



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice [REDACTED]
Fax (608) 267-3842

November 11, 2013

Matt Ehling, President
Public Record Media
2375 University Ave. West, Suite 200
St. Paul, MN 55114

Dear Mr. Ehling:

This letter is to acknowledge receipt of the attached request for records, which was received by our office on November 8, 2013. We are processing your request and will be contacting you as soon as possible.

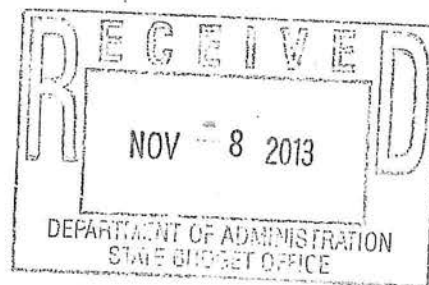
If you have any questions regarding the status of your request, please contact our Communications Director, Stephanie Marquis, at [REDACTED].

Sincerely,

Patricia Reardon
Program and Policy Analyst

#5355

Matt Ehling, President
Public Record Media
2375 University Ave W.
Suite 200
St Paul MN 55114



October 31, 2013

Legal custodian of public records (or designee)
Wisconsin Department of Administration
101 E. Wilson Street
Madison, WI 53703

RE: Public records request

Dear legal custodian or designee,

This is a request under the Wisconsin Public Records Law (Wisconsin statutes 19.31-19.39). I am making a written request to inspect and/or copy the following public records:

- 1) Correspondence transmitted, received, produced and/or maintained by the Wisconsin Department of Administration during the date ranges of January 1, 2011 to March 31, 2011, and July 1, 2013 to September 18, 2013, that involves the following sub-categories of records:
 - a) E-mail correspondence between the Governor of Wisconsin (the "Governor") and the Secretary of the Wisconsin Department of Administration related to public demonstrations that occurred on the grounds of the Wisconsin State Capitol complex;
 - b) E-mail correspondence between the Governor's Chief Legal Counsel and the Secretary of the Wisconsin Department of Administration related to public demonstrations that occurred on the grounds of the Wisconsin State Capitol complex;
 - c) E-mail correspondence between the Governor's Chief Legal Counsel and the Chief of the Wisconsin Capitol Police related to public demonstrations that occurred on the grounds of the Wisconsin State Capitol complex;
 - d) E-mail correspondence between the Secretary of the Wisconsin Department of Administration and the Chief of the Wisconsin Capitol Police related to public demonstrations that occurred on the grounds of the Wisconsin State Capitol complex;

e) Paper or e-mail correspondence transmitted, received, produced, or maintained by the Chief of the Wisconsin Capitol Police that constitutes guidance, requests, and/or orders to conduct arrests of persons engaged in so-called "Solidarity Sing-a-longs" on the grounds of the Wisconsin State Capitol complex.

Please contact me when records responsive to Item 1 are available for public inspection.

2) Records produced and/or maintained by the Wisconsin Department of Administration during the date ranges of January 1, 2011 to March 31, 2011, and July 1, 2013 to September 18, 2013 that constitute:

a) Daily arrest records of the Wisconsin Capitol Police.

Such "daily arrest records" are considered public records under applicable case law. (*See Newspapers, Inc. v. Breier*, 89 Wis. 2d 417, 440, 279 N.W.2d 179, 190 (1979).)

Please contact me when records responsive to Item 2 are available for public inspection.

3) Records related to the use of acoustical amplification devices, including the following sub-categories of records:

a) E-mail correspondence transmitted, received, produced, and/or maintained by the Chief of the Wisconsin Capitol Police during the date ranges of January 1, 2011 to March 31, 2011 and July 1, 2013 to September 18, 2013 that relates to the use of megaphones, public address systems, or LRAD (Long Range Acoustical Device) technologies.

b) Any and all paper or electronic records that constitute instructions and/or guidance on the use of LRAD (Long Range Acoustical Device) technologies.

Please contact me when records responsive to Item 3 are available for public inspection.

