

1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

2 MILWAUKEE BRANCH OF THE NAACP
3 VOCES DE LA FRONTERA, RICKY T. LEWIS,
4 JENNIFER T. PLATT, JOHN J. WOLFE,
5 CAROLYN ANDERSON, NDIDI BROWNLEE,
6 ANTHONY FUMBANKS, JOHNNIE GARLAND,
7 DANETTEA LANE, MARY McCLINTOCK,
8 ALFONSO RODRIQUEZ, JOEL TORRES,
9 and ANTONIO K. WILLIAMS,

10 Plaintiffs,

11 vs. Case No. 11CV5492

12 SCOTT WALKER, THOMAS BARLAND,
13 GERALD C. NICHOL, MICHAEL BRENNAN,
14 THOMAS CANE, DAVID G. DEININGER,
15 and TIMOTHY VOCKE,

16 Defendants.

17 DEPOSITION OF RUTHELLE R. FRANK,

18
19 witness in the above-entitled action, taken
20 under the provisions of Chapter 804,
21 Wisconsin Statutes, before Amy L. Downs,
22 a Notary Public in and for the State of
23 Wisconsin, at the Grischke Law Office, 2703
24 Rib Mountain Drive, Wausau, Wisconsin on
25 April 12, 2012, commencing at 1:04 p.m. and
terminating at 2:01 p.m.

Page 2

1 APPEARANCES

2

3 FOR THE PLAINTIFFS: HAWKS QUINDEL, S.C.
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10

11 ACLU WI FOUNDATION
 12 ATTORNEY LARRY DUPUIS
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 15 Milwaukee, WI 53202-5774

16 FOR THE DEFENDANTS: DEPARTMENT OF JUSTICE
 17 ATTORNEY CARRIE BENEDON
 18 P.O. Box 7857
 19 Madison, WI 53707-7857

20

21

22 ALSO PRESENT: Rochelle Frank

23

24

25

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1 WITNESS INDEX

2

WITNESS NAME:	EXAMINATION BY:	PAGE:
RUTHELLE R. FRANK	MR. FAIRWEATHER	4 - 13
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15 OBJECTION INDEX

BY:	PAGE:
MR. DUPUIS:	18, 24
MR. FAIRWEATHER:	21, 29, 33, 34, 38, 40, 41, 42

21 REQUESTS

ITEM:	PAGE:
(No requests were made during the course of this proceeding.)	

25

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1 VIDEO TECHNICIAN: We're on the
 2 record.

3 RUTHELLE R. FRANK,
 4 called as a witness, after being first
 5 duly sworn, was examined and testified
 6 as follows:

7 EXAMINATION

8 BY MR. FAIRWEATHER:

9 Q. Good afternoon, Ms. Frank. Can you state
 10 your full name for the record?

11 A. Ruthelle Regina Frank.

12 Q. And, Ms. Frank, what is your date of birth?

13 A. The 21st of August of 1927.

14 Q. Okay. My name is Nick Fairweather. We met
 15 about ten minutes ago, and I'm representing
 16 the plaintiffs in a lawsuit that was filed
 17 in Dane County, Wisconsin, and that's why
 18 you're here today, to give us some
 19 testimony regarding that.

20 A. Yes.

21 Q. Ms. Frank, can you tell us what your
 22 current address is?

23 A. 123 First Street, Brokaw, Wisconsin, 54417.

24 Q. And the 123 First Street address, how long
 25 have you lived there?

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1 A. For 83 years.

2 Q. 83 years. Great. I'm going to ask you
 3 some questions about your voting in the
 4 past.

5 A. Yes.

6 Q. Nothing too specific but I want to make
 7 sure I understand the history a bit. Do
 8 you regularly vote, Ms. Frank?

9 A. Most of it. I mean, I've been at it a long
 10 time, so I might miss one now and then or
 11 through weather conditions, or, you know,
 12 something like that, but otherwise I've
 13 voted since I was 21.

14 Q. Okay. And if my math is correct, that
 15 would mean that the first time you voted
 16 was 1948?

17 A. Yeah, about that.

18 Q. Okay. And we have some elections coming up
 19 here in Wisconsin this year. Do you intend
 20 to vote in those elections?

21 A. Well, absolutely if I, if I get a Wisconsin
 22 ID card to vote with.

23 Q. Okay. Are you working right now?

24 A. In the house.

25 Q. Okay. Do you have any activities within

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1 the community that you engage in?
2 A. Well, I'm on the village board.
3 Q. Okay.
4 A. And other than that there is not anything
5 that I do much involved other than I
6 support the playground equipment and all
7 the things that, that we need extra money
8 for in the village in order to keep the
9 village going because we don't have much
10 left anymore.
11 Q. So when you say you're on the village
12 board, is that the village board of Brokaw?
13 A. Yes.
14 Q. And how long have you served on the village
15 board of Brokaw?
16 A. Since 1996.
17 Q. Do you have meetings with the village
18 board?
19 A. Definitely one a month and then sometimes
20 if things come up there is extra ones, and
21 those I've never kept track of, you know.
22 Q. The monthly meetings, you have to leave the
23 house to go to attend those?
24 A. Yes.
25 Q. Now, would you consider yourself confined

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1 to your residence?
2 A. No. I can't walk very good, but I'm not,
3 I'm not confined. I go shopping, I go to
4 church, we go for short trips and things
5 like that.
6 Q. And when you say we, do you mean you and --
7 A. My husband, and I have two children that
8 are living at home.
9 Q. Okay. Ms. Frank, do you have a birth
10 certificate?
11 A. A birth certificate, no, I never had one.
12 Q. You never had a birth certificate?
13 A. Never had a birth certificate.
14 Q. What about a baptismal certificate?
15 A. Yes.
16 Q. You do have one of those?
17 A. Yes.
18 Q. Do you currently possess a Wisconsin
19 driver's license?
20 A. No, because I've never driven in my life.
21 Q. Do you have any other form of photo ID?
22 A. Not -- no, no photo ID that I can think of.
23 Q. Okay. I want to ask you to think back to
24 the fall of 2011, specifically October.
25 A. Yeah.

