



ACLU of Wisconsin Announces Settlement in Capitol Free Speech Case

State agrees to informal "notice system" for groups gathering inside Capitol

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CONTACT: Sarah Karon, ACLU of Wisconsin, (608) 469-5540, skaron@aclu-wi.org

MADISON — The American Civil Liberties Union of Wisconsin today announced a settlement in its federal lawsuit against the state Department of Administration concerning free speech at the Capitol.

As part of the settlement, the state must create a notice system, which allows groups to gather inside the Capitol without a permit.

"This is a victory because giving notice is significantly different from forcing people to ask the government for permission to exercise free speech," said Larry Dupuis, legal director of the ACLU of Wisconsin. "Giving notice is very informal. The state can't deny use of the Capitol to anyone giving notice, unless someone else has reserved the entire space by obtaining a permit for the same time."

Under the former permitting rules, which the state adopted in November 2011, groups as small as four were forced to obtain prior permission from the government before engaging in expression "for the purpose of actively promoting any cause" inside the Capitol, a public building.

The new rules also prohibited people from gathering in the Capitol for any performance, ceremony, presentation, meeting or rally without a permit.

The ACLU of Wisconsin lawsuit, filed in February in U.S. District Court, charged that the state violated the First Amendment by requiring permits for demonstrations held inside the Capitol and by punishing protesters who gather there without a permit.

The ACLU of Wisconsin and Madison attorney A. Steven Porter brought the suit on behalf of Michael Kissick, an assistant professor in the University of Wisconsin-Madison School of Medicine and Public Health. In the past Kissick sometimes participated in demonstrations inside the Capitol, including the Solidarity Sing Along.

Kissick ceased exercising his First Amendment rights inside the Capitol in September 2012, when police began arresting and citing people who exercised free speech there without a permit. In July, U.S. District Judge William M. Conley ordered the state to stop enforcing the permit rules for small groups. Last month, Magistrate Judge Peter Oppeneer held a mediation session between the parties, resulting in the settlement.

"I'm happy because this agreement allows the Solidarity Sing Along to continue as it always has," Kissick said. "The group has effectively been giving the state notice all along, and has always deferred to events with permits."

As part of the settlement, a person may give the DOA notice of a gathering of 12 or more people by phone, email, in person, or via a form supplied by the state. Notice must be given at least two business days and not more than 10 business days before an event.

Individuals and groups may also give notice for consecutive events, and there is no limit on how many notices an individual or group may provide.

“There isn’t any question that the old permitting system was unconstitutional,” said legal director Dupuis. “This settlement halts the state’s unwarranted punishment of individuals who gather inside the Capitol to exercise their free speech rights.”

The ACLU of Wisconsin is a non-profit, non-partisan, private organization whose 7,000 members support its efforts to defend the civil rights and liberties of all Wisconsin residents. For more on the ACLU of Wisconsin, visit our [website](#), like us on [Facebook](#) or follow us on Twitter at [@ACLUofWisconsin](#) and [@ACLUMadison](#).