Family and Community Advocacy

Human Services & Professional Leadership
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Section 1: Framework and assignments (white pages)

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Section 2: Readings (blue pages)

Bob Nakata, The Struggles of the Waiahole-Waikane Community Association
• Show the parts of the story that outline outreach, information gathering, decision structure and action.
• If you were part of this story, what information would you seek from public records? What information would require a public records request? What information is now accessible on line? What is the Hawaii public records law?
• Find a map of Oahu and locate the sites under discussion.

Joe Szakos, Practical Lessons in Community Organizing in Appalachia: What We’ve Learned at Kentuckians For the Commonwealth
• What stage of the class framework does this article address?
• Find the home page for KFTC. What data mobilized people to action? (see “about KFTC”) Where would you locate some of this information?
• How is KFTC structured? Describe it in your own words.
• Go to http://www.wsn.org, website for the Wisconsin Stewardship Network. How does the structure compare to that of KFTC? How do the activities compare?

Showing Animals Respect & Kindness, newsletter June 2004
• What stage(s) of the class framework does this newsletter illustrate?
• Go to http://www.sharkonline.org to examine SHARK’s strategies.

Section 3: Newspaper articles on public records and open meetings. (yellow pages)

Doug Clifton, Why we printed the list The media are the public’s only access to concealed-carry permit records. The Plain Dealer. Cleveland Ohio July 30 2004
Associated Press Judge Says Release Columbine Records October 31, 2002
Your Right to Know/Ann Frisch Weapons carriers’ names should not be concealed Nov. 2003
Your Right to Know/Bill Leuders Limiting records access invites abuse March 2004
Your Right to Know/Jeff Hovind New law improves records access April 2004
Your Right to Know/Don Nuebscher It’s time to end closed caucuses July 2004
All are editorials from the Wisconsin Freedom of Information Council http://www.wisfoic.org
Wisconsin Dept. of Justice Wisconsin Public Records Law 2003

Section 4: Neenah Duck case public records (white pages)
Human service professionals often think of themselves as acting in concert with others on the basis of shared goals and strategies. We think of ourselves as supportive professionals, caring people, good listeners, and people who work cooperatively with others. Yet in practice, we work with people who are at war with one another within families, in neighborhoods, and beyond. Frequently, there are situations where we witness some groups being exploited by others: racial and ethnic minorities, women and men, gays and lesbians, neighborhood groups and others. Some Human Services professionals will prefer to let other professionals, such as police officers, intervene in these situations. We are often called to be involved where our preference for acting cooperatively undermines our effectiveness. While being a mediator might seem appropriate for Human Services professionals, it might seem uncomfortable to be creating conflict in order to enhance our mission of "helping people live better lives" or "making the world a better place for all." By standing up to the powerful, the advocate for the powerless must actively engage in conflict.

This paper provides a framework for advocacy as a legitimate and necessary conflict based Human Services strategy. A framework for examining the nature of advocacy by Human Services professionals includes three types of relationships, the nature of the power relationships and the roles played.

<table>
<thead>
<tr>
<th>Type of Human Services task</th>
<th>Counseling &amp; services</th>
<th>Mediation</th>
<th>Advocacy</th>
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<td>Nature of relationship</td>
<td>Cooperation</td>
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<td>Power relationship</td>
<td>Mutually acceptable</td>
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<td>Unequal Exploitative Highly varied</td>
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<td>Human Services role</td>
<td>Partner Provider</td>
<td>Referee/broker</td>
<td>Partisan</td>
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3 Joseph Mehr, Human Services: Concepts and Intervention Strategies, 8th edition
4 Human Services is an act of making the world a better place for all.

We focus on the relationships between people and the human-constructed environment, the socio-cultural environment and the natural environment. Our activities range from building and nurturing relationships, developing compassion for all others, to protecting and conserving the world. To this end our concerns are: to help people to use the environment sustainably; to help people be more empathic and to move away from competition toward cooperation; and to help create conditions for health and well-being and to ensure peace and justice for all the world’s inhabitants. Copyright 2004: Ann Frisch, Ph.D., University of Wisconsin Oshkosh
Counseling and services are based on cooperative relationships. Power relationships may be hierarchical or collegial, but generally rely on institutional power relationships based on contract or custom. Human Services professionals act as partner or provider of services or programs. There may be institutional ways of resolving conflict or conflict may be ignored. Therapists may induce conflict to evoke needed change, but it is done within the context of a cooperative agreement to work on a problem.

Mediation is a process of resolving disputes between different parties (individuals or groups). Mediation brings together parties of similar or differing power status, but creates a structure of equality to bring them together. The role of Human Services professional then is that of negotiator, keeping the focus on where people agree and helping them meet both of their needs and interests.

Advocacy is vigorously championing the cause of an individual, group or community over the interests and needs of the opponent. Knowledge about the opponent's position is sought to enhance the position of the client or client group. While in the course of obtaining information, an advocate may find merit in the opponent's position, but uses that information in the service of the client. Within this model, an advocacy program to provide services to clients to file and win claims for benefits and resources would be based on cooperation and mutuality with the clients, but conflict with opponents.

Advocacy is the strategy of choice when power relationships are variable. This may include blatantly exploitative situations, conditions where people are acquiescent about injustices and instances, or where people do not have the knowledge of systems to overcome denials of resources or liberty. Advocacy is taking back power from the opponent.

Question for discussion: Is it ever appropriate for a Human Services professional to take the side of the powerful? Are we allied with the less powerful by definition?

In practice, these types of relationships are not mutually exclusive. An advocate may attempt cooperative relationships with an opponent, making efforts to find common goals. Failing that, the advocate may move to negotiate - trying to find ways that both parties can get needs met or interests served. When actual power differences are great, however, the powerful may not feel compelled to search for mutuality. Thus, the advocate may have to find strategies to take back some or all of the power of the opponent in order to meet the needs of clients. If successful in transforming the power balance, the advocate may then be successful in mediation or cooperative work. However, there is great danger that the powerful (or formerly powerful) will adopt the language of the less powerful in order to create the image of change. So the advocate must have a very clear idea of what the successful resolution will be. Human Services professionals need to be able to act in all three types of relationships for effective practice.

The stages of advocacy include: outreach, information gathering, creating a decision structure and action.
Outreach  Human service practitioners listen to clients with a sense of justice and an attitude of changing decisions. They redirect resources on behalf of their clients, rather than helping people adjust to unfair or unjust actions by others. Outreach involves sensitivity and reaching out to other communities.

The outreach process is an information gathering process focused on identifying people experiencing a problem or situation. Outreach may also identify people who are not personally experiencing a problem but have to witness it, are contributing to it - although unwillingly, or they have to pay for the resolution of the problem. The outreach process includes developing relationships, and making agreements regarding outcome goals and strategies.

Although outreach is an initial step in the advocacy process, it continues throughout the effort. The goal of outreach is to involve people in understanding and expressing their experience of a situation, involving them in collecting information and in the resolution of the problem.

A major strategy for outreach for Human Service professionals is to document the situation of families and communities. In many instances, these families may be experiencing situations that may not be a focus of present service. These families also provide information on the perceptions of their neighbors and families.

Example: In 1972, I was working with Idaho Head Start families. One of the Head Start mothers was living in a car with her children. In the process of assisting her, I discovered that she was married to someone who had abandoned her and her children. Subsequently, I found that several other women were married. In each case, they had attempted to file for divorce. Some had made payments toward filing and attorney fees. In each of these cases, there were no property or custody issues. Only the lack of money to pay for an attorney kept them from getting divorced. I negotiated with the judge to provide copies of the divorce papers. We instituted one of the early "get divorced without a lawyer packets". With a signature, the women could get the filing fee waived and represent themselves in court. The action evolved from listening to problems of Head Start families.