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1 Q. Did you at that time make any attempt to
2 obtain a birth certificate?
3 A. Yes, after I saw the, the, the, you know,
4 the statements in the paper that Wisconsin
5 was going to have one, I knew that I didn't
6 have a birth certificate because I had
7 taken my baptizing certificate to cross the
8 line into Canada many, many times. That
9 was accepted. That's the only thing that
10 I've ever had.
11 Q. Okay.
12 A. And so then I decided I better start
13 pursuing getting whatever it was required
14 for the ID, but I wasn't too successful.
15 Q. Well, tell me what you first did in your
16 attempts to obtain a certificate?
17 A. Well, we first, we called the Register of
18 Deeds in Wausau and I asked, you know, if
19 my birth was registered, and the first time
20 they couldn't find it, but they -- I don't
21 know. I'm not real sure now if somebody
22 from the Department called down to Madison.
23 I don't think we did the first time. I
24 think they pursued it and called down to
25 Madison and found it, but not a legal birth

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1 certificate, I suppose, because it was --
2 everything was spelled wrong.
3 Q. Okay. So I understand you first contacted
4 the Marathon County Register of Deeds?
5 A. Yeah, it would be Marathon County.
6 Q. Okay. And then ultimately someone located
7 your birth certificate?
8 A. Yeah, someone, and they got it. Somebody
9 from Wausau from the Register of Deeds
10 informed us that they had found it in
11 Madison.
12 Q. Okay. And what did they inform you about
13 the birth certificate?
14 A. Well, they, they, they said that everything
15 was spelled wrong, that I -- it didn't, you
16 know, it wasn't what -- who I was, I mean.
17 Q. Okay. And did they give you any
18 information about how to fix that problem?
19 A. Well, they told me that I could amend it,
20 and as far as it could cost up to \$200.00.
21 Now, not saying that it was going to cost
22 that much but up to that amount. It could
23 cost \$200.00, and of course at that time I
24 did not know what was misspelled or
25 anything. I mean, they didn't give us any

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1 information as to what was wrong with it.
2 They just said there was a lot of
3 misspellings.
4 Q. And did you undertake this effort to get
5 the birth certificate corrected?
6 A. No, because I figured that, that I wasn't
7 going to use my birth certificate for
8 anything anymore. The kids didn't want to
9 put it on the wall, and if it would cost
10 \$200.00, I could find a better investment
11 for \$200.00 than a piece of paper.
12 Q. Sure. Did you contact anyone besides the
13 Marathon County Register of Deeds and the
14 County Clerk's office to help you?
15 A. Yeah, we went to Donna Seidel's office and
16 tried, and they tried to work with me to
17 see, you know, but everybody has a
18 different opinion or statement to make as
19 far as what is, or costs and things. It's
20 never -- what's demanded and whatever, it's
21 always, usually you get a piece from one,
22 you get a piece from another and you get a
23 piece from another, and so I don't know who
24 said what. I mean --
25 Q. Okay. You mentioned Senator Donna Seidel.

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1 That's your state senator?
2 A. Yes.
3 Q. Okay. Have you received any correspondence
4 from the State of Wisconsin's vital records
5 division?
6 A. Yes. After a while they sent me all the
7 papers that I was supposed to, to fill out
8 in order to amend the birth certificate,
9 and of course I didn't pursue it because --
10 Q. And you did not pursue that?
11 A. No, I didn't pursue it.
12 Q. What about your local DMV office? Did you
13 ever go there to seek some help?
14 A. Oh, yes, that's where, that's where I went
15 first to figure out that I possibly could
16 get a ID license card, because I had my
17 baptizing certificate, I had my marriage
18 license, I had my Social Security card, I
19 had identification that I, you know, where
20 I lived, and I had all the, all the points
21 that I would need other than the birth
22 certificate. That was lacking.
23 Q. Okay. Do you intend to pay any kind of
24 fees or court costs in order to get a photo
25 ID?

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1 A. No, not really.
2 MR. FAIRWEATHER: Can I have this
3 marked?
4 (Exhibit No. 1 marked
5 for identification.)
6 MR. FAIRWEATHER: For those on the
7 phone, we're marking Ms. Frank's affidavit
8 which was signed January -- well, it was
9 notarized January 10th of 2012.
10 EXAMINATION
11 BY MR. FAIRWEATHER:
12 Q. Ms. Frank, do you recognize this document?
13 A. Yes.
14 Q. And --
15 A. Oh, the second page.
16 Q. The document that we've now marked as
17 Exhibit 1, does that bear your signature on
18 page two?
19 A. Yes.
20 Q. And is everything in that document true and
21 accurate?
22 A. Well, as far as I know. I mean, I made the
23 statements and I can't see anything wrong
24 with it.
25 Q. Okay. Just a few more questions for you.

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1 Thinking back over your voting history
2 since 1948, have you ever voted absentee?
3 A. Only the last time now for the last
4 election here I voted absentee when they
5 said that it was legal to do so.
6 Q. Okay.
7 A. So that's the only time. I've never voted
8 absentee, because the voting place is only
9 about a block and a half from our house.
10 Q. So generally over that last 64 years --
11 A. Oh, yeah. Yeah.
12 Q. -- you've gone to the polls?
13 A. Yes.
14 MR. FAIRWEATHER: Okay. I don't
15 have any more questions for you right now.
16 THE WITNESS: Okay.
17 MS. BENEDON: This is Carrie
18 Benedon speaking. I have some questions.
19 Larry, are you planning on asking questions
20 as well?
21 MR. DUPUIS: Not unless there is
22 some follow-up. I'm not planning -- I
23 don't have any direct examination of any
24 sort.
25 MS. BENEDON: Okay. Then I will

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1 proceed with my cross-examination.
2 MR. DUPUIS: Sure.
3 EXAMINATION
4 BY MS. BENEDON:
5 Q. Ms. Frank, can you hear me okay?
6 A. Yes.
7 Q. Okay. Excellent. I have some questions
8 for you and I will proceed with that.
9 Sometime in the past year you gave an
10 interview that was made into a video for
11 the ACLU; is that correct?
12 A. Yes.
13 Q. I just want to talk about a few of your
14 statements from that video. You said on
15 the video, and I'm quoting, and I'll ask
16 you to tell me if this sounds to the best
17 of your recollection as something that was
18 said. You said, I could get a birth
19 certificate for the \$20.00 but then after
20 that I still don't know if it would be what
21 the motor vehicle department wants.
22 A. Yes.
23 Q. And you also said, I don't know how much of
24 it is right or wrong.
25 A. Yes, because I wasn't informed at that time