This written request is undertaken for the purposes of news gathering. Pursuant to Wisconsin statute 19.35, subd. (4)(a), I request that your office respond to this written request as soon as practicable and without delay, so that arrangements for the inspection of public records can be discussed.

Should your office choose to deny any portion of this written request, please inform me of the relevant section of law that governs such a denial, and also inform me of all appeals procedures available under the law.

Please consider this written request to be a request for the indefinite retention of the aforementioned records, pending the resolution of any disputes arising from this written request.

If you have any questions regarding this request, I can be contacted at 651-335-2037, or at info@publicrecordmedia.com. Please contact me when the documents are available

for inspection. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Ehling', with a long horizontal flourish extending to the right.

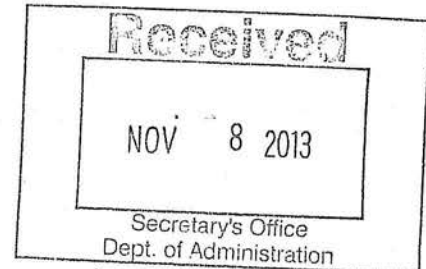
Matt Ehling
President, Public Record Media

cc: Governor Scott Walker
Secretary Mike Huebsch
Chief David M. Erwin

Matt Ehling, President
Public Record Media
2375 University Ave W.
Suite 200
St Paul MN 55114

October 31, 2013

Mr. Gregory D. Murrary
Chief Legal Counsel
Wisconsin Department of Administration
P.O. Box 7864
Madison, WI 53707-7864



Dear Mr. Murray,

Thank you for your reply to my public records request, dated September 18, 2013. This letter is in response to your correspondence of October 18, 2013, which denied Items 1-3 of my request, and requested clarification regarding Item 4.

The denial of Items 1-3 was based upon your interpretation of §19.35(1)(h) found in *Schopper v. Gehring*, and noted that the scope of the records requested in Items 1-3 had no reasonable limitation.

In light of your denial, I have restated Items 1-3 of my original request, and have enclosed a new public records request containing the restated items. I have also sent copies of this new request to the applicable records custodians.

In regards to Item 4 of my September 18 request, that item sought:

"Any and all legal opinions or other legal materials relied upon in connection with the arrest of individuals engaged in singing, singing-related protests, or similar activities on the grounds of the Wisconsin State Capitol complex between January 1, 2011 and September 18, 2013."

Through Item 4, I sought to obtain records (including "legal opinions and other legal materials") describing the legal basis for actions undertaken by the Wisconsin Capitol Police in connection with certain protest activities. I note that my request covers the following categories of "legal materials":

- a) Wisconsin court orders and/or opinions, and/or summaries thereof;
- b) Federal court orders and/or opinions, and/or summaries thereof;

- c) Provisions of the Wisconsin Statutes, and/or summaries thereof;
- d) Provisions of the Wisconsin Administrative Rules, and/or summaries thereof.
- e) Memoranda and/or correspondence citing any of the above authorities as a legal basis for arresting protesters.

In the interest of narrowing the scope of your agency's search, I am willing to limit Item 4 of my request to those "legal materials" (as defined by categories a-e, above) that were transmitted, produced, received, and/or maintained - in paper or electronic form - by the Secretary of the Wisconsin Department of Administration and the Chief of the Wisconsin Capitol Police during the time periods of January 1, 2011 to March 31, 2011 and July 1, 2013 to September 18, 2013.

To help further refine your search, I am only interested in "legal materials" (as defined by categories a-e, above) that would be pertinent to the arrest of participants in public protests, including so-called "Solidarity Sing-A-Long" protests, that occurred on the grounds of the Wisconsin State Capitol Complex during the date ranges specified above.

To the extent that materials protected by attorney-client privilege or otherwise defined as attorney work product are intertwined with the public records I seek, I request that exempt data be redacted prior to inspection.

Please contact me when records responsive to Item 4 are available for public inspection.

Thank you for your attention to this matter. Please contact me with any remaining questions that you may have about this request.

Sincerely,



Matt Ehling
President, Public Record Media