Dilemma: The bar association on one occasion threatened to take me to court for practicing law without a license. However there were no grounds for that. Nor was there any loss of business - the women simply could not afford legal fees. Other attorneys assisted me in knowing the procedures. Advocates need to avoid the inclination to practice solo. Building support among people in the community, preferably people who already have power, is advisable.
Example: As an Idaho Head Start Social Worker, I frequently talked to parents who had no food for the weekend. Each had made application for food commodities on a Friday, but were told they would have to come in the following week. I checked the welfare manual and found that emergency commodities could be issued where there was evidence of need. I telephoned the welfare department and questioned why emergency commodities were denied. In each case, the emergency provisions were supplied. Listening to parents and real problems led to solving problems for the individual families. Filing appeals for denials of benefits led to changes in welfare department policies, as well as workshops to help people advocate for themselves and others.

Dilemma: Getting a copy of the Idaho welfare manual was a challenge in itself. The Idaho State Nursing Home Ombudsman (who had trained me as an advocate) notified the state he intended to file suit to help me get a copy of the manual. The state dropped its objections and sent me the manual and the ongoing manual revisions. However, my bosses in the school district were always nervous about these challenges and worried about community relationships. The welfare director said he welcomed the appeals.

A second strategy for outreach is to conduct surveys in a geographical area. An ecological framework would include documenting family patterns, consumer goods, health problems, including miscarriages and infant deaths, ethnicity, disabilities, lack of food, dental problems, alcoholism and cigarette smoking, and other factors. Using a map, these characteristics can be laid out to determine patterns in relation to legal and illegal toxic waste emissions, gun stores, water supplies, grocery stores, bus lines, illicit drug trade, etc. Involving potential client groups in documenting its own situations is important.

Lois Marie Gibbs\(^5\) has written one of the most comprehensive guides for doing outreach. She lays out a structure for outreach that identifies families where people have suffered illness due to dioxin waste in a community. Families are involved to identify their own medical problems; miscarriages and stillbirths and other problems. Their outreach strategies included appointing neighborhood coordinators, initiating neighborhood meetings to bring people together to share this information, and making an agenda to act. Those affected by the problems document the stories and become the organizers to solve the problem.

A third strategy for outreach is educational workshops and simulations. Providing fact sheets and workshops helps to clarify issues for people who may be experiencing a problem, or may wish to help. The Humane Society United States provided workshops on cockfighting in many states to involve citizens in the issue and to prepare for state legislation outlawing the practice. Groups opposing the death penalty have involved citizens in a simulation of the practice that tends to elicit strong emotion from people who have experienced the murder of a friend or relatives. In addition, it helps people to

understand a basic inconsistency in the death penalty: someone has to kill in order to punish someone for killing. Fair Trade groups do workshops both for workers and consumers.

Example: The Highlander Research and Education Center in New Market, Tennessee, illustrates two of the four strategies of outreach: identification of problems and workshops. The HREC identifies and brings together local leaders, particularly the poorest and most disadvantaged, throughout the south and provides opportunities for them to listen to each other about their mutual concerns. Staff also conducts workshops around state and local issues. This model was the basis of HREC’s work with southern labor movements in the 1930’s, with civil rights leaders in the 1940-60s, and the Appalachian people’s movement in the 1970-80s. Their web page can be found at http://www.highlandercenter.org/

A fourth strategy is the *advocate's participation in various organizations and broadly in the community*. Linkages with groups concerned about broader issues may provide information that makes the connection in terms of loss of industry and jobs, health problems, racism and violence. Linkages with advocacy organizations such as Public Citizen, Citizens Clearinghouse for Hazardous Waste, League of Women Voters, American Civil Liberties Union, Coalition Against the Death Penalty, Christian Coalition, Organic Consumers Association and other groups can provide information and sometimes assistance with advocacy for individuals. Many communities have collaboration groups, informal meetings of agency representatives that can serve to build linkages on behalf and with those who are served.

Dilemma: People, especially the most vulnerable, may be afraid to speak out on their experiences with health care, relationships with police, and problems between teachers and parents, because of the fear of reprisals or lack of belief that something can be done. Mainstream advocacy groups may need to give them a voice, and hear their concerns in private. Still there is no substitute for empowering those who have experienced the problems and helping them to speak for themselves. Developing neighborhood groups, training local leaders, and letting leadership emerge from the issues, is highly desirable. A combination of private interviewing, public meetings and hearings should be considered. Modeling multicultural diversity and respect for women even in communities where women have not been involved in leadership can be accomplished by conscious structuring of egalitarian relationships.

Dilemma: The situation in need of advocacy may not be an explicit mission of the agency where the human service worker is employed. Those affected may not be eligible for the agency's services because they do not meet agency income or other criteria. The worker may need to expand the mission or eligibility of the agency, create coalitions or new organizations to serve this population.

The advocate will need to keep a list of contacts as well as careful notes. Computer generated spread sheets can make it easy to update information and send copies to others.
by e-mail. The advocate should also maintain a log of outreach efforts including comments, quotes, biases, allegiances and other information that might be useful later.

**Information gathering** Next to outreach, this is the most tedious and lengthy stage of advocacy. While outreach focuses on the identification of impacted and interested citizens, information gathering focuses on data surrounding the situation. While outreach focuses on involvement of affected people, and information gathering focuses on facts about the situation, both stages overlap.

Fact-finding includes gathering information on the individual situation, the laws or moral standards governing the situation, and agency or community practices. In a search for the truth about what happened, the advocate must hear and record the stories people tell about the situation.

Sources of information from **interviews** include family members and friends, witnesses and observers, police, citizen monitors, public officials. Notes should be carefully made and where possible, tape recorded. Laws vary from state to state on the requirements for taping conversations. However, with mutual consent tape recordings may be made. The person taping should secure permission on tape together with the person’s name and other identifying details wherever possible. One problem with tape recording is that you still have to make notes or transcribe the tapes. Otherwise the content tends to get lost.

Example: I interviewed a man accused of failing to provide medical care for his daughter. I obtained permission to interview him in jail where he was serving a sentence for involuntary manslaughter. I brought a tape recorder, though assumed that he would not want to be taped. However, I discovered that the religious group to which he belonged (and the one that maintained prohibitions on medical care) taped their leader’s sermons and distributed them as a way of disseminating their religious beliefs. The man quickly and eagerly agreed to be taped. The taping appeared to be an affirmation of his religious importance. I tape-recorded the stories of his children’s deaths and his conversion to faith healing. Through introductions to his family, I recorded their stories.

**Government records** are a frequently overlooked but major source of information. Individuals have a right under federal and state laws to have access to public records when they are subjects of these records. Even when records are closed due to an investigation or because there is personally identifying information in them, the individual affected would have a right to see them. Family members might be denied copies of a deceased family member's records, but might have access to them as next of kin. In any case, once a suit is filed, the plaintiff as well as defendant would have access to all records concerning his or her case. Employment and medical records (such as records of reprimands or complaints of police misconduct) are sometimes closed to the public. However, records may be obtained as priority of public interest over individual privacy. Where employees are public, there is less justification for privacy of records relating to employment.
Example: I assisted parents who were, in my view, wrongfully charged with child abuse and their children placed in foster care. I drafted a letter for them requesting copies of their social service records and those of their children. The case records confirmed for us that there were no circumstances that warranted felony charges for a cut on the cheek that required some stitches in the local hospital.

With the exception of personally identifying information, military secrets, patents and some documents concerning pending labor negotiations or bidding, other records in federal, state and local governments are open to the public. Advocates should get comfortable with obtaining public records to understand the context of the present situation. Every government office must maintain a written and posted procedure for people to access records. Some frequently requested documents are available in a reading room; some must be requested in writing. Advocates can ask to see some records on a walk-in basis. Some advocates take a lap top computer and portable scanner. Documents made available can be scanned onto disk avoiding the costs of photocopying and time delays in written requests. Different agencies have different practices under law for availability of records and charges. The principle is that government records are available to the public at minimal or no cost in the public interest. Commercial interests may be expected to pay both search, review and photocopy charges. Public interests presume immediate availability and minimal cost to citizens who want to be involved in decisions or actions of government or want to see their government’s records for any reason.

An advocate should always read the law before making a request. The wording of the request may determine whether or not an advocate is granted a fee waiver. The advocate may need to show how the documents will be used in the public interest if a fee waiver is sought. In addition, one will need to read the law carefully before making the written request. One might want to request (where allowed) to review material rather than requesting copies of specific documents. The advocate will need to know the maximum possible charges for photocopies, the charges for searches (if any) and legal options to take equipment such as copy machines or scanners.