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1 yet what -- all they told me was that there
2 was lots of misspelling.
3 Q. Okay. And that's referring to your birth
4 certificate?
5 A. Yes.
6 Q. And then towards the end you said, and tell
7 me if this is correct, I may never vote
8 again. I hope not. I just don't agree
9 with that. I think it's foolish.
10 A. The Wisconsin ID -- the -- oh, the items
11 that were used to -- that you had to have
12 to obtain the ID is what I meant was
13 foolish.
14 Q. Okay.
15 A. I probably said it that way.
16 Q. Okay. But what I quoted, as far as you
17 recall, is what you said?
18 A. Yes.
19 Q. Do you recall when you gave that interview
20 that was made into that video?
21 A. Not the exact, exact date or time. I know
22 we still had our Christmas tree up, so it
23 probably was somewhat either the end of
24 December or the first part of January.
25 Q. Okay. So you recall that it was sometime

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1 after Christmas in --
2 A. Yeah, in that time.
3 Q. Okay. So we're talking about, just to put
4 a date on it, either sometime in late
5 December 2011 or January of 2012?
6 A. Yeah.
7 Q. Does that sound right?
8 A. Yeah. Well, as much as I can remember. I
9 don't know the exact date.
10 Q. Do you recall, though, that it was, that it
11 was after Christmas in 2011?
12 A. Not, not -- yeah. Well, I mean, we had our
13 Christmas tree up. I think that's when
14 they came, because, see, I had so many
15 people running in and out of our house that
16 it was almost like a race track.
17 Q. Sure. Okay. I understand. Now, you never
18 actually obtained a copy, a certified copy
19 of your birth certificate from the state or
20 from the county; is that correct?
21 A. Yes.
22 Q. But it's your understanding that your
23 maiden name is misspelled, correct?
24 A. Yes.
25 Q. Okay. And your maiden name is spelled

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1 W-e-d-e-p-o-h-l; is that correct?
2 A. Would you please repeat? I don't know if I
3 caught -- it's W-e-d-e-p-o-h-l.
4 Q. Okay. And it's your understanding that the
5 letter H is missing on your birth
6 certificate, correct?
7 A. Well, not necessarily. I -- we've obtained
8 since that at least two different printings
9 of it, so I can't tell you for sure, but
10 one of them was sent that way and there was
11 another one, I don't remember exactly how
12 it was spelled. I think it was
13 W-e-d-e-p-o-a-l that we received, so I -- I
14 have seen nothing --
15 Q. Okay.
16 A. -- of anything of a copy of my birth
17 certificate.
18 Q. I am going to have the court reporter show
19 you an exhibit now which we will mark as
20 Exhibit 2, and this will be plaintiff
21 Ruthelle Frank's answers and objections to
22 defendants' first sets of interrogatories.
23 So I'll let the court reporter mark that
24 and give you a copy.
25 (Exhibit No. 2 marked

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1 for identification.)
2 MS. BENEDON: You can let me know
3 when you have that in front of you.
4 THE WITNESS: I've received it.
5 EXAMINATION
6 BY MS. BENEDON:
7 Q. Okay. Do you recognize this document that
8 has been marked as Exhibit 2?
9 A. Yes, I've seen it.
10 Q. And this is a document from your other
11 lawsuit, the one that was brought by the
12 ACLU; is that correct?
13 A. Yes.
14 Q. This document consists of your sworn
15 answers to questions that were asked of
16 you, correct?
17 A. Yes.
18 Q. Okay. And on page ten, is that your
19 signature?
20 MR. DUPUIS: Objection. Carrie?
21 MS. BENEDON: Yes.
22 MR. DUPUIS: I just want to
23 interpose a quick objection that you said
24 this is her other lawsuit. She's not a
25 plaintiff in the NAACP lawsuit.

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1 MS. BENEDON: Correct. I'm sorry.
2 I stand corrected.
3 MR. DUPUIS: Thanks.
4 EXAMINATION
5 BY MS. BENEDON:
6 Q. Okay. Ms. Frank, that is your signature on
7 page ten?
8 A. I'm working at finding page ten. The pages
9 want to stick together. Yes.
10 Q. Okay. And I don't need you to take the
11 time to examine every word of this, but do
12 you have any reason to doubt that this
13 document is an accurate copy of the
14 responses to interrogatories that you had
15 previously signed?
16 A. No, because I've read this and re-read
17 this --
18 Q. Okay.
19 A. -- several times.
20 Q. Now, I'll ask you to turn to page four,
21 starting with interrogatory No. 3, and feel
22 free if you want to just take a minute and
23 read interrogatory No. 3 and your response,
24 and just let me know when you're done
25 reading that section.

Page 20

1 A. I finished.
2 Q. Okay. In the second to last paragraph on
3 page five, do you see the line where it
4 says that you went to the DMV and you
5 brought your baptismal certificate with
6 you?
7 A. Yes.
8 Q. And you also brought some other documents?
9 A. Yes.
10 Q. And then you state, and I'm quoting from
11 the interrogatory response, I was denied a
12 state ID card because I lacked a certified
13 and accurate copy of my birth certificate.
14 Did I read that correctly?
15 A. Yes.
16 Q. Okay. And, in fact, you didn't actually
17 bring a certified copy of your birth
18 certificate with you to the DMV, correct?
19 A. No, I didn't have no, no copy of, of
20 anything.
21 Q. Okay.
22 A. I only had my baptismal certificate.
23 Q. Right. Right. You brought the baptismal
24 certificate, but you were denied a state ID
25 card because you didn't present any birth

