

Chapter Three

WISCONSIN'S SHAME: *"I thought it was a home invasion."* — by NATIONAL REVIEW

*"Where the people fear the government you have tyranny.
 Where the government fears the people you have liberty."
 — John Basil Barnhill ⁸*

When I read the following article posted on National Review's website, I immediately felt sick to my stomach. With a knot in my gut, I knew right away I had to add this chapter to my book. This story makes the case for *why* I wrote this book and *why* it's so important for the people to push back and hold our elected officials accountable.

Time is, of course, of the essence. Lives are being destroyed by all levels of power-hungry governments and while the slippery slope described in this story is atrocious, just imagine where it could lead if we do nothing.

I'm sure the Wisconsin legislators who considered the passage of this legislation that allowed this to occur not only *never* conceived it could be used like this, I'm quite confident they dismissed the thought and probably ridiculed those that sounded the warning.

⁸ Tichenor, H. M. and Barnhill, J. B. (1914). *Debate on Socialism*. pg. 34. Retrieved from http://debs.indstate.edu/b262b3_1914.pdf. Most attribute this quote to Thomas Jefferson. According to monticello.org, "We have not found any evidence that Thomas Jefferson said or wrote, "When government fears the people, there is liberty. When the people fear the government, there is tyranny," nor any evidence that he wrote its listed variations. ... To date, however, the most likely source of this quotation appears to be a series of debates on socialism published in 1914 [by] John Basil Barnhill http://www.monticello.org/site/jefferson/when-government-fears-people-there-libertyquotation#footnote2_pc9b7u2

"That'll never happen!" I'm sure they proclaimed.

Buckle up, folks. You're about to get upset.

The following excerpts are from an article by David French⁹ in the May 4, 2015 edition of National Review, as published on their website¹⁰ on April 20, 2015 at 4:00 am.

"THEY CAME WITH A BATTERING RAM."

Cindy Archer, one of the lead architects of Wisconsin's Act 10 - also called the "Wisconsin Budget Repair Bill," it limited public-employee benefits and altered collective-bargaining rules for public-employee unions - was jolted awake by yelling, loud pounding at the door, and her dogs' frantic barking. The entire house - the windows and walls - was shaking.

She looked outside to see up to a dozen police officers, yelling to open the door. They were carrying a battering ram.

She wasn't dressed, but she started to run toward the door, her body in full view of the police. Some yelled at her to grab some clothes, others yelled for her to open the door.

"I was so afraid," she says. "I did not know what to do." She grabbed some clothes, opened the door, and dressed right in front of the police. The dogs were still frantic. "I begged and begged, 'Please don't shoot my dogs, please don't shoot my dogs, just don't shoot my dogs.' I couldn't get them to stop barking, and I couldn't get them outside quick enough. I saw a gun and barking dogs. I was scared and knew this was a bad mix."

⁹ NationalReview.com. *National Review*. Retrieved from <http://www.nationalreview.com/author/david-french>

¹⁰ French, D. (2015, April 20). Wisconsin's Shame: 'I Thought It Was a Home Invasion.' *National Review*. Retrieved from <http://www.nationalreview.com/article/417155/wisconsins-shame-i-thought-it-was-home-invasion-david-french>

She got the dogs safely out of the house, just as multiple armed agents rushed inside. Some even barged into the bathroom, where her partner was in the shower. The officer or agent in charge demanded that Cindy sit on the couch, but she wanted to get up and get a cup of coffee.

"I told him this was my house and I could do what I wanted." Wrong thing to say. "This made the agent in charge furious. He towered over me with his finger in my face and yelled like a drill sergeant that I either do it his way or he would handcuff me."

They wouldn't let her speak to a lawyer. She looked outside and saw a person who appeared to be a reporter. Someone had tipped him off.

The neighbors started to come outside, curious at the commotion, and all the while the police searched her house, making a mess, and - according to Cindy - leaving her "dead mother's belongings strewn across the basement floor in a most disrespectful way."

Then they left, carrying with them only a cellphone and a laptop.¹¹

That was just the first story of Cindy Archer who defied the order to remain silent. The next couple stories are by whistleblowers still fearful of government retaliation. As of this writing, they remained anonymous.

"IT'S A MATTER OF LIFE OR DEATH."

That was the first thought of "Anne" (not her real name). Someone was pounding at her front door. It was early in the morning - very early - and it was the kind of heavy pounding that meant someone was either fleeing from - or bringing - trouble.

