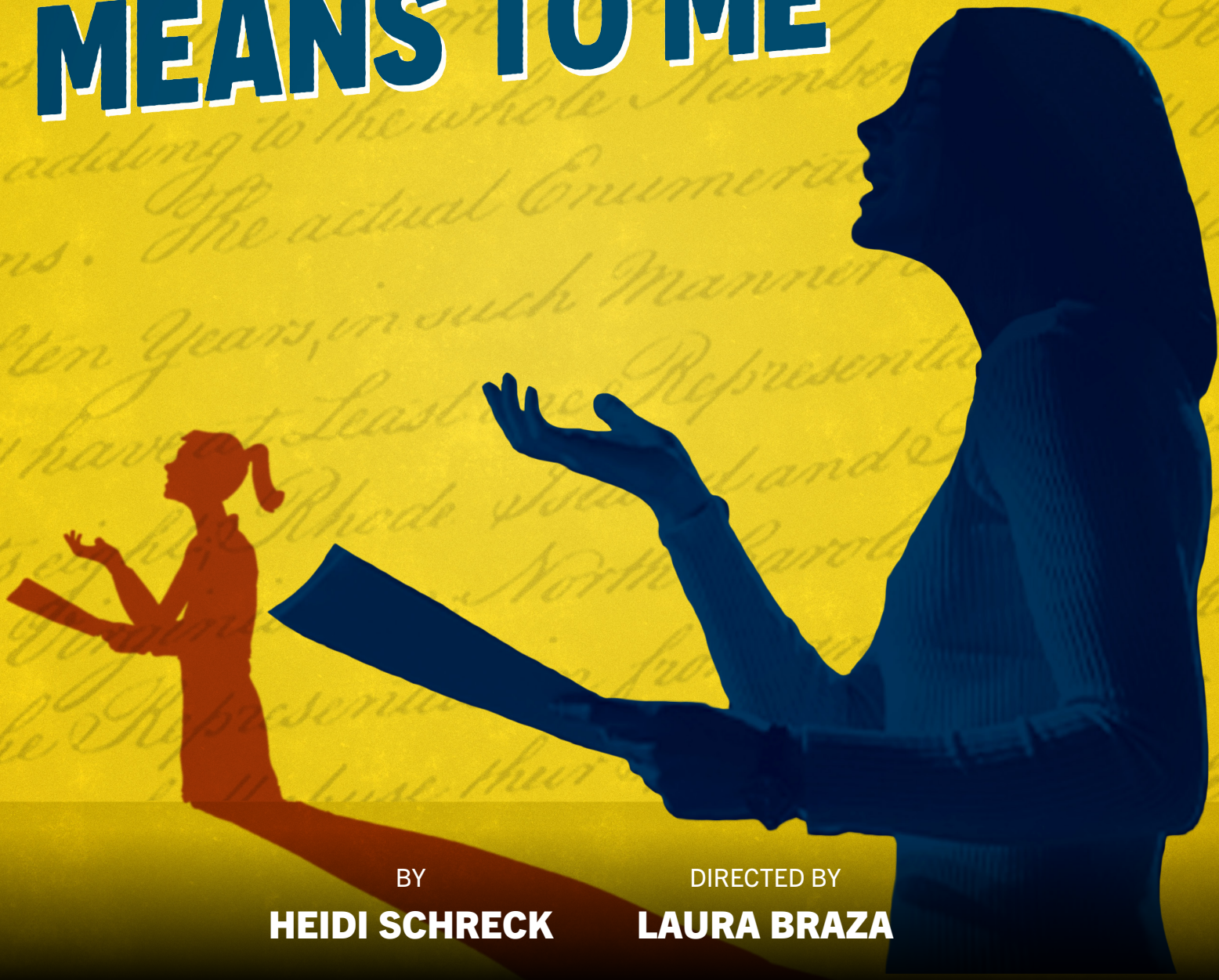


FEBRUARY 6 – MARCH 17, 2024 | STIEMKE STUDIO

WHAT THE CONSTITUTION MEANS TO ME



BY
HEIDI SCHRECK

DIRECTED BY
LAURA BRAZA

MILWAUKEE
REP

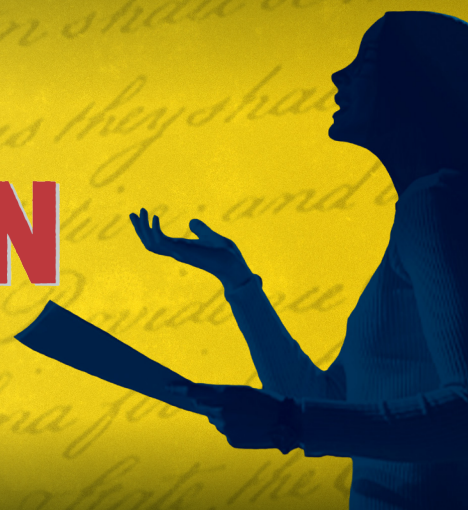
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Presented by **Christine Symchych & Jim McNulty**

WHAT THE CONSTITUTION MEANS TO ME

By **Heidi Schreck**

Directed by **Laura Braza**



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ABOUT THE PLAY

What the Constitution Means to Me was first produced as part of a new play festival in 2017, then was produced by Berkeley Repertory Theatre in 2018. The Off-Broadway production of the play premiered at New York Theatre Workshop and then Greenwich House in the fall of 2018. A limited Broadway run followed, but was extended due to the play's success. All of these early productions of the play starred playwright Heidi Schreck as herself. After the success of the Broadway run, an engagement at the Kennedy Center in Washington, D.C. and the Mark Taper Forum in Los Angeles followed. The play was nominated for various awards, winning an Obie for Best New American Play and New York Drama Critics' Circle Award for Best American Play. Both the play and Schreck herself were nominated for Tony awards for the script and her performance, respectively. *What the Constitution Means to Me* was also a finalist for the Pulitzer Prize in Drama. Since the rights to the play were made available several years ago, theaters across the country have hurried to produce one of the hottest plays in the past five years.

