



Barry: Fixing Packers' defense 'starts with me'

SPORTS, 6B

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Why didn't OSHA penalize paper mill?



Ahlstrom-Munksjo Thilmany Mill at 600 Thilmany Road in Kaukauna. After an employee died last year at the mill, the Occupational Safety and Health Administration inspected the facility and decided not to issue any citations or penalties to the company, but did identify four hazards. WM. GLASHEEN/USA TODAY NETWORK-WISCONSIN

No citations were issued from fatal boiler 'explosion'

Becky Jacobs

Appleton Post-Crescent
USA TODAY NETWORK - WISCONSIN

KAUKAUNA - After an employee died last year at a Kaukauna paper mill, the Occupational Safety and Health Administration inspected the facility and decided not to issue any citations or penalties to the company, but did identify four hazards.

Aaron M. Hobart, a 29-year-old Appleton father and husband, died Aug. 16, "as the result of an accident" at the Thilmany Plant where he worked as a laborer in the boiler department, his obituary says.

The mill's Babcock & Wilcox Company Power Boiler No. 11 "suffered catastrophic failure in two pipe sections located in the penthouse," and Hobart was fatally injured, according to OSHA.

The mill, 600 Thilmany Road, is owned by Ahlstrom, a Finnish company that also makes specialty paper products at facilities in Rhinelander, Mosinee and De Pere.

Through public records requests, The Post-Crescent obtained documents from OSHA and Kaukauna Police Department related to the death, including a letter that OSHA sent to Ahlstrom outlining four haz-

ards at the mill and recommending steps for Ahlstrom to take.

These recommendations are not mandatory, but "many of their suggestions were areas where we proactively addressed," Addie Teeters, spokesperson for Ahlstrom, told The Post-Crescent this month.

The team at the Thilmany Plant worked with OSHA during the agency's six-month inspection, Teeters said.

What happened at the mill in August?

Hobart was working on an elevated platform, one level above the penthouse of the boiler, around 6:30 p.m. Aug. 16, when employees in the control room heard a "loud bang," according to OSHA records. Workers found Hobart between two ash hoppers and tried to perform CPR, the records state. "According to the monitoring system, at the time of the explosion, the readings had the steam flow at 261,050 pounds-per-hour, steam temperature at 875-degrees Fahrenheit, and steam pressure at 1,467 pounds-per-square-inch," OSHA's inspection records state.

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OUTAGAMIE COUNTY

Board member's transphobic comments spark protest

Sophia Voight

Appleton Post-Crescent
USA TODAY NETWORK - WISCONSIN

APPLETON - Protesters gathered outside the Outagamie County Government Center Tuesday afternoon to denounce recent transphobic comments made by a county board member and to show solidarity with transgender people in the county.

The protest was organized after Outagamie County Board member Timothy Hermes likened transgender people to "a man pretending to be a woman" and called trans people's use of bathrooms that align with their gender "disgusting" at a May 9 county board meeting.

Additionally, Hermes claimed without evidence that men are dressing up as women so they can go into bathrooms or changing rooms with young girls.

Eleven local activists from Appleton Students for a Democratic Society, ESTHER and Freedom Road Socialist Organization, as well as concerned residents, gathered with transgender pride flags and signs with Hermes' transphobic quotes calling for the county board to condemn its fellow board member's comments and to increase LGBTQ inclusivity in the county.

"Today we stand against that divisive rhetoric and advocate for a society that embraces inclusivity and understanding," organizer and FRSO member Jay Gibbs said at the protest.

Gibbs told The Post-Crescent FRSO organized the protest to show county officials that members of the public are against Hermes' comments and that they don't stand for discrimination of the county's LGBTQ+ population.

"Disturbing remarks made by a county board member, Tim Hermes, not only reflect ignorance and prejudice but also perpetuate harmful stereotypes against the transgender community," Gibbs said.

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Local activists stand outside the Outagamie County Government Center on Tuesday to protest transphobic comments made by county board member Timothy Hermes.