¹¹ *ibid.*

"It was so hard. I'd never heard anything like it. I thought someone was dying outside."

She ran to the door, opened it, and then chaos. "People came pouring in. For a second I thought it was a home invasion. It was terrifying. They were yelling and running, into every room in the house. One of the men was in my face, yelling at me over and over and over."

It was indeed a home invasion, but the people who were pouring in were Wisconsin law-enforcement officers. Armed, uniformed police swarmed into the house. Plainclothes investigators cornered her and her newly awakened family. Soon, state officials were seizing the family's personal property, including each person's computer and smartphone, filled with the most intimate family information.

Why were the police at Anne's home? She had no answers. The police were treating them the way they'd seen police treat drug dealers on television.

In fact, TV or movies were their only points of reference, because they weren't criminals. They were law-abiding. They didn't buy or sell drugs. They weren't violent. They weren't a danger to anyone. Yet there were cops - surrounding their house on the outside, swarming the house on the inside. They even taunted the family as if they were mere "perps."

As if the home invasion, the appropriation of private property, and the verbal abuse weren't enough, next came ominous warnings.

Don't call your lawyer.

Don't tell anyone about this raid. Not even your mother, your father, or your closest friends.

The entire neighborhood could see the police around their house, but they had to remain silent. This was not the "right to remain silent" as uttered by every cop on every legal drama on television - the right against self-incrimination. They couldn't mount a public defense if they wanted - or even offer an explanation to family and friends.

Yet no one in this family was a "perp." Instead, like Cindy, they were American citizens guilty of nothing more than exercising their First Amendment rights to support Act 10 and other conservative causes in Wisconsin. Sitting there shocked and terrified, this citizen - who is still too intimidated to speak on the record - kept thinking, "Is this America?"

That's the question I keep asking myself. Is this still America? "Land of the free," as they say? We see this kind of stuff in movies where it usually takes place in some other country. But America?

"THEY FOLLOWED ME TO MY KIDS' ROOMS."

For the family of "Rachel" (not her real name), the ordeal began before dawn - with the same loud, insistent knocking. Still in her pajamas, Rachel answered the door and saw uniformed police, poised to enter her home.

When Rachel asked to wake her children herself, the officer insisted on walking into their rooms. The kids woke to an armed officer, standing near their beds.

The entire family was herded into one room, and there they watched as the police carried off their personal possessions, including items that had nothing to do with the subject of the search warrant - even her daughter's computer.

And, yes, there were the warnings. Don't call your lawyer. Don't talk to anyone about this. Don't tell your friends. The kids watched - alarmed - as the school bus drove by,

with the students inside watching the spectacle of uniformed police surrounding the house, carrying out the family's belongings. Yet they were told they couldn't tell anyone at school.

They, too, had to remain silent.

The mom watched as her entire life was laid open before the police. Her professional files, her personal files, everything. She knew this was all politics. She knew a rogue prosecutor was targeting her for her political beliefs.

And she realized, "Every aspect of my life is in their hands. And they hate me."

Fortunately for her family, the police didn't taunt her or her children. Some of them seemed embarrassed by what they were doing. At the end of the ordeal, one officer looked at the family, still confined to one room, and said, "Some days, I hate my job."

"I'm just doing my job" is the sheepish reply we often hear when individuals fail to decide for themselves and stand up for what's right. They just blindly follow orders for fear of losing their paycheck and government pension.

Remember those videos of the holocaust? When reading this story, I recalled the footage of human beings lined up along the edge of the ditch and the officer pulling the trigger as each one fell into the pit.

I bet Hitler's low-level henchmen, like the officers terrorizing several Wisconsin families, also said, "Some days, I hate my job."

For dozens of conservatives, the years since Scott Walker's first election as governor of Wisconsin transformed the state - known for pro-football championships, good cheese, and a population with a reputation for being unfailingly polite - into a place where conservatives have faced early-morning raids, multi-year secretive criminal investigations, slanderous and selective leaks to sympathetic media, and intrusive electronic snooping.

Yes, Wisconsin, the cradle of the progressive movement and home of the "Wisconsin idea" - the marriage of state governments and state universities to govern through technocratic reform - was giving birth to a new progressive idea, the use of law enforcement as a political instrument, as a weapon to attempt to undo election results, shame opponents, and ruin lives.