Example: Wisconsin statutes allow for officials to charge for the search for documents if the cost exceeds $50 in addition to charges for photocopy (up to $.25 per page). So it is advisable to make one’s request small and make subsequent requests all under $50. In Wisconsin, there is no limit to the number or frequency of requests, so one could make a $49 request every day and never incur any search fees. You should always put a maximum amount you will pay without further authorization to avoid unexpected costs. You can avoid photocopy charges by taking your own copying equipment. We copied hundreds of letters opposing a mourning dove hunt in Wisconsin with our own portable copy machine. In Wisconsin, officials can legally limit what kind of equipment you can bring in.
On-line access to state statutes governing public records can be found on state government home pages, eg. [http://www.wisconsin.gov](http://www.wisconsin.gov). The federal Freedom of Information Act (5 USC 552) can be found at [http://thomas.loc.gov](http://thomas.loc.gov).

Example: When we were trying to halt the slaughter of mallard ducks by four government agencies, we requested copies of all the relevant e-mail in the local office of the Wisconsin Department of Natural Resources. We found the agencies were claiming a disease threat to children, when in fact the health department director had made a written statement that the duck feces were not a human health threat. Nonetheless, the agencies were plotting to avoid citizen knowledge of the plan. “This thing will continue to have the potential of blowing up in our face and become a major media-animal rights controversy.” 6 “The insight of APHIS-ADC (USDA Wildlife Services) is to bait and snuff out birds a little at a time without drawing a lot of attention to the situation.” 7 We turned this into a news story.

Example: The Environmental Working Group spent several years acquiring public documents showing subsidies to specific farmers, many of who are really giant corporations. The information is posted on a web site and locatable by farm name or zip code. This became an important source of information in recent congressional action with regard to the renewal of farm subsidies. This information is available at: [http://www.ewg.org](http://www.ewg.org)

Notwithstanding the requirement for immediate access of records to the public, government agencies frequently delay disclosure and routinely withhold documents such as complaints, names and addresses on comments in an environmental assessment and permits as invasion of personal privacy. Appealing these denials should be seriously considered. The US Department of Agriculture Wildlife Service has had a 2-year delay for records requests when the legal requirement for compliance is 20 days. The USDA WS has consistently stalled filling all requests by claiming that privacy acts require protection from disclosure for individuals who want a permit to kill protected birds or poison wolves and coyotes.

Example: As a novice record requester, I sought copies of public comments from a federal Environmental Assessment by the US Fish and Wildlife Service. The agency sent me copies of the comments without the names and addresses of the sender. I filed an appeal, arguing that these were public statements in a public comment period and they had no justification for secrecy. I received a second set of the comments with the names and addresses.

Because the government monitors corporations for compliance with environmental, securities and investment laws, building codes and other reasons, there is a wealth of documentation available even on private businesses. Cities and counties make available

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6 Oshkosh area DNR 5/1/95  
7 Oshkosh area DNR 4/13/95
as a matter of right information about ownership of homes and other real estate and property taxes from offices of the county or city assessor. Winnebago County WI property assessment and tax records are available at:

http://www.co.winnebago.wi.us/Tax/searchall.htm

The availability of these records on the Internet has caused some controversy as judges and police officers seek to hide their real estate and income from the public by requesting that their records not be posted on the internet data bases.

Advocates can examine political campaign contributions on the internet. See

http://www.opensecrets.org/ and http://www.opensecrets.org/wdc/ for data bases for campaign contributions. The website for Wisconsin Democracy Campaign is at

http://www.wisdc.org

These data bases are open to the public and do not require a records request.

Records denied by government officials may be appealed and advocates may file suit against the government. Attorneys who substantially prevail in federal Freedom of Information suits may be able to file for reimbursement for attorney and filing fees; conversely in most cases if the plaintiff does not prevail, the government cannot demand attorney fees. Advocates need to check current state and federal laws to determine benefits to attorneys for taking these cases.

A third major source of information is newspapers and other periodicals. In fact, on-line sources make this information readily accessible using keywords. Full text and abstracts are available of international, national and local news media. Advocates can send their own Letters to the Editors (or “Op Eds”) to many newspapers simultaneously using the Internet.

Example: When I was advocating for a “no” vote in the Wisconsin legislature for the Personal Protection Act (a bill to allow people to carry concealed and dangerous weapons), I frequently accessed articles in state periodicals to see what people were saying about the bill. My own statewide editorial sent out by the Wisconsin Freedom of Information Council was indexed under ProQuest Newspapers. This search may require access to paid databases.

Example: As an opponent of a bill to allow hunters to kill mourning doves, I sent hundreds of Letters to the Editor across the state using email with the help of a state wide newspaper directory with a “clickable” email capability. The same letter was published in newspapers in major city dailies and small town weeklies. Organizations such as Wisconsin Stewardship Network have a listing of e-mail addresses for newspapers. See http://www.wsn.org/wi_news_media_wsn.html One can also do a search for world newspapers.

Newspapers are helpful for receiving and sending opinion, but also to take advantage of the information gathering strategies of newspaper reporters, many of whom are using documents obtained under Freedom of Information acts.
A fourth major information gathering strategy for advocates is to *create your own documentation*. A small one-use camera, if not a small digital with video capability, should be carried in every briefcase. Multiple pictures should be taken using date and time displays, inclusion of street signs and other landmarks, front and rear images, pictures of documents, signs etc. Notes should be taken and written up as soon as possible. Narrate observations on video camera. The advocate should be familiar with posting photos on the web, such as ofoto.com, and sending video to television stations.

If the advocate is talking on the telephone with a source of information, the advocate should make notes during the conversation and ask for clarification. A follow up letter should be written immediately to the source to confirm the contents of the conversation. Notes should describe what people say and do, and what the advocate observes in the environment.

Example: A supervisor criticizes a female employee that she is unfit for a certain job because it is a “man's job”. The employee should request that the comments be put into a letter. If that is refused, the employee should write a letter confirming the comments immediately as a way of documenting what could be a violation of federal law.

Example: Representatives of the Conservation Congress told a publicly elected member of the Congress that she was violating the organization's by-laws by speaking out publicly on hunting and trapping issues. She was told that if she didn't support hunting and trapping, she would be relieved of her position. She requested that the representatives put their comments in writing. To her surprise, they did. She immediately went to the newspaper to show the group’s efforts to suppress her rights to free speech and to represent the public on the Congress.

Example: Steve Hindi, President of an animal advocacy group Showing Animals Respect and Kindness (SHARK) undercover - videotapes bulls being shocked in the chutes to make them act wild when released from the pen. Hindi has also secretly videotaped rocket netting and sharp shooting of deer in public parks. When he has the videos ready, he calls a press conference and invites officials (the rodeo authorities, the park authorities). He puts nametags out for his opponents. When the press arrives to view the animal abuse, his opponents are conspicuously absent to defend themselves. He also has a video monitor on his van, so he can drive to rodeos and show the potential attenders what happens behind the scenes. http://www.sharkonline.org

All case notes, records obtained under public records acts, video and audiotapes should be dated. They should be copied and the originals filed and put in a secure place. Keep a log with date and place of all transactions. Take notes on all telephone conversations as they occur using headphone for telephone conversations and a computer. Keep telephone and fax transactions and copies of e-mail should be filed. Read your logs frequently.
Example: A fax transmission sheet showing faxes to an agency was a key piece of evidence that resulted in a court settlement. A federal agency director agreed to resign from his position in a key federal agency rather than face a court suit at his own expense resulting from operating in a libelous manner outside his job description.

The DataCenter Impact Center for Social Research is a data bank of important information related to labor and fair trade, the environment, human rights and many other issues. It is a key data center for social action. The center has a community survey manual at http://www.datacenter.org/research/creatingsurveys/index.htm showing how people can conduct their own research and create their own data. Making The Whole World a Witness shows how people can do their own human rights documentaries. http://www.witness.org/training/Video_for_Change.pdf. A complete resource of data sets including both private and public information is available at http://www.datacenter.org/research/web_res.htm The Data Center also has a section on locating data on individuals and corporations, more challenging because they are not in themselves subject to public records requests (except directly through governments). The Data Center has “research tool kits” to help people access information challenging the World Trade Organization, air toxics and juvenile justice in California. Other data sources include the 2004 elections, education, prisons and welfare.