The play transports audiences to an American Legion hall in the 1980s, where a fifteen-year-old version of playwright Schreck participates in contests illuminating the U.S. Constitution. Heidi moves back and forth from embodying her memory of herself in these competitions and revealing her current self and her story to the audience. The play feels off-the-cuff and irreverent at times, and then takes the audience into places that are real and raw. In presenting the Constitution with all its faults and shortcomings alongside its role as a key piece in the American story, the play asks audiences to think critically about privilege, justice, and power. Audiences will find themselves laughing out loud, shedding a few tears, and leaving the theater asking more questions than knowing the answers.

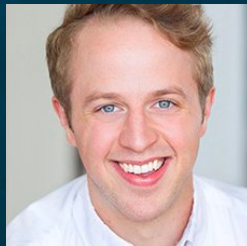


CHARACTERS



Heidi

Jessie Fisher



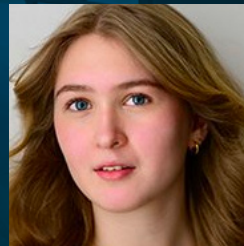
Legionnaire/Danny

Will Mobley



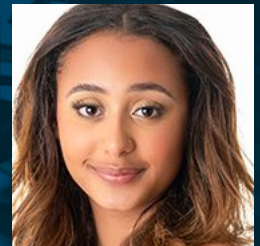
Debater

Maria (Rose) Campbell



Debater

Hazel Dye



Debater

Maya O'Day-Biddle

THE AMERICAN LEGION ORATORICAL CONTEST

The American Legion is a veterans' organization that was chartered by Congress in 1919. A service organization for veterans, the American Legion provides resources, support, advocacy, social connections, and other benefits for veterans and their families. Members of the American Legion also provide service and support to their communities through volunteering, fundraising, and programs such as the Oratorical Contest in *What the Constitution Means to Me*. The American Legion boasts over 2 million members in more than 13,000 posts throughout the world.