Page 21

1 certificate --
2 A. Yes.
3 Q. -- is that correct? And not specifically
4 because your birth certificate was
5 inaccurate?
6 A. Well, I didn't have one --
7 Q. Right.
8 A. -- at all.
9 Q. So since you didn't bring the certified
10 copy of your birth certificate to the DMV,
11 nobody at the DMV actually had an
12 opportunity to decide one way or another
13 whether the misspellings on the birth
14 certificate would be grounds for denying
15 you a state ID card; is that correct?
16 MR. FAIRWEATHER: Objection to
17 form.
18 THE WITNESS: Yes.
19 MR. FAIRWEATHER: If you
20 understand her, you can answer.
21 THE WITNESS: I don't know exactly
22 what you mean here.
23 MS. BENEDON: Okay. I'll rephrase
24 that. That was a bad question.
25 EXAMINATION

Page 22

1 BY MS. BENEDON:
2 Q. So you didn't bring a certified copy of
3 your birth certificate to the DMV, correct?
4 A. Yes. I didn't have one.
5 Q. Right. So nobody at the DMV actually had
6 an opportunity to look at your birth
7 certificate and decide whether the
8 misspellings would be grounds for denying a
9 state ID card, correct?
10 A. Yes.
11 Q. Okay. You're familiar with a gentleman by
12 the name of Jim Miller who works for the
13 DMV office in Madison?
14 A. Yes. I, I, I just spoke to him once. He
15 took the place of the head of the DMV
16 office in Madison. One evening he called
17 me just for a few minutes.
18 Q. Okay.
19 A. That's the only contact I had with him.
20 Q. So you've never met him?
21 A. No, not met him.
22 Q. Okay. But you spoke with him on the phone?
23 A. Yes.
24 Q. And was that on November 28th, 2011?
25 A. I think so, but I'm not going to say

Page 23

1 exactly, because if I make a mistake, I
2 don't want to upset the apple cart. It
3 would be around that time, though.
4 Q. Okay. So give or take a few days, it was
5 somewhere in the ballpark of November 28th,
6 2011?
7 A. Yes.
8 Q. Okay. And during that brief phone
9 conversation with Jim Miller, Jim Miller
10 told you that if you obtained a certified
11 copy of your birth certificate and you
12 brought it back to the DMV with all of your
13 other documents, he thought you would
14 likely be given a state ID card; is that
15 correct?
16 A. Not exactly. I mean --
17 Q. What part of that is inaccurate?
18 A. Well, he didn't say -- I don't know for
19 sure even if he did talk really about --
20 that we talked about that part of it all.
21 He just told me that my baptismal
22 certificate wouldn't be accepted and that
23 that --
24 Q. And he, and he suggested, though, that you
25 bring your certified copy of your birth

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1 certificate into the DMV, correct?
2 A. No, I don't ever recall of him saying that.
3 MR. DUPUIS: Objection. Carrie,
4 Mr. Miller's declaration does not say that.
5 He only saw the birth certificate after he
6 talked to her. He didn't know what the
7 birth certificate said, according to his
8 declaration.
9 MS. BENEDON: I don't think that
10 I've asked a question inconsistent with
11 that.
12 MR. DUPUIS: All right. Well,
13 you're trying to lead her to say something
14 that there is no basis for saying.
15 MS. BENEDON: I am permitted to
16 ask leading questions. Is the objection
17 that it's a leading question?
18 MR. DUPUIS: No. I thought you
19 were asserting that Mr. Miller said
20 something that there is no indication that
21 he said.
22 MS. BENEDON: Okay.
23 EXAMINATION
24 BY MS. BENEDON:
25 Q. After you had that conversation with Jim

Page 25

1 Miller sometime around November 28th, 2011,
2 did you go and obtain a certified copy of
3 your birth certificate?
4 A. No.
5 Q. So you don't know, sitting here today,
6 whether the DMV would have denied you an ID
7 card if you had brought the birth
8 certificate; is that correct?
9 A. Yes, that's correct, because I have never
10 seen a copy of my birth certificate. I
11 wasn't interested in obtaining a birth
12 certificate if it was going to cost me
13 money, because I felt that I had a right to
14 vote without producing a birth certificate,
15 because, after all, I wasn't Ruthelle
16 Wedepohl anymore. I was Ruthelle Frank
17 when I started to vote.
18 Q. Okay. And you did bring with you a copy of
19 your marriage certificate; is that correct?
20 A. Yes.
21 Q. I'm going to have the court reporter show
22 you another document that we will mark as
23 Exhibit 3, and that will be the declaration
24 of James Miller.
25 (Exhibit No. 3 marked.)

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1 for identification.)
2 Ms. BENEDON: And you can just let
3 me know when you have that in front of you.
4 EXAMINATION
5 BY MS. BENEDON:
6 Q. Do you have that declaration of --
7 A. Yes.
8 Q. -- James Miller in front of you?
9 A. Yes.
10 Q. Okay. Are you aware that this document,
11 the declaration of James Miller, was filed
12 in your ACLU lawsuit and that a copy was
13 sent to your attorneys in that case?
14 A. No, I did not know that. I've never seen
15 this, a copy of this until yesterday.
16 Q. And who showed it to you yesterday?
17 A. Larry -- I can't think of his last name.
18 MR. FAIRWEATHER: Dupuis.
19 THE WITNESS: Dupuis.
20 EXAMINATION
21 BY MS. BENEDON:
22 Q. Okay. Your attorney from the ACLU?
23 A. Yes.
24 Q. Okay. So yesterday you saw this and you
25 had an opportunity to look at it?