The Right to Know web page http://www.rtknet.org/tri/ allows you to access the legal releases of toxic chemicals in your neighborhood and information about the toxic waste companies, facilities, parent companies and offsite waste transfer.

Although Project Underground http://www.moles.org/ has closed, its web site has information on the campaigns to support the U’wa people over against Occidental Petroleum in Colombia, and the Ogoni people of Nigeria over against Shell Oil. It is specifically oriented to the needs and position of indigenous peoples.

Information that has been collected or created can be used to make “news”, to create a press release or to go to the news reporters with a story. Advocates should always seek the home pages of their opponents such as the World Trade Organization, the companies producing toxic chemicals, Shell and Chevron, for example, for their statements and how they might be responding to the opposition.

Creation and maintenance of the decision-making structure If the longest stages are outreach and information gathering, the most difficult - and probably least discussed - stage is creating the decision-making structure. It can be formal, such as state non-profit corporation and IRS 501c(3) non-profit or IRS lobbying group, depending on the purpose. New efforts or activities may be run out of old organizations, including formal tax-exempt organizations. Simply being a 501c3 does not exempt an organization from state registration and licensing requirements for fund raising and lotteries. Likewise, an organization may not have to be a tax-exempt organization with a formal legal structure to engage in fund raising.
Individuals raising issues, filing Freedom of Information Act requests, and sending out press releases can do much without a legal structure. Internet based advocacy groups among people who have never met can be very effective. It is the effectiveness of the structure that makes the difference.

Buchier\textsuperscript{8} struggles with the idea of structure, focusing on anarchist structure (without ruler, but with rules) and many groups claim they work within the framework of a collective. Gibbs,\textsuperscript{9} however lays out an explicit structure for democratic and effective functioning. Acknowledging that people need autonomy as well as mutuality, she proposes a spoke framework as opposed to the usual hierarchical framework. The organization is composed of committees for each of five tasks: research, public relations, fund raising, actions, and coalitions. One person from each committee meets as steering committee to make decisions that meet the goals established by the community.

Gibbs also lays out a procedure for goal setting meetings. In the case of efforts to stop dioxin contamination, there are informal neighborhood meetings. Then representatives from each of the neighborhoods get together to plan a community meeting. This meeting is widely publicized to get the broadest representation from the affected community. This meeting sets overall goals. The steering committee then gets its direction from the goals set at this meeting.

Example: A successful ecumenical organization in Oahu, Hawai’i brought together 24 churches to do social action. Rather than relying on voluntary individual efforts of church members to provide support and action, this group started with a commitment from the churches themselves. Their procedure was to speak to the minister of a church to obtain his or her commitment. If the minister was committed to the effort, then members of the individual churches were trained as listeners who systematically involved the entire church in a discussion of the potential for collaboration with other churches. The cost was high requiring a one percent contribution of the church’s income to the organization. When a church joined the group, representatives of the church were elected to the organization’s governing body. A research team comprised of members of the various churches studied various issues, then decided on one. Part of the action involved all the church members in observations. One year, church members went to a housing project to witness first hand the safety and structural problems that were being ignored by the government. Then various city and county elected officials were brought in to witness these problems as well. Finally, after the organization decided on solutions, they asked candidates and elected officials for their commitments for action. The organization sent statements to them in advance, and then invited them to a meeting where their commitments were videotaped. They were asked to sign pledges of support. The officials’ failure to sign or to come to the meetings was noted as well.

Taking as a given that we create democratic structures, it is instructive to note some popular experiments in democracy occurring around the world. Porto Alegre, Brazil, has created a procedure for citizens to directly decide on the city’s budget. Other experiments have been documented in Kerala State, India, and in Chicago (police and education). Advocates and researchers have documented the practice. Archon Fung and Erik Olin Wright have outlined the theory of what they call empowered participatory governance as “moving public decision authority to empowered local units, the creation of formal linkages of responsibility, resource distribution and communication that connects the local decision authority to the centralized authorities; and the use of the state authorities to support these empowered units.” Hilary Wainwright has described some of the experiments including Porto Alegre.

**Action: the power transforming stage** Outreach and information gathering sets into motion attempts to transform the power relationship. The decision-making structure creates the context for the change. The action stage attempts to implement the power transformation to bring justice and democracy.

Power, according to Sharp, is never destroyed. It can, however, be undermined and transformed. Sharp says that one must analyze the power base of the opponent as well as your own in order to create an effective strategy for the transformation of power. According to Sharp, power comes from legitimate authority, possession of material resources, human resources, skills and knowledge, charisma and other intangible factors, and sanctions. The goal is to undermine the power of your opponent and enhance your own. Power considerations (the need to develop legitimate authority, financial resources, involvement of people, etc.) must be taken into account during outreach and information gathering stages.

Action strategy falls into five categories: education, direct action, legal procedures, civil disobedience and creating alternative institutions.

*Education* may include workshops and simulations (as listed also under outreach), newspaper articles, guest editorial and letters to the editor, web pages and e-mail lists, petitions, vigils, and teach ins. The education provided has a position, but may include the opponents claims or beliefs. It may have a means for people to respond or sign on as web page petitions that generate an e-mail to officials. The power transformation involves revealing a "truth" or "facts" to the public that may undermine the legitimate authority or sanctions of the opponent.

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Example: The internet group MoveOn was instrumental in educating the public and galvanizing opposition against the war on Iraq and media ownership of the air waves, and in “regime change” in the U.S. The group was able to raise hundreds of thousands of dollars inspiring members to have bake sales, car washes and other events.  
http://www.moveon.org

Example: Opponents of the World Trade Organization were having difficulty getting the corporate media to report their objections to the WTO. Prior to the 1999 WTO meeting in Seattle, the Direct Action Network (DAN) printed a section of the Seattle Intelligencer to look just like the front section. The DAN was able to put their own section 1 on top of the newspaper’s section one by putting 50 cents into the slot to open up the newspaper box, remove all the newspapers, slip a new section 1 on top, and close up the box. This was done all around Seattle after the delivery early one morning. So when the public read section one that morning, they read all the news the DAN wanted the public to hear, including the schedule for the Teach In.  

*Direct action* involves an attempt to directly rectify the problem - or at least to do it symbolically. Ecodefense involves disabling motors of vehicles that are about to bulldoze forests or spray pesticides or illegally boarding ships carrying old growth timber. It may involve providing sanctuary to people or animals about to be harmed.

Example: Julia Butterfly Hill spent two years in a tree trying to physically protect a rainforest from being logged. She communicated with the public and individuals with a cell phone.  
http://www.ottermedia.com/LunaJulia.html  and  
http://www.circleoflife.org/

*Legal procedures* involve advocacy on behalf of a person involved in a criminal or civil case, or as a matter of civil or human rights. Usually an attorney represents people because of the complexity of the law. However, advocates (attorney or others) may represent citizens in administrative procedures ranging from appeals on small business loans and financial aids, hearings involving non governmental systems such as credit cards and consumer products. Citizens are involved in presenting statements at public meetings and writing comments on Environmental Assessments to support or attempt to stop a new law or administrative rule. This kind of advocacy has been much enhanced by the state and federal departmental home pages, *Thomas* which includes a listing of all bills, committees in the US Congress, and web pages which facilitate location of Congress person by zip code and e mail or web page, postal address, telephone and fax. State government home pages have similar access.

Example: A coalition of animal rights groups, including my own, sued the United States Department of Agriculture to bring their web page into compliance with law, and to provide general documents of interest in their reading room. The USDA settled out of court and plaintiff attorneys were paid.

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14 Seattle Intelligence (sic!), November 30, 1999.
Example: Protests against the war on Iraq constitute legal procedures. Under our constitution, people have a right to protest. Millions of people around the world stood in the streets to express their opposition. Where protests are illegal, these protests become civil disobedience.

