate District



Rep. Gary Hebl
46th Assembly District



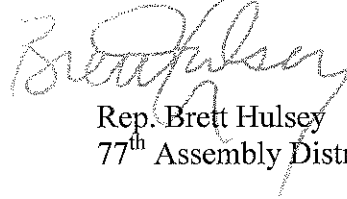
Sen. Fred Risser
26th Senate District



Sen. Jon Erpenbach
27th Senate District



Rep. Kelda Roys
81st Assembly District



Rep. Brett Hulsey
77th Assembly District



Rep. Sondy Pope-Roberts
79th Assembly District