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1 A. Yes.
2 Q. Okay. I'm going to ask you -- if you want
3 to, feel free to just take another minute
4 and look this over if you want to and then
5 I'll have you turn your attention to
6 paragraph six of the declaration.
7 A. I finished reading.
8 Q. Okay. So in paragraph six, I am going to
9 read a statement of that just so that it's
10 in the transcript. I'm reading directly
11 from paragraph six from James Miller's
12 declaration. He says, I discussed with Ms.
13 Frank that if she were to obtain a
14 certified copy of her birth certificate,
15 that given the other documents that she
16 already possesses, including her baptism
17 certificate, marriage certificate, Social
18 Security card and two documents
19 demonstrating her residence, that she would
20 likely be able to obtain a Wisconsin state
21 identification card from DMV free of charge
22 for purposes of voting. You see that
23 statement in Mr. Miller's declaration?
24 A. Yes, I do.
25 Q. Okay. And is it your contention that his

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1 statement is inaccurate?
2 A. Yes.
3 Q. Okay. So he -- he never said --
4 A. He never said anything about --
5 Q. -- birth certificate, you would likely get
6 and ID card?
7 A. He never said that to me. I can't ever
8 even remember of him saying anything like
9 that, because in here it says that, that
10 free of charge. I've never heard through
11 the whole, my whole episode from my start
12 until October, up until this date, that the
13 ID card would ever be free. I would have
14 to pay for it. I would have to pay for the
15 filing of it, and then to change it I would
16 have to pay.
17 Q. Are you referring to paying to get your
18 birth certificate or paying to get the ID
19 card?
20 A. No, I have to -- but I can't get an ID card
21 if I didn't have a birth certificate.
22 Q. Right. But I'm just trying to understand
23 what it is that you just said so that we're
24 all clear. Assuming that you had a birth
25 certificate, let's ignore the fact that you

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1 don't currently have one and that it
2 contains a misspelling. Assuming you had
3 the birth certificate, is it your belief
4 that you would still have to pay at the DMV
5 to get a state ID card?
6 MR. FAIRWEATHER: I'm going to
7 object to the form and it calls for
8 speculation. There is no foundation for
9 it.
10 MS. BENEDON: The question asks
11 Ms. Frank for her personal knowledge.
12 MR. FAIRWEATHER: The question
13 told her to assume that she had a certified
14 birth certificate, which she does not.
15 MS. BENEDON: Okay.
16 MR. FAIRWEATHER: Am I not
17 remembering the question correctly?
18 MS. BENEDON: I think that you are
19 correct. There was an assumption in there
20 but that doesn't make the question
21 inaccurate.
22 THE WITNESS: Yes, it does.
23 MS. BENEDON: However, I would be
24 happy to rephrase the question.
25 EXAMINATION

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1 BY MS. BENEDON:
2 Q. Ms. Frank, are you aware that a person can
3 get a free state ID card from the DMV if
4 they need it for purposes of voting?
5 A. No, I'm not aware of it at all because I
6 never was told that it was going to be
7 free.
8 Q. You knew that there would be a charge to --
9 A. To get --
10 Q. -- to pay for a birth certificate; is that
11 correct?
12 A. Yes.
13 Q. I'm sorry, I might not have heard. Did you
14 answer that question?
15 A. Yes, I did. I have never heard that the
16 card was going to be free, because when I
17 was at the motor vehicle department, the
18 gal that told me that I didn't have the
19 right qualifications, there wasn't any more
20 than two sentences said. She looked at my
21 baptismal certificate and turned it upside
22 down and she said that it wasn't legal.
23 Q. So there was no discussion one way or the
24 other about what the charge would be for --
25 A. I -- that's the only words that were spoken

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1 in that office to that lady.
2 Q. Okay. So nobody in that office told you
3 you would have to pay for the ID card,
4 either, they just --
5 A. No, I have never heard that.
6 Q. Okay. Moving on to look at paragraph seven
7 of the declaration of James Miller, do you
8 see in paragraph seven where Mr. Miller
9 states that he has reviewed an uncertified
10 copy of what he believes to be your birth
11 certificate?
12 A. Yes.
13 Q. And based upon his description of the birth
14 certificate as being for Ruthelle Wedepol,
15 spelled W-e-d-e-p-o-l, date of birth August
16 21, 1927, Village of Brokaw, Wisconsin, do
17 you have any reason to doubt that the birth
18 certificate he was referring to is the one
19 on file for you with the state vital
20 records office?
21 A. Well, with this spelling, I do, because
22 when we were sent what was spelled wrong,
23 when they wanted me to amend my birth
24 certificate, I had a copy that it was
25 W-e-d-e-p-o-a-l and my first name was

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1 R-u-t-h-e-l-l-a, so I don't --
2 Q. So he is saying here in his sworn
3 declaration that he reviewed the copy of a
4 birth certificate for somebody with the
5 name R-u-t-h-e-l-l-e, W-e-d-e-p-o-l,
6 born August 21st, 1927 in the Village of
7 Brokaw. You don't believe he was looking
8 at your birth certificate?
9 A. Well, he -- I don't know. He couldn't have
10 or there is some other discrepancy in it,
11 because that isn't what I was told or the
12 copy that, that I had received when I was,
13 when they asked me to amend my birth
14 certificate.
15 Q. Well, let's follow up on that. You say the
16 copy that you received. I thought you said
17 a few minutes ago that you never actually
18 received a copy of your birth certificate?
19 A. No, I don't, I only -- they filled in some
20 blanks, what was missing on my birth
21 certificate. It was a form you would have
22 to fill in in order to obtain it or to
23 change it.
24 Q. Okay. So you had never actually seen your
25 birth certificate?

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1 A. No.
2 Q. Okay.
3 A. I told you that 100 times already.
4 Q. So if Mr. Miller states he looked at a
5 birth certificate with a name on it
6 Ruthelle Wedepol, spelled W-e-d-e-p-o-l,
7 date of birth August 21, 1927 in the
8 Village of Brokaw, you have reason to doubt
9 that what he was looking at is the birth
10 certificate on file for you?
11 A. Well, I don't know.
12 Q. Do you think it's likely that that birth
13 certificate belonged to somebody else or do
14 you think it's more likely that that is the
15 birth certificate on file for you?
16 MR. FAIRWEATHER: I'm going to
17 object to form and foundation.
18 THE WITNESS: Well, this is
19 getting -- I'm getting so mixed up. I
20 don't understand what she said.
21 MR. FAIRWEATHER: There is no
22 foundation for that question.
23 EXAMINATION
24 BY MS. BENEDON:
25 Q. Do you have reason to doubt that the birth

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1 certificate that Mr. Miller was looking at,
2 which is described in his declaration, is
3 your birth certificate?
4 A. I don't know because I -- I haven't seen
5 nothing, or I don't know. I can't say what
6 he saw.
7 Q. Okay. Let me ask the question a different
8 way and maybe that will, maybe that will --
9 I think I've been unclear. I'll ask it a
10 different way.
11 MR. FAIRWEATHER: No, you've been
12 clear. Her answer has been she does not
13 know, so to the extent that that's doubt,
14 then I think you have your answer.
15 EXAMINATION
16 BY MS. BENEDON:
17 Q. Okay. So to clarify, your answer is that
18 you are doubting that the birth certificate
19 Mr. Miller looked at was actually your
20 birth certificate?
21 A. I don't know.
22 Q. Well, that's a yes or no question. Are you
23 doubting that the birth certificate he
24 describes is your birth certificate?
25 MR. FAIRWEATHER: Objection.