Civil disobedience is the purposeful breaking of a law to galvanize public support. Law breakers insist on punishment as a way to show the public the injustice of the law. Civil refers to citizen, but also implies a non-violent way to seek redress of injustice.

Example: Religious groups, mostly Catholic, have convened a demonstration at Fort Benning, GA to protest the US Army School of the Americas (now known as Western Hemisphere Institute for Security Cooperation) for more than a decade to protest the violence inflicted by students of the US Army school in Latin America; notably the murder of nuns, priests and archbishops as well as the decimation of entire villages such as El Mazote. During the annual vigil, thousands of people stand in legal protest, while others commit civil disobedience by walking onto the military base, a crime punishable by a jail sentence while students of the SOA are found not guilty of murder.

Example: Groups opposing abortion picketed abortion clinics in the early 1990s. They clogged the courts when thousands were arrested. When the judge threatened them with jail sentences, they came back to the picket line with their toothbrushes, moving legal procedures to civil disobedience.

Creating alternative institutions. Those who oppose the institutional values often turn to creating their own institutions and structures based on their own values. The alternative structures range from creating alternative governing bodies, such as was found at the WTO Protest in Seattle. The WTO protest had its own peace officers, legal and medical team as well as independent news media and publications, entirely by-passing the Seattle city and county structures. IndyMedia is a web based news organization with volunteer reporters who post their own work. http://www.indymedia.org. Alternative institutions include using the Internet and direct mail to sell fair trade products where the producers get a fair wage for their labor. Animal rights organizations such as the People for the Ethical Treatment of Animals sell cruelty free products from vegan food to shoes and household products. Coffee from Sandinista Nicaragua was sold in violation of laws prohibiting it (and some was sent to legislators). Community supported agriculture (CSI) invite people to pay in advance for a farmer’s crop and share the proceeds, completely bypassing corporate profit structures. Anti abortion groups have opened homes for pregnant women and provide counseling and adoption choices.

The various stages of advocacy – outreach, information gathering, creating decision structure and action - are not discrete. Not only is outreach a process of information gathering, but creating a decision structure also involves outreach efforts, especially in

15 http://thomas.loc.gov
Gibb’s model. Action brings in new members and thereby constitutes further outreach. Information gathering itself may constitute action. For example, obtaining government documents is a power-seeking action and also may put government on notice to halt a particular procedure. Information you gather or create can be used to create a press release that becomes part of the action. So the stages and sequencing of activities is often a combination of all four types of activities.

Example: The New Voters Projects under various names and orientations have appeared to register young people and encourage them to vote in the 2004 elections. This might be seen as outreach or action, depending on whether you seeing the work as finding young people and getting them involved or whether you see it as an effort for “regime change” on the assumption that a large turnout will tend to bring about a change in political orientation. The Republican Party has solicited names and addresses of church members hoping to register them and get their vote. This is more openly (and some say illegally) an action to help reelect Mr. Bush.

Dilemma: Parents in a school resisted the introduction of improvements for disabled children (action stage) because the school needed major repair for all the children. Classes were being held in boiler rooms and offices were cleared out for meeting rooms. A successful advocate will know when to shift from action back to outreach or when to remain firm on an action project. This is no easy task since action can be sabotaged. On the other hand, if there is resistance there may need to be a shift back to reassessing goals of the community.

Advocates must deal with the tension between the stages of advocacy. But they also have to be aware of when to shift from conflict to mediation or cooperation. This requires an awareness of the type of relationship you have with a given target of your action, but the possibility that others with power may try to force you to move when in fact you should not.

Example: A child protective agency, weary of challenges from advocates over the treatment of a minority family, sought to involve the advocates as babysitters for the children and drivers between foster home and parental home. Advocates remained firm and told the agency “we are friends and advocates for the family.”

Additionally, the advocate will have to persevere even though successful. Success often engenders efforts to sabotage or revoke the change. The advocate needs to maintain the change effort and make sure all the systems work to enforce the new policies and practices. Likewise, defeat can spur the organization to further and more intense advocacy.

Conflict, in conclusion, is a legitimate and valuable strategy for making change. It is probably the most difficult because when conflict strategies are necessary, it is because there are powerful forces opposing it. In Human Services practice, it is done non-
violently both to strengthen the cause, but also for moral reasons against doing harm. Human Service professionals can espouse non-violent conflict strategies with confidence.

**Family & Community Advocacy**

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Selected Amendments to the US Constitution

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses
against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIII

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment XV

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
Amendment XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Article XX

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin
**DUE PROCESS OF LAW**

THE **RIGHT** TO KNOW THE ISSUE (REASON FOR DENIAL)

THE **RIGHT** TO REQUEST A HEARING.

THE **RIGHT** TO BE GIVEN A HEARING REASONABLY PROMPTLY.

THE **RIGHT** TO EXAMINE EVIDENCE BEFORE THE HEARING.

THE **RIGHT** TO RECEIVE ADEQUATE NOTICE OF THE TIME AND PLACE OF THE HEARING.

THE **RIGHT** TO HAVE ANOTHER PERSON (I.E., AN ADVOCATE OR A LAWYER) ADVISE HIM OR HER AT THE HEARING OR REPRESENT HIM OR HER COMPLETELY.

THE **RIGHT** TO BRING WITNESSES

THE **RIGHT** TO PRESENT EVIDENCE.

THE **RIGHT** TO ADVANCE MEANINGFUL (RELEVANT) ARGUMENTS WITHOUT UNDUE INTERFERENCE.

THE **RIGHT** TO CONFRONT (FACE) AND CROSS-EXAMINE WITNESSES TESTIFYING AGAINST HIM OR HER.

THE **RIGHT** TO REBUT (DISPROVE OR QUESTION) EVIDENCE USED AGAINST HIM OR HER.

THE **RIGHT** TO HAVE A FAIR, IMPARTIAL, AND DISINTERESTED REFEREE.

THE **RIGHT** TO HAVE A “NEW DECISION” MADE PROMPTLY, BASED ONLY ON THE WRITTEN OR SPOKEN EVIDENCE PRESENTED AT THE HEARING.

THE **RIGHT** TO RECEIVE WRITTEN NOTICE ABOUT THE DECISION.

THE **RIGHT** TO EQUAL OPPORTUNITY AND PROTECTION UNDER THE LAW.

THE **RIGHT** TO BE A LAWYER AND TAKE THE CASE TO COURT IF ANY OF THE RIGHTS ABOVE ARE VIOLATED OR DENIED.
Overview of Advocacy process

OUTCOME GOAL: A complete statement of the change sought in the advocacy effort, including the amounts of money to be refunded, property returned or not taken, action taken or not taken or other demands/requests such as an apology (written or verbal),

PROBLEM SITUATION

Facts/data about the case (COPIES OF WAGE STATEMENTS, STATEMENT OF CONDITIONS OF APARTMENT, BILL FOR REPAIRS, ENVIRONMENTAL IMPACT OF PROPOSED ACTION
*Opponents claims
*Your argument/facts
*Statement of disagreement/agreement

Laws used/laws violated/laws of procedure (records, meetings) if relevant
*Copy of the lease or contract
*Copy of state statute or local ordinance (only the essential portion, not more or less)

Values
*Landlord values his or her property; tenant values privacy, justice on return of security deposit, access to hot water, safety in apartment

YOUR ADVOCACY GOALS AND STRATEGIES:
Vigorously represent your client, teach your client what you know, follow your client’s informed wishes. Keep good records.

EVALUATION Your results: Money or property returned, apology received
**Procedure for Advocacy cases**

OUTREACH   Making yourself available to listen to the situations of others, identifying problems not as “how to adjust to the situation”, but how to get justice.

LISTEN CAREFULLY to the way the person describes the situation.

GET DETAILS.  If the phone company is going to shut off service, what were the bills, were the charges correct, dates of service, payments deducted. Check and verify customer or account number, name, addresses, etc.

ASSESS WHAT LEVEL OF GOVERNMENT - FEDERAL, STATE, COUNTY, CITY, SCHOOL DISTRICT.

