



Madison Chapter
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Yet Another Judge Dismisses Solidarity Sing Along Cases Judge Sumi Dismisses Prosecutions of Unconstitutional Rule

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MADISON, WI – Dismissing all citations before her issued to people for singing in the Capitol rotunda last summer, Judge Maryann Sumi is the fourth Dane County judge in the last two months to find the administrative rules for which they were cited unconstitutional. On March 10, Judge Frank Remington dismissed cases before him, and on March 20 Judge Richard Niess dismissed his remaining solidarity singer cases.

Judge Sumi stated in her dismissal order that “For the reasons well stated in *State of Wisconsin v. Michael Crute*” that the administrative rule “violates the First Amendment to the United States Constitution,” and that “an unconstitutional rule is void and unenforceable.” Both Judge Niess and Judge Remington ruled that they were bound by claim preclusion to adopt Judge John Markson’s decision in *Crute*, and that the State should not get another chance to re-argue the same constitutional issues in similar cases before different judges. On March 21 the Wisconsin Attorney General’s office filed an appeal of the *Crute* decision in the state Court of Appeals.

Judge Peter Anderson had ordered the Dept. of Justice to prepare a cost benefit analysis of the hundreds of prosecutions by April 1. On March 27 Assistant Attorney General Daniel Lenington, one of the attorneys who argued the federal court case, *Kissick v. Huebsch* in April 2013 that resulted in an injunction against the enforcement of the rules on July 8, 2013, sent a letter in reply. Lenington’s letter refused to provide any statement of costs or benefits, instead claiming that by adopting rules to regulate use of the Capitol the Governor and legislature had determined that no enforcement cost was too high for “ensuring the safety of visitors” or “enabling elected officials...to do their business” in the Capitol unimpeded.”

“The Capitol Police and Dept. of Justice don’t want people to know how much taxpayer money is being wasted on arresting peaceful singers,” replied Attorney Patricia Hammel, who represents ten defendants including five whose cases have now been dismissed by the courts. “The Solidarity Sing Along is continuing with no arrests for the first sixteen months or the last six months, and the “business” of the legislature, limiting voting rights, denying recourse to victims of asbestos exposure and trying to strip local communities of the power to pass living wage or mining ordinances goes on unimpeded, despite popular opposition to such measures. There have been no reports of any visitors being injured by singing, either.”

None of the citations issued to people for singing in the Capitol from 2012 and 2013 has yet resulted in a successful prosecution by the Dept. Of Justice, Anyone needing legal assistance for arrests while singing or observing singing at the Capitol can call the NLG at 608-520-0654. The coordinators will then attempt to find legal representation for the person who has been arrested.

The Madison Chapter of the National Lawyers Guild is the local arm of the national organization of lawyers, legal workers, law students, and jailhouse lawyers. The National Lawyers Guild represents progressive political movements, and its motto is that human rights are more sacred than property interests.

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