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1 She's answered the question several times.
2 MS. BENEDON: She hasn't answered
3 that yes or no question, and I'm just
4 trying to get a clear answer so that there
5 is no confusion here.
6 MR. FAIRWEATHER: As you know, a
7 yes or no question might not always have a
8 yes or no answer. She doesn't know and
9 there is no foundation for her to know what
10 Mr. Miller was looking at, so she doesn't
11 know.
12 EXAMINATION
13 BY MS. BENEDON:
14 Q. Okay. And, Ms. Frank, I'm not asking you
15 to know what Mr. Miller was looking at.
16 I'm just asking you how he described what
17 he was looking at, and so I understand,
18 you're saying that you have doubts that
19 what he describes is actually your birth
20 certificate; is that fair?
21 A. I still don't know, because I haven't, I
22 haven't seen anything, and how do I know
23 what he saw? I wasn't there.
24 Q. Looking again at Mr. Miller's declaration,
25 do you also see in paragraph eight where

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1 Mr. Miller states that if you obtained a
2 certified copy of your birth certificate,
3 even with your maiden name misspelled, he
4 believes you would possess all of the
5 necessary documents to obtain a free
6 Wisconsin state ID card; do you see where
7 he says that?
8 A. Yes.
9 Q. Do you have any reason to doubt that his
10 statement is truthful?
11 A. Well, how would I -- I have never met him.
12 I've never seen anything. How can I make a
13 statement when I don't know what it's
14 supposed to be exactly?
15 Q. Okay. Are you aware that, either from
16 reading Mr. Miller's declaration, which,
17 again, is a sworn statement, or perhaps
18 from your short phone conversation with
19 him, that he works in the administration of
20 the Wisconsin DMV?
21 A. Well, he probably works there, but that
22 doesn't, that doesn't necessarily mean
23 anything to me that he works there.
24 Q. Okay. Where he states, though, that it's
25 his opinion that if you obtained a

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1 certified copy of your birth certificate,
2 even with the misspellings, you would
3 possess all the necessary documents for a
4 state ID card, do you have any reason to
5 doubt that that's his opinion?
6 A. Well, I have no -- yeah, I kind of do,
7 because that isn't what he said over the
8 phone to me when I talked to him.
9 Q. Well, when he talked to you over the phone
10 he had not yet seen what he believes to be
11 a copy of your birth certificate, correct?
12 A. No, he couldn't have, I don't think.
13 Q. Okay.
14 A. Unless he worked real fast.
15 Q. If you look at the bottom of page three, he
16 signed this declaration on March 15th of
17 2012, correct?
18 A. Well, I don't know. I didn't keep track.
19 I don't know when he called back, because I
20 knew it was quite a while, because we were
21 talking between ourselves how long it took
22 to get an answer from down there as to
23 whether I could receive any help.
24 Q. -- called back, did you speak with him a
25 second time?

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1 A. No, I only spoke to Mr. Miller once and
2 then he said he was taking the lady that
3 runs the department, her place.
4 Q. Okay. So, again, looking at paragraph
5 eight of Mr. Miller's declaration, I just
6 want to clarify. Are you saying that you
7 doubt whether Mr. Miller is accurately
8 expressing his opinion in this paragraph?
9 A. I don't know what to tell you, because I
10 don't know if I'm exactly sure what's
11 supposed to be going on.
12 Q. Okay. If somebody from DMV told you that
13 if you brought in your birth certificate,
14 even with a misspelling, you would be able
15 to get a state ID card, do you have reason
16 to doubt that?
17 MR. FAIRWEATHER: Objection,
18 foundation, again calls for speculation.
19 EXAMINATION
20 BY MS. BENEDON:
21 Q. Is it your belief, Ms. Frank, that because
22 of the misspellings on your birth
23 certificate, your birth certificate would
24 not suffice for getting a state ID card?
25 A. Well, I don't know anything. The way I was

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1 treated at the DMV office, I don't know.
2 When I walked out of there, I didn't know
3 whether I was coming or going. I felt like
4 crying and crying hard, but I bit my lip
5 and said, well, I have to go on if I want
6 to vote, but I didn't, I didn't like the
7 treatment. In fact, that's the reason why
8 I sent the first letter down to the
9 director of the DMV in Madison, because I
10 didn't like the treatment that I got.
11 Q. If somebody at the DMV, though, had told
12 you to just go ahead and bring in your
13 certified copy of your birth certificate,
14 because even with the misspellings it would
15 be good enough, do you have reason to doubt
16 that?
17 A. Yes, I do. I was told that I could
18 possibly do that, but I didn't want to do
19 that because I felt I might get down there,
20 I might get the same gal, maybe she would
21 throw me out again.
22 Q. But the gal who denied you an ID card the
23 first time, she didn't actually have your
24 birth certificate because you didn't bring
25 it that first time; is that correct?

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1 A. Yes.
2 Q. So if you had brought the birth certificate
3 a second time, if you had gone back a
4 second time and brought the birth
5 certificate, you don't know one way or the
6 other whether you would have been denied
7 and ID card; is that a fair statement?
8 MR. FAIRWEATHER: Objection, form.
9 You can answer if you --
10 THE WITNESS: Well, I just -- like
11 I said, I was so hurt and upset that I
12 didn't want anything to do with the motor
13 vehicle department at the time.
14 EXAMINATION
15 BY MS. BENEDON:
16 Q. I completely understand that. I've had
17 frustrating experiences at the DMV, too,
18 but that's not my question. My question
19 is --
20 A. Well --
21 Q. -- if you actually had reason to believe
22 that if you had brought your birth
23 certificate into the DMV, you would have
24 been denied an ID card --
25 MR. FAIRWEATHER: Objection.