The American Legion Oratorical Contest began in 1938 to encourage deeper knowledge and appreciation of the Constitution amongst high school students. The program aims to foster leadership skills, public speaking skills, and an understanding of the responsibilities of American citizenship.

Each year, over \$200,000 worth of scholarships can be awarded, with the national winner receiving a \$25,000 scholarship. Each contestant who advances past the first round receives a \$2,000 scholarship with additional scholarships at various competition levels. These scholarships can be used at any college or university in the U.S.

Contestants give an eight-to-ten minute prepared speech about some aspect of the U.S. Constitution, focusing on the responsibilities of citizens to the government. The competition also includes a three-to-five minute speech whose topic is selected for contestants from several predetermined amendments on the day of the competition.

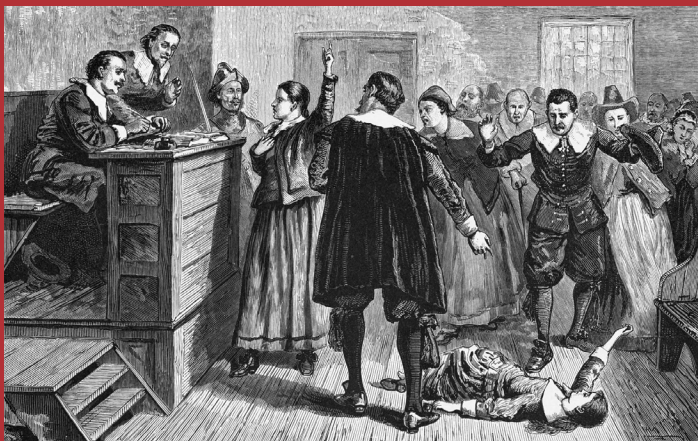


A student giving a speech at the American Legion Oratorical Contest. Photo credit: The American Legion.

ALLUSIONS

In *What the Constitution Means to Me*, Heidi refers to many historical and pop cultural allusions. A little primer if some are unfamiliar . . .

Salem witch trials: In 1692 and 1693, a series of trials and prosecutions of community members for various crimes related to “witchcraft” occurred in Salem, Massachusetts. A key historical example of mass hysteria, over 200 people were accused, with at least 25 people dying as a result of the trials.



An 1876 illustration depicting the testimony of "afflicted" teen Mary Wolcott. Photo credit: Wikipedia.

Patrick Swayze: Patrick Swayze was an actor who rose to fame in the 1980s and was considered a heartthrob. Some of his most notable appearances were in *Dirty Dancing*; *Ghost*; *Red Dawn*; *Road House*; and *To Wong Fu, Thanks for Everything, Julie Newmar*.

Your Rugged Constitution: *Your Rugged Constitution* is a book by Bruce Allyn Findlay, published in 1950, which outlines each of the articles and clauses of the Constitution in clear language that emphasizes a citizen’s role in our democracy, but is also definitely a product of its time.

Herbert Hoover: Hoover was the 31st President of the United States, serving from 1929 to 1933.

Alan Keyes: Keyes is a Republican politician who served in the Reagan administration and has had several failed attempts at higher federal office such as President and Senator.

Lou Dobbs: Dobbs is a conservative political commentator who has hosted various radio and television shows during his career.

Reba McEntire: McEntire is a country music icon and actress, with a career spanning decades, countless awards, and millions of albums sold.

William O. Douglas: Douglas served on the U.S. Supreme Court from 1939 to 1975. Douglas was known for his progressive views and was the longest serving justice in history.

Lincoln: Abraham Lincoln served as the 16th President of the United States from 1861 until his assassination in 1865. Lincoln’s presidency encompassed the entirety of the Civil War and the emancipation of enslaved people in the United States.