Most Americans have never heard of these raids, or of the lengthy criminal investigations of Wisconsin conservatives. For good reason. Bound by comprehensive secrecy orders, conservatives were left to suffer in silence as leaks ruined their reputations, as neighbors, looking through windows and dismayed at the massive police presence, the lights shining down on targets' homes, wondered, no doubt, What on earth did that family do?

This was the on-the-ground reality of the so-called John Doe investigations, expansive and secret criminal proceedings that directly targeted Wisconsin residents because of their relationship to Scott Walker, their support for Act 10, and their advocacy of conservative reform.

It all began innocently enough. In 2009, officials from the office of the Milwaukee County executive contacted the office of the Milwaukee district attorney, headed by John Chisholm, to investigate the disappearance of \$11,242.24 from the Milwaukee chapter of the Order of the Purple Heart. The matter was routine, with witnesses willing and able to testify against the principal suspect, a man named Kevin Kavanaugh.

What followed, however, was anything but routine. Chisholm failed to act promptly on the report, and when he did act, he refused to conduct a conventional criminal investigation but instead petitioned, in May 2010, to open a "John Doe" investigation, a proceeding under Wisconsin law that permits Wisconsin officials to conduct extensive

investigations while keeping the target's identity secret (hence the designation "John Doe").

John Doe investigations alter typical criminal procedure in two important ways: First, they remove grand juries from the investigative process, replacing the ordinary citizens of a grand jury with a supervising judge.

This, my friends, is red flag number one. I will show in this book why it is crucial your state require these types of alleged crimes to go before a grand jury for approval.

For select conservative families across five counties, this was the terrifying moment - the moment they felt at the mercy of a truly malevolent state.

Speaking both on and off the record, targets reflected on how many layers of Wisconsin government failed their fundamental constitutional duties - the prosecutors who launched the rogue investigations, the judge who gave the abuse judicial sanction, investigators who chose to taunt and intimidate during the raids, and those police who ultimately approved and executed aggressive search tactics on law-abiding, peaceful citizens.

For some of the families, the trauma of the raids, combined with the stress and anxiety of lengthy criminal investigations, has led to serious emotional repercussions. "Devastating" is how Anne describes the impact on her family. "Life-changing," she says. "All in terrible ways."

O'Keefe, who has been in contact with multiple targeted families, says, "Every family I know of that endured a home raid has been shaken to its core, and the fate of marriages and families still hangs in the balance in some cases."

Anne also describes a new fear of the police: "I used to support the police, to believe they were here to protect us.

Now, when I see an officer, I'll cross the street. I'm afraid of them. I know what they're capable of."

Cindy says, "I lock my doors and I close my shades. I don't answer the door unless I am expecting someone. My heart races when I see a police car sitting in front of my house or following me in the car. The raid was so public. I've been harassed. My house has been vandalized. [She did not identify suspects.] I no longer feel safe, and I don't think I ever will."

Rachel talks about the effect on her children. "I tried to create a home where the kids always feel safe. Now they know they're not. They know men with guns can come in their house, and there's nothing we can do." Every knock on the door brings anxiety. Every call to the house is screened. In the back of her mind is a single, unsettling thought: These people will never stop.

Victims of trauma - and every person I spoke with described the armed raids as traumatic - often need to talk, to share their experiences and seek solace in the company of a loving family and supportive friends. The investigators denied them that privilege, and it compounded their pain and fear.

The investigation not only damaged families, it also shut down their free speech. In many cases, the investigations halted conservative groups in their tracks. O'Keefe and the Wisconsin Club for Growth described the effect in court filings:

O'Keefe's associates began canceling meetings with him and declining to take his calls, reasonably fearful that merely associating with him could make them targets of the investigation. O'Keefe was forced to abandon fundraising for the Club because he could no longer guarantee to donors that their identities would

remain confidential, could not (due to the Secrecy Order) explain to potential donors the nature of the investigation, could not assuage donors' fears that they might become targets themselves, and could not assure donors that their money would go to fund advocacy rather than legal expenses. The Club was also paralyzed. Its officials could not associate with its key supporters, and its funds were depleted. It could not engage in issue advocacy for fear of criminal sanction.