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1 EXAMINATION
2 BY MS. BENEDON:
3 Q. -- or do you not know one way or the other?
4 MR. FAIRWEATHER: You're asking
5 her to speculate twice to answer that
6 question. Things that aren't in the
7 record. There is no foundation for that
8 question. If you want to take a guess, Ms.
9 Frank --
10 MS. BENEDON: No, I'm not asking
11 for a question that requires a guess.
12 MR. FAIRWEATHER: You certainly
13 are.
14 EXAMINATION
15 BY MS. BENEDON:
16 Q. Do you have any reason to know -- I'm
17 asking whether you have reason to know
18 whether or not you would have been -- you
19 would be denied an ID card based upon your
20 current birth certificate?
21 A. I don't know whether I would or not. Like
22 I told you, I didn't like the treatment I
23 got. I will never go -- I don't have any
24 connection with the place. I'll never go
25 back there.

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1 Q. Okay. But it's possible that if you did go
2 back and you brought your birth
3 certificate, you might get an ID card?
4 You're not saying that it's impossible?
5 MR. FAIRWEATHER: It's the same
6 objection. You're asking her to guess. Is
7 it possible? Something that hasn't
8 happened, Carrie.
9 EXAMINATION
10 MS. BENEDON:
11 Q. I'm asking is it impossible that you would
12 get your birth certificate if you -- that
13 you would get your state ID card if you
14 brought your birth certificate? Do you
15 know whether it would be impossible?
16 A. No, I don't know if it would be impossible,
17 but I don't know if it would be possible,
18 either.
19 Q. Okay. And that's all that I'm asking.
20 That's all that I'm asking. Now, just one
21 last question about Mr. Miller's
22 declaration. Whether you agree with the
23 statement in Mr. Miller's declaration or
24 not, you can put that aside for purposes of
25 this question. Mr. Miller, a chief

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1 examiner for the DMV, has now declared
2 under penalty of perjury that he believes
3 if you took your birth certificate to the
4 DMV, notwithstanding the misspellings, you
5 would possess all necessary documents to
6 obtain a free Wisconsin state ID card from
7 the DMV; is that a fair statement? Whether
8 you agree with him or not, he did, he did
9 state that in his declaration, correct?
10 A. Yes, he stated that, but --
11 Q. Okay.
12 A. -- but I don't know if I can believe it or
13 not.
14 Q. Okay. So regardless of whether you believe
15 it, he did state that. And have you
16 subsequently gone and obtained your birth
17 certificate and brought it back in to get a
18 state ID card?
19 A. No.
20 MS. BENEDON: Okay. I have no
21 further questions. Thank you.
22 MR. FAIRWEATHER: I have just a
23 couple of follow-ups for you.
24 EXAMINATION
25 BY MR. FAIRWEATHER:

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1 Q. Exhibit 3, which is the declaration of
2 Mr. Miller, that consists of three pages;
3 is that accurate?
4 A. Yeah.
5 Q. And there are no documents attached to
6 that?
7 A. No, there was nothing that -- the first
8 time I saw this was last night.
9 Q. Okay. And paragraph seven, which Ms.
10 Benedon asked you several questions about,
11 can you turn to that page? I think it's
12 page two.
13 A. Yeah.
14 Q. In it, Mr. Miller declares that he reviewed
15 an uncertified copy of a birth certificate
16 for Ruthelle Wedepol; do you see that?
17 A. Yeah.
18 Q. Have you ever seen an uncertified copy of
19 your birth certificate?
20 A. I have not ever seen anything connected --
21 Q. Okay.
22 A. The only thing that I have seen, and I
23 don't know if Shelly's got it with you or
24 not, was the amended forms that they sent,
25 you know, they sent, well, this is your --

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1 this is what was stated on your birth
2 certificate, you know, and told us how to
3 amend it, and they also told me that I
4 could bring in my so-called illegal
5 baptizing certificate as a document to say
6 that that's where I was baptized.
7 Q. Okay. Just so we're clear --
8 A. Yeah.
9 Q. -- when you talked to Mr. Miller in
10 November of 2011 --
11 A. Yeah.
12 Q. -- did he describe this uncertified copy of
13 your birth certificate to you at that time?
14 A. No.
15 Q. Okay.
16 A. I don't think he ever -- I don't think he
17 ever saw it at that time. We didn't talk
18 anything about a birth certificate. The
19 only thing he kept on repeating and
20 repeating several times is that I couldn't
21 get it on my baptismal certificate because
22 that was illegal.
23 Q. Okay.
24 A. So, I mean --
25 Q. And Mr. Miller's signature appears on page

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1 three of this document?
2 A. Yeah, mm-hm.
3 Q. And that was signed --
4 A. In March.
5 Q. -- about a month ago?
6 A. Yeah.
7 MR. FAIRWEATHER: Okay. That's
8 all I have. Thank you.
9 THE WITNESS: But we didn't -- I
10 didn't see any of it.
11 MR. DUPUIS: I have some
12 follow-up.
13 MR. FAIRWEATHER: Sure. Larry's
14 going to ask you.
15 EXAMINATION
16 BY MR. DUPUIS:
17 Q. Actually, Ms. Frank, did you bring in the
18 documents that I had asked you to bring in,
19 the letter and -- from the Wisconsin
20 Department of Vital Records?
21 MR. FAIRWEATHER: Yes.
22 THE WITNESS: Yeah.
23 MR. DUPUIS: Okay. I would like
24 to have those marked, and, Carrie, I can
25 send those to you if you want.