EXAMINE THE APPLICABLE RULE:  Start with most immediate.  Phone bill, look at rules of service on the phone bill.  Lease for rental apartment.  A grade in a class, read the syllabus.  Denial for school lunch, read the application and letter of denial.

Often federal or state rules are cited. Locate and read them.

COLLECT *ALL* DOCUMENTS RELATED TO THE CASE.  If the issue is a federal rule, request public records under 5 USC 552. Detailed rules will be found in the Code of Federal Regulations under the respective departments. If the issue is a state rule, request public records under Section 19.35, Wisconsin Statutes. If the issue is one where the record contains information that would constitute an unwarranted invasion of personal privacy, one can request ones own records (and information related to others can be marked out in order to provide it to the requester).

Don’t take no for an answer. If an authority denies you copies of documents, ask for their statutory authority to deny the records.

Although the public records (and privacy acts) require government officials to provide records (and in Wisconsin, but not federal, the elected representatives), companies with whom you are doing business may be required to provide records such as copies of contracts, copies of sales receipts. The degree to which you can demand documents will be determined on how much the company is regulated by government. In any case, if your case gets into a legal appeal, you will have rights to see certain documents related to your case regardless of whether government is involved.

ALWAYS ASK FOR THE EVIDENCE AGAINST YOU HELD BY THE OFFICIAL OR COMPANY.  It is your right to see it and without it, you don’t know how to prepare your case.

MAKE COPIES OF ALL RECORDS AND DOCUMENTS.  Put the original in a file folder and in a safe place. Use only copies. Make notes on a separate page, or use post its. Exception: note on the record when received the date of receipt.
DETERMINE THE APPEAL PROCEDURE. How many days do you have to appeal a decision or correct an error? In the case of a credit card error, the interest charges are frozen at the moment you appeal, so sometimes you want to act immediately. Other times you may want to delay to keep your benefits as along as possible, thus delaying the timing of appeal until the last moment. In either case, you may have to pay interest or overpayments, but you may not.

FILE THE APPEAL OR MAKE A CLAIM. In most cases, you can make a simple statement that you believe there is an error, signed and dated is sufficient. If appeals are limited to a dispute over facts of the case, then you may need to make a statement that you believe the facts of the case to be in error. In some cases, the issue is critical enough to seek an attorney. Some attorneys will handle claims on a contingency basis (if they win, they take part of the settlement, if they lose, they get nothing). In most cases, you will have to pay expenses. Example: An attorney filing an appeal on a federal public records case will ask you to pay the filing fee, but will do the case on a contingency basis knowing it is a winnable case, the federal government has to pay attorney fees and court costs. Example: Worker Compensation, Unemployment Compensation, Injury claims, Social Security Disability are often handled by attorneys on a contingency basis.

INVOLVE YOUR CLIENT. Your client must be involved, reading the documents, reading the laws as much as possible. Teach your client how to do advocacy so he/she can help others. The client says whether you are going to be his or her representative, whether you can proceed with the appeal or claim, whether to go to court, etc.

STUDY RESPONSES PROMPTLY and file appeals if necessary.

MAKE A WRITTEN STATEMENT OF THE PROBLEM AND ITS SOLUTION, THE LAWS VIOLATED BY THE BUREAUCRAT OR COMPANY OR THE LAWS SUPPORTING YOUR CLAIM.

GIVE YOURSELF PLENTY OF TIME. Act promptly so that you have time to prepare your case before a hearing. If there is to be a hearing or small claims court, make sure you and the client have time to do adequate research.

DON’T WAIT TOO LONG FOR RESPONSE. If you request a copy of a check in sheet from your landlord, include a self addressed stamped envelope. Wait a few days, then call, go to the landlord’s office, be insistent on your rights (or rights of your client). The rule of thumb of bureaucrats is: if you delay long enough, people will forget about their request.

GIVE HONEST COUNSEL to your client. It doesn’t hurt to appeal, though it does take time and sometimes some money. But that can often be “written off” as a good learning experience. You can appeal, knowing your chances are slim.
GET OTHER OPINIONS  Get an attorney to (pro bono) to review a lease and give you some suggestions

BE HONEST AND RESPECTFUL in your dealings with your opponents. Present your evidence, state the law.

TRY TO RESOLVE THE ISSUE WITHOUT A FORMAL APPEAL.

NEGOTIATE ACCEPTABLE DATES AND PLACES FOR A FORMAL HEARING
It is often a hardship for people to take time off work to present their appeal. Sometimes agencies require people to travel across the state to hear a case. Try to get the hearing at a convenient time and place for the client.

FOLLOW UP ON THE HEARING. Check the time in which the agency has to make a decision. Call the agency or help your client call the agency and determine why a decision has not been made in the time allowed by law.

CHALLENGE THE DECISION. Pursue appeals if an incorrect decision has been made, including seeking an attorney and going to court.

DO YOUR HOMEWORK

DO YOUR HOMEWORK

DO YOUR HOMEWORK!
**How to write a public records request**

Purpose: being able to see and make copies of the correspondence, studies, logs, memoranda and other documents a government official is using to make decisions

Figure out the question; figure out what you want to know. Or engage in a browse for documents hoping that you will find some things you wanted to know, some will be a waste of time, some will reveal things you hadn’t thought of asking. You can’t be denied information because you refused to tell why you are interested in the information. However, you must reasonably describe the records you are seeking and your request may be held up if it is too vague or too extensive.

Determine what level of government, then what department.

Locate the name of the agency director, address, telephone, fax and e mail. If appropriate, locate the name of the immediate custodian of records, department head, division head. Use internet to locate agency staff information.

Draft a request, citing the relevant public records law, wherever possible, or stating “under your state public records laws” If you give the wrong citation, they can deny you. Sometimes records may be provided under one section, not in another. Federal law is 5 USC 552; Wisconsin is Sec. 19.35, et.seq., Wis. Stats. (The et. Seq. just means 19.35 and the following statutes). Sec. 19.35 is adequate because it has the main provision.

Date
Director or custodian name and address, fax number
Under Sec. 19.35, et seq., Wis. Stats., I request to review (or have copies of) the following documents from (date) to (date, present):

--any correspondence, electronic or otherwise, sent or received concerning…..your topic
--any studies, surveys or other research showing…. (your topic)
--any data on which you are relying to show (eg. That a certain action is not toxic to the environment, not harmful to children, etc).
--any telephone logs or other memoranda on …..
--any Environmental Impact Statement, Environmental Assessment or any documents that purport to exempt the state/fed from requirement to conduct an EIS.
--any complaints, grievances or comments concerning …. 
--any expenditures or revenues from…
--any invoices for services or materials provided or requested
--your budget for….years…..

I request a waiver of the fees because…(check the provision for waiver under federal, state or local laws….i.e. in the public interest, involving people in the operations of government. An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest Sec. 19.35(3)(e), Wis.Stats. Should you determine my request will cost more
than $5.00 (or other amount you designate), please notify me in advance before doing the work.

Be sure to check what the government can charge for: usually they cannot charge for the search, but they can charge for photocopies. In Wisconsin law, the authority can charge if the search takes more than $50.00 in costs, so be very careful to limit the amount you are agreeing to pay.

All of these records are public records and not covered under any privacy acts. Should you determine otherwise, please state your statutory authority to deny me these records and segregate these records and forward the remaining public records to me immediately.

I look forward to having these records in the time allocated by law (or better yet, quote the statute) federal…in the twenty days allowed by federal law OR state “as soon as practicable and without delay” (Sec. 19.35(4)(a), Wis. Stats.) (The authority is required to “either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.”

Sincerely,
Your name
Your mailing address
Your phone and fax number
Your e mail address
You can e mail this request, fax it or mail it.
Sometimes a certified letter return receipt requested is desirable.

The letter of response should tell you, if they deny you, in whole or in part, how, where and in what time period, to file an appeal.
Mr. Darrell Bazzell  
Secretary, Department of Natural Resources  
Department of Natural Resources  
101 S Webster St  
Madison WI 53703

I am requesting, under Section 19.35(1)(a), Wisconsin Statutes, copies of all correspondence (electronic or otherwise, sent or received), memoranda, studies, plans, complaints, statements from public hearings, or other documentation concerning the proposed John Muir Trail from January 2002 to December 2003. I request to have a copy of your Environmental Impact Statement required under Section 1.11, Wisconsin Statutes, or whatever purports to satisfy that requirement.