SOPHIA VOIGHT/USA TODAY NETWORK-WISCONSIN

Smoke from Canada wildfires causes hazy skies over Wisconsin



The Bald Mountain Wildfire burns in the Grande Prairie Forest Area May 12. CANADIAN PRESS VIA AP

Rebecca Loroff

Appleton Post-Crescent
USA TODAY NETWORK - WISCONSIN

Smoke from western Canada wildfires caused hazy skies Tuesday above the Midwest, including all of Wisconsin.

Over a hundred wildfires in Alberta and British Columbia are burning, causing a large smoke plume to reach large swaths of Canada, the Dakotas, Minnesota, the Great Lakes region and the Northeast, according to AirNow's fire and smoke map.

The smoke has already prompted Minnesota's Pollution Control Agency to issue an air quality alert Tuesday for the northern half of Minnesota.

Wisconsin's Department of Natural Resources hasn't yet issued any air quality warnings, mostly be-

cause the particles from the smoke have remained high above the ground, said meteorologist Phil Kurimski from the National Weather Service in Green Bay.

"The smoke gets lofted into the atmosphere, and there's nothing to bring it down," Kurimski said.

While a cold front moving in this week will bring hazy skies further south, they "could still come back," he said.

Warm and dry conditions are causing a greater risk of fire weather in far northeastern Wisconsin, where temperatures are higher and plants haven't started growing in earnest.

The danger in Canada hasn't passed, either. While some areas got a reprieve from the flames, with rain and overcast weather, hot and dry conditions are expected to return this week.

The Associated Press contributed to this story.

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Wisconsin Supreme Court rules Marsy's Law was properly enacted into law

Molly Beck

Milwaukee Journal Sentinel
USA TODAY NETWORK - WISCONSIN

MADISON - The Wisconsin Supreme Court has rejected a challenge to a constitutional amendment known as Marsy's Law aimed at expanding and strengthening the rights of crime victims.

The 6-1 decision released Tuesday by the state's highest court overturned a Dane County judge's 2020 ruling that determined the measure was improperly enacted and should be rescinded. The court said in its decision the referendum was properly worded and therefore legally adopted.

Voters adopted what's known as Marsy's Law as an amendment to the state constitution in April 2020. The amendment was then challenged by Wisconsin Justice Initiative, former state Democratic Sen. Fred Risser of Madison and defense attorneys Craig Johnson, Jacqueline Boynton and Jerome Buting.

In the circuit court, Dane County Judge Frank Remington concluded the question presented to voters was inexact and misleading. He said voters should have been asked two questions instead of one so they were aware the amendment both increased the rights of victims and diminished the rights of those accused of crimes, he ruled. That ruling was appealed.

In December 2021, the District III

Court of Appeals decided it makes more sense for the issue to go directly to the Supreme Court, and certified the case to the high court. How the issues are resolved "will have a sweeping effect on our criminal justice institutions and those operating within them," the Court of Appeals wrote, and so a timely, final decision would be in everyone's interest. On Tuesday, the state Supreme Court said the argument put forward by the plaintiffs sets a bar for constitutional amendment questions that does not exist in state law.

"Not a single constitutional amendment in Wisconsin history has ever undergone judicial review using this ostensible test," Justice Brian Hagedorn wrote for the majority. "Examining the original meaning of the Wisconsin Constitution, we discern no such requirement, and therefore we decline the invitation to fashion a new, exacting constitutional standard. The constitution itself requires only that the legislature 'submit' the proposed amendment to the people."

In 1980, Wisconsin became the first state in the country to adopt a "crime victims bill of rights" and in 1993 adopted a constitutional amendment to afford victims' privacy and ensure they are kept abreast of their cases.

Marsy's Law is named after Marsy Nicholas, who was murdered by her former boyfriend in 1983. He confronted her family a week after she died, when the family was unaware he'd been re-

"The Supreme Court has given the Legislature permission to frame and word referendum questions that leave out important information for voters and even mislead them."