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1 MS. BENEDON: Yes, that would be
2 great. I don't think I've seen those.
3 MR. DUPUIS: I'll send them to you
4 right now.
5 MR. FAIRWEATHER: Larry, which one
6 do you want marked first?
7 MR. DUPUIS: Why don't you mark
8 the letter first and the forms second.
9 MR. FAIRWEATHER: Okay.
10 (Discussion held off the record.)
11 (Exhibit Nos. 4 and 5 marked.
12 for identification.)
13 EXAMINATION
14 BY MR. DUPUIS:
15 Q. Okay. So I would like you to take a look
16 at what's been marked as Exhibit 4. Have
17 you had a chance to look at that, Ms.
18 Frank?
19 A. Yes, I have.
20 Q. And do you recognize it?
21 A. Yeah.
22 Q. What is that?
23 A. Well, that's a form that they sent to me so
24 that I was supposed to amend my birth
25 certificate.

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1 Q. So is that the letter or the form?
2 A. Oh, this is -- the form is here and also
3 there is a letter that is -- that was with
4 it.
5 Q. Okay. Well, let's look at the letter
6 first. What is the, what is the exhibit
7 number on the letter, the little sticky?
8 A. 4.
9 Q. 4, okay. So let's look at Exhibit 4.
10 A. Okay.
11 Q. And you said that's a letter that you
12 received. What is the date on that letter?
13 A. The date, November the 3rd.
14 Q. Okay. And it's addressed to you, correct?
15 A. Yes.
16 Q. But how is your named spelled?
17 A. It's spelled totally wrong.
18 Q. And how is it spelled?
19 A. R-u-g-h-e-l-l-e.
20 Q. And how is the last name -- apparently
21 they're sending it to you in your maiden
22 name. How is that spelled?
23 A. That's -- the last name is spelled wrong,
24 too. It's spelled W-e-d-e-p-h-o-l. The O
25 and the H are turned around.

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1 Q. Okay. And it's addressed, dear Rughellee;
2 is that correct?
3 A. Yeah, it's even, the dear Rughellee is even
4 spelled wrong according to, to the heading.
5 Q. And then, so do you know when you received
6 this letter? It's dated November 3rd. Do
7 you know when you got it?
8 A. No, I never kept track of dates. I
9 should -- if I could start over, there
10 would be lots of things that I would do
11 different than what I've done, I'll tell
12 ya.
13 Q. Okay. Now, I would like you to take -- so
14 this -- I would like you to take a look at
15 Exhibit No. 5, and can you tell me what
16 that is?
17 A. Well, this is that amendment form that they
18 sent. I mean, that I -- I saw this before.
19 I think we had a copy of this.
20 Q. Okay. So you got that at the time -- did
21 that come with the letter?
22 A. That, I can't even tell you.
23 Q. Okay.
24 A. I --
25 Q. So you're not sure what date that came?

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1 A. I would imagine it would have, because on
2 the letter, you know, they got all the
3 costs and everything that's supposed to be
4 on, so I would imagine it did, but I'm not
5 going to stick my neck out.
6 Q. All right. So if you take a look at
7 Exhibit 5, you do recognize the document,
8 right?
9 A. Yes.
10 Q. And you did receive it from vital records,
11 correct?
12 A. Yes.
13 Q. And does that seem to be a true and
14 accurate copy of what you received?
15 A. Well, it's a copy, but when they did the
16 second one, it says the new and correct
17 information. They still got my dad's last
18 name, or my maiden name spelled wrong.
19 Q. Right. So can you take a look, and what it
20 says on the first main line there with the
21 blank, name as it currently appears on the
22 certificate; do you see that?
23 A. Where?
24 Q. See where it says name near the top of
25 Exhibit 5? See, it says name as it

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1 currently appears on the certificate?
2 A. Yes.
3 Q. And --
4 A. That's wrong.
5 Q. Right. What does it say?
6 A. It says Ruthella.
7 Q. Okay. So it has an A and it should just be
8 Ruthelle, correct?
9 A. Yes.
10 Q. Okay. And then the last name, how is that
11 spelled?
12 A. On here, it's W-e-d-e-p-a-l.
13 Q. Okay. So, and then down below it has that
14 the last name on the certificate for
15 yourself and your father as Wedepal, with
16 an A, correct?
17 A. Yeah.
18 Q. And that's wrong, right?
19 A. Yes.
20 Q. And it has your mother's name as Dorothy;
21 is that right?
22 A. Dorothy isn't right. It's Dorothea. They
23 corrected that in the second, you know,
24 little box.
25 Q. In that other column, right?

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1 A. Yes, but they didn't correct the last name.
2 Q. Yes, so the correct information, they had
3 typed in? You didn't type this in,
4 correct?
5 A. No. No. No. No.
6 Q. It came to you with those names typed in,
7 right?
8 A. Yes, this would be just a copy of exactly
9 what I received, and, see, I never looked
10 real close at it because I've got to work,
11 and I've got two notebooks full of letters
12 and keeping on going through -- I never
13 followed this through because I wasn't
14 interested in a birth certificate.
15 Q. Okay. So let me ask you one question. Is
16 this -- are these, this letter, Exhibit No.
17 4, and this form, Exhibit No. 5, is that
18 the reason that you knew that your birth --
19 or you thought that your birth certificate
20 had lot of misspellings in it?
21 A. No, because I was told that right away.
22 Not exactly right away in the beginning. I
23 can't remember dates, I'm sorry, but
24 when -- when, I don't know if someone from
25 the courthouse in Wausau told us that there

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1 was, was several misspellings. Somewhere
2 along the line. See, I've talked to so
3 many people through this and got so many
4 different answers, and I'm not 16. I don't
5 have a mind -- I always said I wanted to
6 have a mind like I was at 40 if I had to
7 die in the next day, but the mind should
8 stay at 40 and then I could go, but it
9 fades, and if you live to be 84 and I'm
10 still here, you'd probably tell me that,
11 too.
12 MR. DUPUIS: Actually, I can tell
13 you that right now I have problems. I
14 don't know. I'm not testifying here, so
15 that's the only questions that I had.
16 MR. FAIRWEATHER: I have nothing
17 further.
18 MS. BENEDON: I have nothing
19 further, either.
20 (Whereupon, the deposition of
21 Ruthelle R. Frank terminated.)
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REPORTER'S CERTIFICATE

STATE OF WISCONSIN)
)ss.
COUNTY OF PORTAGE)

I, Amy L. Downs do hereby certify the
foregoing to be a true and correct transcription
of my stenographic notes taken in this action.

AMY L. DOWNS

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