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PRESS RELEASE

Waukesha, Wisconsin. March 20, 2008

Re: *Swaffer v. Deininger, et al.*, Case No. 08-C-0208 (Eastern District)

Federal Judge J.P. Stadtmueller issued an order today enjoining enforcement of Wisconsin campaign finance law against Town of Whitewater resident John Swaffer in the April 1 election. The law requires that anyone spending over \$25.00 or donating \$100.00 to support or defeat a referendum must register with the Government Accountability Board, open a separate bank account, appoint a treasurer, disclose donors' identities and personal information, and continue filing reports for up to three years.

First Freedoms Foundation general counsel Mike Dean and Attorney James Bopp filed the action March 10 because Swaffer wanted to send postcards to Town residents opposing a referendum authorizing liquor sales that Town supervisors had placed on the April 1 ballot. But Swaffer was reluctant because his friend Charles Hatchett had been investigated and threatened with criminal prosecution in 2006 for failing to register before sending out postcards opposing a similar referendum.

Swaffer thought the law made it hard for ordinary citizens to communicate with friends and neighbors, but was even more concerned that public registration might make him a target of Town officials who supported the referendum. Swaffer learned several weeks ago that the Town chairman had told Hatchett's son that the referendum was on the ballot again and that "You better not be opposing it." So Swaffer decided he had no choice and filed suit.

First Freedoms has confronted the registration law several times before. Dean assisted Hatchett in 2006, and in 2007 he represented Rev. William Bartz, a Madison pastor investigated by the state Elections Board for passing out copies of a flyer supporting the Wisconsin Defense of Marriage Amendment. Madison atheist Annie Gaylor had filed a complaint against Bartz for spending \$32.62 for paper and toner - \$6.62 over the statutory limit.

Neither Hatchett nor Bartz knew about the statute. Dean said, "These gentlemen were just trying to help their community. They couldn't imagine that it was a criminal act to send postcards or flyers to friends and neighbors without registering with the government." Dean also said, "This suit has been a long time coming. I got tired of officials, insiders, and interest groups using the law to intimidate ordinary people who were guilty of nothing more than being good citizens trying to exercise basic constitutional rights. It was time to do something about it."

Coincidentally, Judge Stadtmueller's order may also affect Brookfield surgeon James Hollowell, whose March 11 Journal-Sentinel ad about the upcoming Elmbrook school referendum got him in trouble. District officials apparently didn't like his ad, so they contacted Waukesha County District Attorney Brad Schimel. Like Hatchett and Bartz, Hollowell had no idea it was illegal to inform the public about a political issue without registering, and he too had wanted to remain anonymous because he works with youth sports clubs and feared retaliation from district officials who had been grudging in allowing the clubs to use school district facilities.

Dean sent Schimel a letter today advising him of Judge Stadtmueller's order. Dean said, "It's ironic - school officials' threats against a concerned private citizen seem more suited for colonial governors and petty tyrants than for someone charged with teaching students the life of Sam Adams and the history of the First Amendment. Today's order recovers just a bit of that heritage, and we hope they will take note."