John Bingham: Bingham served as a Republican representative from Ohio in the 1860s and early 1870s. He was a key framer of the 14th Amendment.

MLK, Jr.: Rev. Martin Luther King, Jr. was a key figure in the American Civil Rights Movement. He was a pastor, activist, and passionate advocate for the rights of all. Martin Luther King, Jr. is perhaps the most well-known face of the Civil Rights Movement.

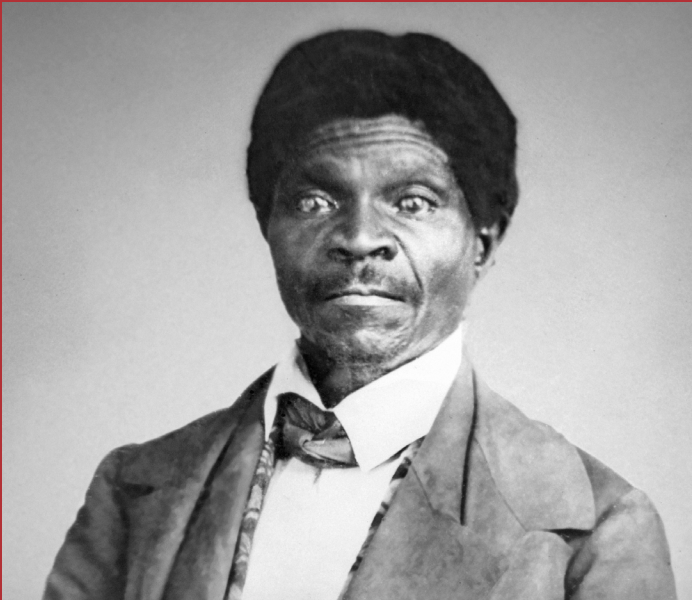
Dorothy Height: Dr. Dorothy Height was a seasoned organizer, professor, speaker, and also a key figure in the Civil Rights Movement. She counseled not only activists and other leaders, but Presidents and many other important people in the latter half of the 20th century.

Rosa Parks: Rosa Parks was best known as the symbolic leader of the Montgomery Bus Boycott in the mid-1950s and a “mother of the Civil Rights Movement.” Parks was an activist and her arrest for sitting in the white section of a segregated bus and the ensuing legal challenge was a key piece in the movement for desegregation.



Bayard Rustin speaking to a group of young people, 1964. Photo credit: Library of Congress Prints and Photographs Division.

Bayard Rustin: Rustin was an activist and organizer who was important in the Civil Rights Movement. Rustin also was an activist for LGBTQ+ rights, socialism, workers’ rights, and in his later years, served on many humanitarian missions across the globe.



A photograph of Dred Scott, taken around the time of his court case in 1857. Photo credit: Wikipedia.

Dred Scott: Dred Scott was the plaintiff in *Dred Scott v. Sandford*, an 1857 Supreme Court decision that upheld the idea that American citizenship did not extend to Black people. In the case, Dred Scott, an enslaved person, had been taken from Missouri (a slave-holding state) to Illinois and Wisconsin (free states). Upon return to Missouri, Scott sued for his freedom as he was taken into territories where he would “automatically” be freed. The Supreme Court upheld the lower courts’ decisions that he was considered property, not a citizen of the United States.

Chinese Exclusion Act: After an influx of Chinese immigrants in response to labor needs for the building of railroads and other industrialization in the mid-1800s, there was a racist backlash. In 1882, the Chinese Exclusion Act was signed into law barring most immigration from China for ten years. The Act was renewed after the initial ten-year period and then made permanent in 1902. Only in 1943 was the law repealed, but immigration from China was still limited to 105 people per year until further changes were made in the 1950s and 1960s.

Asa Mercer: Asa Mercer was a Washington state politician and professor. Mercer is best known for his scheme to bring more marriageable white women into the growing areas of the Pacific Northwest. Heidi outlines the details of his scheme in the play.