These raids and subpoenas were often based not on traditional notions of probable cause but on mere suspicion, untethered to the law or evidence, and potentially violating the Fourth Amendment's prohibition against "unreasonable searches and seizures." The very existence of First Amendment-protected expression was deemed to be evidence of illegality. The prosecution simply assumed that the conservatives were incapable of operating within the bounds of the law.

Yet in a deeper way, Wisconsin is anything but a success. There were casualties left on the battlefield — innocent citizens victimized by a lawless government mob, public officials who brought the full power of their office down onto the innocent.

Governors come and go. Statutes are passed and repealed. Laws and elections are important, to be sure, but the rule of law is more important still. And in Wisconsin, the rule of law hangs in the balance - along with the liberty of citizens.

As I finished an interview with one victim still living in fear, still shattered by the experience of nearly losing everything simply because she supported the wrong candidate at the wrong time, I asked whether she had any final thoughts. "Just one," she replied. "I'm hoping for accountability, that someone will be held responsible so

that they'll never do this again." She paused for a moment and then, with voice trembling, said: "No one should ever endure what my family endured."

National Review - David French is an attorney, a writer, and a veteran of the Iraq War. This article first appeared in the May 4, 2015, issue of *NR*.¹²

I highly recommend you read the entire article and understand we must be very careful when introducing any new law. Those that proposed the law that allowed this to happen probably never dreamed it would be used in this manner. Raiding people's homes? *Searching* for probable cause?

Treating fellow Americans this way is atrocious. It's disgusting. It's anti-American.

Thankfully, there is something we can all do about it.

TWEET THIS!

Question: Do you agree Wisconsin should be ashamed of themselves for letting this happen for so long?

Tweet me your answer @JasonWHoyt and include the hashtag #ConsentOfTheGoverned.

¹² *ibid.*

<https://legalinsurrection.com/2015/07/former-scott-walker-aide-sues-prosecutors-for-wi-john-doe-home-invasion/>

<https://www.nationalreview.com/2015/04/wisconsin-shame-i-thought-it-was-home-invasion-david-french/>

<https://www.inquisitr.com/2036938/john-doe-raids-on-wisconsin-conservatives-spark-outrage/>

<https://townhall.com/tipsheet/guybenson/2015/04/20/disgrace-the-lefts-extraordinary-harassment-of-wisconsin-conservatives-n1987787>

From Cindy Archer herself:

<https://www.youtube.com/watch?v=o9Owg0wuVyA>

An analysis of some of the decisions of the Archer legal team, but still some good information,

What the revised Archer complaint leaves out

Here are some assertions in the original Archer complaint that are missing from the revised version:

- *That defendants used “screaming” at witnesses to intimidate them.*
- *When officers entered Archer’s house, they threw “the warrant at her without giving her an opportunity to read it.”*
- *“Out of fear and intimidation, Archer agreed to answer their questions and to cooperate with their wishes. No one informed her that she had a constitutional right to remain silent and the right to an attorney.”*
- *“Officers, including Stelter, debated among themselves as to where in the house to question Archer: Some officers suggested she be questioned in the basement, instead of the dining room table, even though there was no seating available in the basement, and the only table there was covered with boxes. Archer was confused and afraid because the officers appeared resistant to interviewing her in the dining room in sight of persons outside the house who may have passed by.”*
- *“Before the investigators left, they asked Archer if she had anything else to say, making clear they expected her to tell them ‘anything at all’ and reiterated: ‘now is the time to say it.’”*
- *“Based on the content of their previous questioning, Archer understood that they were implying that she knew facts about Walker that she had not disclosed to them.”*
- *“At that time the investigators also informed Archer that they expected her to travel the next day to the Milwaukee County District Attorney’s Office for further questioning. Archer asked if she should bring an attorney, and they represented that an attorney would not be necessary.”*
- *“The day of the raid, either Defendant Stelter or a person acting under Stelter’s orders informed Archer that Chisholm expected her in Milwaukee the next day for further questioning.”*
- *During the later interviews, the defendants “would slam their fists on the table close to Archer and yell at her.”*
- *“At one point [during the Milwaukee interviews] they tried to persuade her that she committed a criminal act by breaching terms of a contract. (In fact, Archer did not even breach the provisions of the contract, and breach of contract is not a crime.”*
- *“Defendants used statements they obtained from Archer during the home raid against her in the secret sessions.”*

<https://urbanmilwaukee.com/2015/09/16/data-wonk-why-was-cindy-archer-lawsuit-pursued/>