None of these records is covered under the Privacy Act. Should you determine otherwise, please give your statutory authority and segregate the records and forward the balance to me immediately.

I request a waiver of the fees under Section 19.35(3)(e), Wisconsin Statutes, because this information is in the public interest. Should you determine that my organization is not eligible for a waiver of the fees, please give your statutory authority to deny me a waiver and notify me in advance of doing the search if the cost will exceed $10.

I look forward to having these documents as soon as practicable and without delay, Section 19.35(4)(a), Wisconsin Statutes.

Sincerely,

Sara Prescott
Ms. Sara Prescott
Address

Dear Ms. Prescott:

In response to your public records request, I am preparing to send you the documents you requested. Please remit $23.40 which includes postage.

The names and addresses of the persons who submitted comments at the hearings for the trail have been redacted under 19.85(1)(f) because it is personal information.

You can appeal this decision directly to this office at the address.

When we receive your check, we will mail the documents.

Sincerely,

Director
Public records – sample appeal of denial of documents

Your organization if appropriate
Your address
Telephone number/fax
number/ E mail address
Date

Mr. Darrell Bazzell
Secretary, Department of Natural Resources
Department of Natural Resources
101 S Webster St
Madison WI 53703

I appeal your decision to deny me the names and addresses of the individuals who submitted statements at public hearings concerning the John Muir Trail. A copy of my original request is attached.

In your denial you claim that the names and addresses of the individuals who submitted statements at public hearings concerning the John Muir Trail may be withheld out of privacy concerns. You cite Sec. 19.85 as grounds for withholding the names from the documents. However, Section 19.85 (the Open Meetings Act and by reference to the public records act) allows exemption only for financial, medical, social or personal histories or disciplinary data.

19.85(1)(f)

(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

The names and addresses of people who submitted statements to a public meeting are not exempted under this statute. The statements alone, without the names of the authors and their residence, are meaningless.

I request that the names and addresses of people be released with the copies of their statements immediately. I look forward to hearing from you promptly.

Sincerely,

Sara Prescott
**Wisconsin Public Records Law**

GOVERNMENT OFFICIALS (SEE DEFINITION)
State of Wisconsin Public Records Act Section 19.32 et.seq., Wisconsin Statutes

Must keep records
Must make them available to the public
Must post a procedure for getting access to public records

Right to inspect, copy or receive any record
Virtually any record, tape, video, photograph can be copied, inspected
Can not refuse to grant a record because the requester refuses to give purpose
Does not require an authority to create a new record
Does not require an authority to provide photocopier (can bring your own)
Authority may impose a fee that “does not exceed the actual, necessary and direct cost of
photographing and photographic processing if the authority provides a photograph of
record, the form of which does not permit copying.
May impose a cost for locating the record if the cost exceeds $50

May require prepayment if cost exceeds $5.00

Authority shall provide the requested record “as soon as practicable and without delay,
…or notify the requester of the authority’s determination to deny the request in whole or
in part and the reasons therefor.

May deny the request orally unless demand for a written statement of the reasons deny
ing the request is made within five business days of oral denial.
Every denial shall include procedure for appeal…review by mandamus and application to
AG or DA

Procedure
Determine if requester has a right to inspect or copy
If so, authority shall grant the request
If requester determined not to have a right under 19.35(1)(a) if not determine if requester
has a right under 19.35 (1)(am)

No authority may destroy any record at any time after request for inspection or copying
of the record under sub 1 until after the request is granted or until 60 days after date that
request is denied or if incarcerated, until 90 days after date request is denied.

Exempt records:

Public meetings act is indicative of public policy but may be used as grounds for denying
public access to a record only if the authority or legal custodian under 19.33 makes a
specific demonstration that there is a need to restrict public access at the time that the
request to inspect or copy the record is made.
Any record which is specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law is exempt from disclosure, except for the portion which contains public information (segregation).

Law enforcement records are exempt to the extent that federal requirements as condition to receipt of aids require withholding from public access.

**Right to challenge a record under 19.35(1) (a) or (1)(am)** individual or person authorized by individual may challenge the accuracy of a record containing personally identifying information if the individual is authorized to inspect the record under s. 19.35(1)(a) or (am): the authority must either correct the record or deny and allow the individual to file a concise statement setting forth the reasons for the disagreement. The authority must notify the individual the reasons for the denial.

Right to inspect, copy any record containing personally identifiable information that applies to me (my representative can also inspect if I state it in writing or take him or her to review the documents.) Exceptions are: if it would endanger individuals life or safety, identify confidential informant, security of state correctional institution, compromise rehabilitation of a person in custody, record that is indexed in a way so that record cannot be retrieved by the authority.
Six Documents You Need to Know for Family & Community Advocacy

UNITED STATES GOVERNMENT

DOCUMENT, purpose: UNITED STATES STATUTES, laws as passed
SOURCE: US Congress
CITATION (example):
78 Stat. 255
P.L. 88-352, Section 703(a)

DOCUMENT, purpose: UNITED STATES CODE current law
SOURCE: U.S. executive branch
CITATION (example):
Title 5, United States Code, Section 552(a)(4)(A)(i)(1)
Alternately: 5 USC 552(a)(4)(A)(i)(1)

DOCUMENT, purpose: CODE OF FEDERAL REGULATIONS, specific rules
SOURCE: Specific branch of government, example, Labor Department
CITATION (example):
29 CFR 1604.7

WISCONSIN GOVERNMENT

DOCUMENT, purpose: WISCONSIN ACTS, Wisconsin laws as passed
SOURCE: Wisconsin legislature
CITATION (example):
1991 Wisconsin Act 160, SEC. 1

DOCUMENT, purpose: WISCONSIN STATUES, Wisconsin current law
SOURCE: Wisconsin Executive Branch
CITATION (example):
Section 973.11, Wisconsin Statutes
Alternately: Sec. 973.11, Wis. Stats.
Alternately: s. 973.11, Stats.

DOCUMENT, purpose: WISCONSIN ADMINISTRATIVE CODE, specific rules
SOURCE: Specific branch of government, example, Natural Resources
CITATION (example):
NR 48.10, Wisconsin Administrative Code

This information provided courtesy of the State of Wisconsin Legislative Reference Bureau, Madison, Wisconsin.
### FRAMEWORK FOR FEDERAL AND STATE LAW

<table>
<thead>
<tr>
<th></th>
<th>Laws as passed From year to year &amp; day to day</th>
<th>Current law</th>
<th>Administrative rules and regulations</th>
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<tbody>
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<td><strong>State</strong></td>
<td>Wisconsin Acts</td>
<td>Wisconsin Statutes</td>
<td>Wisconsin Administrative Code</td>
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<td>Ex:</td>
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Assignment: Locate a law of your choice in each of the documents and cite it correctly using “Six Documents You Need to Know for Family & Community Advocacy”.

************************************************************************************
Parts of a statute

A statute has:

- Purpose or goal
- A number for reference to the document
- Authority for the law or implementation
- Definitions
- General rule
- Exceptions or exemptions to the rule (a case that does not apply to the normal rules or are free from obligation or duty)
- References to other statutes (you need to check them to see if they apply in your case)
- Procedures – how things need to be done, time limitations
- Annotations (in some printings of the law) referring to legal precedents and history
- Costs, waivers of the costs and other requirements
- Penalties to citizens or authorities who do not comply, whether civil or criminal
Appendix: Class syllabus

Family and Community Advocacy
HSPL 18-377 / 17-577 Fall 2004 Dr. Ann Frisch

OFFICE: 511 Nursing/Education Bldg. OFFICE HOURS: Wednesday 9-12 and 3-5
E MAIL: frisch@uwosh.edu TEL: 424 7238 Classroom: Teaching Lab:

OVERVIEW: This is an advocacy skills class to prepare community advocates to get access to community resources and to bring justice to people for whom it was denied. Advocacy serves many needs: to assist consumers with credit problems, telephone bills, health insurance as well as broader issues of environmental protection, shareholder rights, living wages and peace. The class focuses on skills to get information on which to base your action.

