



Madison Chapter  
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## **Most Judges Dismiss Solidarity Sing Along Cases More Citations Now Dismissed; Attorney General Pursuing Appeals Despite Expiration of Rule**

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CONTACT: Patricia K. Hammel, [pkhammel@yahoo.com](mailto:pkhammel@yahoo.com); (608) 257-1369; 279-4136

MADISON, WI – Nine of thirteen judges with cases filed by the Wisconsin Attorney General’s office to prosecute people for singing in the Wisconsin state capitol last summer have now dismissed cases finding that the administrative rule requiring permits for groups as small as four people is unconstitutional. Judges David Flanagan, Stephen Ehlke, Peter Anderson and Juan Colas have joined Judges John Markson, Richard Niess, Frank Remington, Maryann Sumi and Rhonda Lanford in ruling for the defendants. 144 of 335 citations issued by the State Capitol Police to people singing in the rotunda last summer have been dismissed by the courts on constitutional grounds. The Wisconsin Attorney General’s office is appealing six cases of three defendants whose charges were dismissed by Judge Markson February 5.

None of the citations issued to people for singing in the Capitol from 2012 through 2013 has been successfully prosecuted by the Wisconsin Dept. of Justice. Although the DOJ claims to have obtained convictions, six individuals entered “no contest” pleas and three more failed to show up for court, resulting in guilty verdicts. Of the 125 citations issued in late 2012 and early 2013 for holding signs and banners, “conducting” an event without a permit or drawing on the sidewalks with chalk, 41 remain open while 77 have been dismissed, primarily on the Attorney Generals’ office’s own motions. One person was actually convicted of chalking on the Capitol sidewalk.

In his April 22 decision dismissing cases of several defendants before him, Judge Flanagan wrote that “The Access Policy...does not have the force of law...” and concluded that the Dept. of Administration’s policy could not preserve the rules from their constitutional defect, as they are “.. not narrowly tailored to serve a significant governmental interest...” consistent with U.S. District Court Judge Stephen Conley and Circuit Court Judge Markson’s earlier decisions.

Judge Peter Anderson dismissed four defendants’ cases May 1 after the Dept. of Justice refused to prepare a cost benefit analysis of the hundreds of prosecutions. Noting that he had ordered the analysis be produced in “good faith,” the judge chided the prosecution for refusing to respond, rather than make an objection to the order or otherwise justify the use of court resources to continue prosecuting these cases when the “emergency” rule has expired and there seems to be no good reason to defend its application.

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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[madisonnlg@gmail.com](mailto:madisonnlg@gmail.com)  
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