Margo Kirchner
WJI executive director

leased on bail. Her billionaire brother started efforts to expand victims' rights which became the national Marsy's Law movement.

Wisconsin Justice Initiative had previously tried to keep the question off the ballot in April 2020.

In a separate decision Tuesday, the Wisconsin Supreme Court cited Marsy's Law in overturning 30 years of precedent that gave a criminal defendant the ability to have a judge review the victim's privately held, otherwise privileged health records.

The court, in a 5-2 decision, determined that the 1993 Wisconsin Court of Appeals ruling granting those rights was wrongly decided, unworkable and its rationale has been undermined by the adoption of Marsy's Law and other laws protecting the rights of victims.

The court reached its conclusion in a case in which a Waupaca County man charged with several felonies for allegedly sexually assaulting his son and daughter had wanted the judge to review his son's mental health and counseling records. The Supreme Court ruled

that the circuit court must deny the defendant's motion to have the judge review the records.

Justice Rebecca Dallet wrote the majority opinion, joined by justices Patience Roggensack, Hagedorn, Jill Karofsky and Rebecca Bradley. Ann Walsh Bradley and Chief Justice Annette Ziegler dissented.

"While the majority's result is certainly protective of alleged crime victims, I question whether it impairs the truthseeking function of our courts," Bradley wrote. Reaction to the decision on Tuesday was mixed.

Marsy's Law for Wisconsin declared the move a victory that ensures "crime victims are treated with the fairness, decency, and respect they deserve and our Wisconsin Constitution requires."

"Marsy's Law has been providing crime victims in Wisconsin with a stronger voice and more meaningful rights since its overwhelming ratification vote more than three years ago," the organization said in a statement. "Today's decision by the Wisconsin Supreme Court removes any uncertainty about Marsy's Law in our state and ensures future generations of Wisconsinites, who find themselves in the criminal justice system through no fault of their own, will have access to some of the strongest victims' rights in the country."

The Wisconsin Justice Initiative intends to appeal the decision and continue to challenge Marsy's Law in court.

Protest

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ESTHER member Connie Raether seconded Gibbs' remark, saying Hermes' comments "are absolutely unacceptable for anyone but especially for someone elected to represent the people."

Appleton SDS member and Lawrence University student Audari Tamayo said he came to the rally to show support for his transgender peers at Lawrence and in Appleton.

"We're not going to stand for tran-

sphobic hate in Appleton, Lawrence, anywhere," Tamayo said.

In response to the protest, Hermes told The Post-Crescent, "I have no problem with the trans community whatsoever. I just believe everyone has the same rights to safety."

The board member's comments at the board meeting came unprompted after an equity, diversity and inclusion presentation was given during the meeting that did not reference transgender individuals or their bathroom use. Hermes' claim that faux trans people are using bathrooms to watch children is unfounded. The National Center for Transgender Equality, the Human

Rights Campaign and the American Civil Liberties Union say there is no statistical evidence that people are dressing as the opposite gender to sneak into bathrooms.

The unfounded claim that transgender people dress a certain way to get into opposite-gendered bathrooms, rather than people who present themselves in a way that aligns with their gender identity, is one argument in a national discussion surrounding anti-trans bills that asserts that trans people do not exist, but that they are people with predatory schemes.

Hermes was elected to the board in 2022 to represent District 14, which cov-

ers the western half of Little Chute.

The group plans to protest at the May 23 county board meeting with similar signs to further condemn Hermes' comments.

Gibbs said, "We're going to call on all of our elected officials, but especially the Outagamie County Board members to uphold the values of equality and diversity in our community, and to hold Mr. Hermes accountable for his harmful remarks and actions."

Sophia Voight is a local government and political reporter for The Post-Crescent. She can be reached for feedback and tips at svoight@postcrescent.com. Follow her on Twitter @sophia_voight.

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Call 920-372-0109 to RSVP by **May 19.**

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