<table>
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<tr>
<th>Evaluation methods</th>
<th>Assignments/evaluation</th>
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| Advocacy practice  | **Demonstration of six advocacy skills**
|                    | 72 points. 12 points each: video documentation, letter of complaint, public records request, public meeting, census assignment, and one of the following: assessment/property tax, police records, or campaign contributions. See detailed assignment sheet for criteria. |
| **Class project.** (Optional) These projects are a merging of some of the advocacy practice assignments. Completion of any project may entail other project assignments. (i.e. racial/gender project may involve requesting public records, any of these might entail documenting by video/still camera.) 15 points. | **Task Force for:**
|                    | 1. Campaign contribution analysis
|                    | 2. Expungement of police records
|                    | 3. Handle appeal for (Food Stamps, energy assistance or other) for a family
|                    | 4. Project on documenting property taxes of public officials, or other select groups of taxpayers
|                    | 5. Project assessing the racial and gender composition of Winnebago County public boards.
|                    | 6. Neighborhood census and analysis |
| Mid-term and final tests 40 points (20 each test) | 40 points |

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16 Women’s Studies students should consult with their WS adviser to determine eligibility for course to be counted in WS major.
Professional resource book  
Keep a record of all the web sites, books and journals of the skills for this class by date. Make notes to enhance your understanding. 

| Professional resource book | 10 points |

Total points undergraduate  
123-137 = A  
116-122 = AB  
109-115 = B  
102-109 = BC  
95-101 = C  

Additional requirement for graduate student  
Advocacy project of student’s choice (in consultation with instructor). In addition, the graduate student will review six case studies of advocacy. 50 Additional points (required)  

Total points graduate  
167 – 175 = A  
140 - 166 = B  
122 – 139 = C  

EXPECTATIONS ON ASSIGNMENTS: All assignments are due on the listed due date. However, an assignment that has been turned in on the due date may be revised and submitted on the final class period. Please do not ask for extensions. 

In any case, all graded assignments (whether revised or not) must be resubmitted on the final class day in a well-organized folder documenting that assignments have been completed. Please use the check sheet to document your submissions. 

Each assignment needs to be submitted in a clasp-type folder in the proper form. 

METHODS: Lecture and skill development. Extensive use of technology for accessing on-line government statutes and scanning public records to disk. 

TEXTS REQUIRED Ellen Phillips: Shocked, Appalled, and Dismayed: How to write letters of complaint that get results; Ann Frisch: Family and Community Advocacy (includes Wisconsin Department of Justice: Wisconsin Public Records Law Wis.Stat 19.31-19.39, November 2003. Department of Justice: Wisconsin Open Meetings Law: A compliance Guide 2003.) Students will need to read the Oshkosh Northwestern daily. Students will also need access to a videocamera and manual, one cassette tape, one VHS tape; and a blank resource notebook and several clasp file folders. 

Schedule of Classes 

Daily assignment Monday to Friday: Read the Oshkosh Northwestern 
Unless otherwise noted, assignments are found in Frisch, Readings 

**September 9** Course knowledge, skill and assignment overview. How to become an advocate. Case study. How to be your own advocate. Case study. Discussion of activism using the framework in Frisch, Advocacy. Four continuous stages of advocacy: outreach, research, and decision making structure and action.
Amendments to the Constitution and due process of law: the bases for advocacy. 17


September 16 The Advocacy Process. Landlord Tenant law. Erik Forsgren, Attorney, OSA Student Legal Services
Read: Overview of Advocacy/Procedures for Advocacy
Memorize: 1st Amendment to the US Constitution
Memorize: Due Process of Law.
Read: Six Documents You Need to Know for Family & Community Advocacy
Read: Framework for Federal and State Law
Read: The Struggles of the Waiahole-Waikane Community Association.

September 23 Using video cameras for change. Demonstration of video cameras.
One copy will be available for circulation.
Read: Mrs. Gibbs Goes to Washington. Apply framework. Where might Gibbs have used a videocamera?
Read: Afghan women organizing http://rawa.fancymarketing.net/index.html Where would Afghan women used a video camera?
Bring: Your video camera and instruction book.
Memorize: 2nd Amendment

  ■ supreme court pending cases http://www.courts.state.wi.us/supreme/sc_tabpend.jsp
  http://www.safehometowns.org/
  http://www.rtknet.org/ Right to Know network allows you to access toxic chemical releases in your zip code
  http://www.rtk.org

Read: Wisconsin Public Records Law Wis.Stat 19.31-19.39
Read: Wisconsin Public Records Law (Readings)
Read: How to write a public records request
Read: Section 3 Readings News articles and Your Right to Know on public records/meetings
View: Video on public records (on reserve, EMC)
Locate: in The Northwestern an example of a public records request. Locate an issue where you might request a record.

Students should also be familiar with the Universal Declaration of Human Rights as a basis for advocacy.
Memorize: 3rd and 4th Amendments to the US Constitution

October 7 Writing letters of complaint.
Computer lab. Examining the parts of the open meetings law.
Read: Parts of a statute.
Read: Sec. 19.81-19.85, Wis. Stats
Read: Phillips – entire book and think about a personal issue that affects you for which you have a grievance or complaint.
Memorize: 5th and 6th Amendments to the US Constitution
Due: Research and select a public meeting to attend. See Oshkosh Northwestern Right to Know column, check Winnebago County and Oshkosh City web pages for meeting agendas. Bring your selection to class.

October 14 Advocacy in Workforce Development Programs and Public Assistance Programs Paula Hintze, Trainer-Dept. Health and Family Services and Dept. Workforce Development CCDET/ UW-Oshkosh
How to be an advocate for an individual or family.
Due: Public records request
Memorize: 7th and 8th Amendments
Due: Your report on a public meeting

October 21 Review
Memorize: 9th and 10th Amendments
Due: your complaint letter, using Phillips’ strategies.

October 28 Mid term exam – Multiple choice and short answer
Public records and open meetings laws, due process of law, amendments to the constitution, advocacy process and others as announced. You will need to be able to recognize correct citations to Wisconsin and federal government documents
Due: Resource book

November 4 Open
Due: your video documentary
Memorize: 13th Amendment

November 11 US Census and other government documents.
Government Documents, Polk Library
Memorize: 14th Amendment
Due: Your records request

November 18 Integrating the stages of advocacy
Memorize: 15th Amendment, 19th and 20th Amendment
Read: Szakos, Practical Lessons in Community Organizing in Appalachia
Read: Treating Animals with Respect and Kindness (SHARK newsletter)
Read for understanding about stages of advocacy
Due: Choice assignments (property tax, campaign contributions, etc)
November 25  No class
December 2  How to locate bills and their status on line
Go to: http://thomas.loc.gov  Go to: http://www.wisconsin.gov
Find a bill that interests you. Report on the main features of it and the present status.
Check out http://www.impactresearch.org/policycenter/policy.html
http://www.ewg.org for many data bases
http://www.ewg.org/farm/ to find farm subsidies in your neighborhood
http://www.law.wisc.edu/eji/index.htm  Economic Justice Institute at the UW Law School
http://www.law.wisc.edu/fjr/eji/consumer/consumerbrochure.htm is their consumer rights
information brochure
http://www.wildlaw.org
http://www.soaw.org/new/ Advocacy group for the School of Americas Watch
http://mediafilter.org/guest/Pages/September.21.1996.23.26.32 School of Americas
torture manual
http://www.kidscount.org Data on children in the US
http://www.eere.energy.gov/cleancities/afdc/ Department of Energy data center
http://www.faireconomy.org/ United for a Fair Economy
http://www.highlandercenter.org/links.asp Highlander Center links has many links

Due:  Task Force reports
Due:  Census assignment

December 9  Presentation of Task Force Reports Review and summary.

December 16  Final exam, including demonstrations of data gathering skill.
Due: your folder with all completed and revised assignments and your resource book.
Due: Your resource book.