



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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September 21, 2012

Representative Chris Taylor
306 West
State Capitol
HAND DELIVERED

Dear Representative Taylor,

I received your message yesterday afternoon demanding an explanation as to why I had not responded to a letter from you that you said was dated September 12, 2012. I never received this correspondence from you.

Before writing this response, I checked with others in my office to ensure we had not received your letter. I checked with our Administrative Assistants, our Deputy Secretary, our Executive Assistant, our Communications Director, our Chief Legal Counsel and our Receptionist. None of them had received it either.

I accessed the Wheeler and WisPolitics reports online and found a letter under your signature dated September 12, which others from the Legislature had also signed, and I assume that this is the letter you are referring to. It is unfortunate that I had to look up your letter on the websites of media outlets, instead of receiving it directly from you.

It is clear you are exploiting this issue for your own political gain when you take the time to ensure your letter makes it into the hands of the media, yet fail to ensure a letter sent to me actually makes it to my office.

Since I printed a copy of the letter from these websites, let me respond to your issues overall based upon the experiences during the past year, as well as my conversations with Chief Erwin, so that I can respond factually to your claims:

- First, I would like to thank Representative Pocan, Senator Miller, Representative Hebl, Representative Roys and Representative Hulsey, who signed your letter but have used the permit process themselves. Several of them have even applied for a permit this year to promote their own political campaigns. They inherently recognize that Capitol Police issue permits regardless of the political party, affiliation, or content. It is difficult to argue that the Capitol Police have an agenda to limit free speech or somehow oppose political dissent when they have approved these permits.

- While it does not relieve the responsibility to obtain a permit, I agree that some of the Solidarity Singers are peaceful. Yet, as acknowledged in your letter, we all recognize that there is a group of these individuals who harass staff and visitors at the Capitol. These individuals have regularly demonstrated poor behavior for more than a year and a half under the guise of free speech.
- Your overall comments in the media and included in your letter question the actions of the Capitol Police for issuing citations for banners or other displays. The Administrative Code is clear that you must receive a permit in order to display items at the Capitol. Therefore, the regular group of people who come to the Capitol each day is required to get a permit, as upheld in a recent Dane County Court decision.
- Individuals holding signs will not be cited, unless those signs pose a safety risk, the person is engaged in other prohibited behavior, or is interfering with a permitted event.
- There is a regular group who come to the Capitol each day at the same time, same location, complete with song books. There is no logical or reasonable individual who is going to believe that this group is now comprised of individuals who just happen to come together at the same time each day. The various leaders of this group have been asked for nearly a year to get a permit for their activities.

Chief Erwin has been clear that he will sign the permit if there is not already a scheduled event, the permit is free, and the Capitol Police have not charged any protest group for police services, even though the ability to charge for services has been part of Wisconsin state law since 1971. If the group continues to protest and display banners or signs without a permit, they may be cited as noted in Administrative Code.

- This is not a free speech issue; the issue is following the permit process so that not just a small group, but all the citizens of our state, can share the Capitol space. If the group applies for a permit, and the event is peaceful, the group will have reserved the space to sing and display signs without being cited.

If the group continues to fail to get a permit, then they may be cited under the appropriate section of the Administrative Code. These citations may change because it should reflect the behavior being cited, as we would all expect from law enforcement officials. Officers cite the appropriate part of the law when issuing a citation.

- Citations have been issued or sent to the homes of some protestors to avoid further confrontation during the noon hour. The Capitol Police have a limited amount of staff, and their goal is to have the group get a permit, not to escalate conflict. It is not unusual for a police department to send or issue citations after an incident has taken place, and the Capitol Police have done so in the past, just like any other professional police department.

Let me say this clearly, while I have a hand in setting the policy, I do not make the enforcement decisions for the Capitol Police or Chief Erwin, yet I support their efforts. If there are individuals or groups who clearly violate the laws of Wisconsin while under the Rotunda or anywhere else under the jurisdiction of these officers, it is within their purview to uphold the law. It is their responsibility to do so.

This is no longer a situation where thousands of people have come to the Capitol to protest. Of course, all of the officers who assisted during an unprecedented time in our state's history moved from enforcing the law to ensuring that the protests were safe. These officers **upheld** the first amendment so that the protestors' voices could be heard, and that they were safe while doing so.

We are not talking about thousands spontaneously meeting at the Capitol. The Capitol Police are asking a small group that meets regularly to get a permit for their activity, **which has been a requirement since 1979**. A permit is required, regardless of the nature of the content. All members of the Capitol Police are civil servants, including the Chief, and to imply that any actions of the officers are politically motivated is irrational and unfounded.

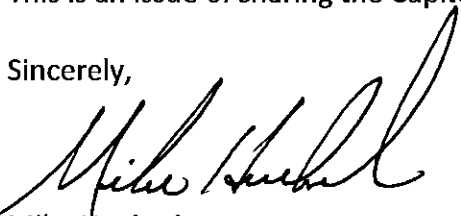
Perhaps the real issue at hand is that we all see the Capitol Police as the friendly officers who are at the Capitol every day. Historically, the permit process has been followed, thus the Capitol Police have never been in a situation where they needed to take enforcement action. When there were thousands of protestors at the Capitol, the officers ensured the crowd was safe. The Capitol Police made the correct decision to prioritize safety instead of enforcing the permit process at that time. Enforcement would have been unrealistic and unreasonable for any police force to undertake.

We are not in those times anymore. The actions of a relative few require the Capitol Police to take enforcement action for their continued failure to follow the Administrative Code that governs the building. I support Chief Erwin's goal of returning the Capitol to a sense of normalcy for those who work and visit the Capitol.

As a legislator, you expect that the laws you write to be upheld. The laws that govern the Capitol building are upheld by the Capitol Police, which includes the right to free speech, as well as the permit process. It is a process used by several who signed your letter. Rather than encouraging the group to hold out on getting a permit, I would expect legislators to uphold Wisconsin's Administrative Code, and the permitting process has been part of the code since 1979.

This is an issue of sharing the Capitol space. It is the people's building, not the building for a select few.

Sincerely,



Mike Huebsch
Secretary

cc: Representative Terese Berceau
Representative Mark Pocan
Senator Mark Miller
Representative Gary Hebl
Senator Fred Risser
Senator Jon Erpenbach
Representative Kelda Roys
Representative Brett Hulsey
Representative Sindy Pope-Roberts