Ulysses S. Grant: Grant was one of the most successful Generals of the Civil War and is regarded as a key factor in turning the war towards success for the Union. He also served as the eighteenth President of the United States from 1869 to 1877.

“Greek Tragedy Crying”: Heidi refers to “Greek Tragedy Crying” and makes an allusion to the plot of *The Bacchae*, a play by Euripedes. In the play, Queen Agave and other women are driven mad by Dionysus and kill her son Pentheus because they believe he is a lion.

Magna Carta: The Magna Carta is an 1215 British charter of rights that served as the model for many constitutions and political documents of rights to follow.

Roe v. Wade: *Roe v. Wade* was a 1973 Supreme Court decision that guaranteed abortion rights as protected by the due process clause and rights to privacy guaranteed by the Constitution. This decision was overturned with another Supreme Court case in 2022.

Justice Harry Blackmun: Justice Blackmun is best known for authoring the *Roe v. Wade* decision; he served on the Supreme Court from 1970 to 1994.

Miss Julie: *Miss Julie* is an 1888 play written by August Strindberg.

Gloria Steinem: Steinem is an activist and journalist who is known as one of the most important figures in the second-wave feminist movement of the 1960s and 1970s. She is the founder of Ms. magazine and has been a founder of multiple feminist organizations.

Susan Sontag: Susan Sontag was a writer, critic, and social commentator. She is considered one of the most astute and influential critics of her generation.

Billie Jean King: King is an activist and athlete who was an incredibly successful tennis player, winning dozens of titles. One of her most notable achievements was her victory in the lauded “Battle of the Sexes” against Bobby Riggs in 1973.

Penny’s abortion in *Dirty Dancing*: In the 1987 film *Dirty Dancing*, which takes place in 1963, supporting character Penny becomes pregnant. After an illegal abortion, Penny has serious complications, leading the strict physician father of the main character to help her in her time of need.

Equal Rights Amendment: The Equal Rights Amendment is a proposed constitutional amendment that would guarantee equal rights based on sex. The first version of the ERA was drafted in 1923, and it has undergone many drafts, ratification deadlines, and a complicated path to adoption. It was accepted for ratification by Congress in the early 1970s, but many states waited, did not ratify, or rescinded ratification. Wisconsin was one of the earliest ratifiers of the ERA. One hundred years after it was first drafted, the Equal Rights Amendment still stands unratified by numerous states, keeping it out of the Constitution.

“The Yellow Wallpaper”: “The Yellow Wallpaper” is an 1892 short story by Charlotte Perkins Gilman which is considered by many to be a feminist touchstone.

Estelle Griswold: Griswold was an activist and feminist who worked with Planned Parenthood in Connecticut, leading her to be part of two important legal challenges to contraception law. Her legal challenges to the illegality of birth control set the stage for the right to privacy arguments that formed the foundation of many important Supreme Court cases. Her most notable case guaranteed the right to birth control for married couples in 1965.

Justice Scalia: Justice Antonin Scalia served on the U.S. Supreme Court from 1986 to his death in 2016. Scalia was known for his conservative views and his Catholic faith, which impacted his decisions on the court.

Sandra Day O'Connor: Justice Sandra Day O'Connor was the first woman to serve on the U.S. Supreme Court, her tenure spanning from 1981 to 2006. O'Connor was considered a conservative justice, but was also sometimes a swing vote in cases.

Legalization of same-sex marriage: While same-sex marriage was legal in several U.S. states at the time, it was not until *Obergefell v. Hodges* in 2015 that the right was guaranteed by the Supreme Court. As with many of the important cases Heidi outlines in the play, this decision was centered on the Due Process and Equal Protection clauses of the Fourteenth Amendment.

RBG: Ruth Bader Ginsburg was a Supreme Court Justice from 1993 until her death in 2020. She was a key progressive voice on the court and her work as a lawyer earlier in her career also had key impacts on rights for workers and women. She was an advocate for equality and was known for her skills as a lawyer as well as her astute arguments on the court.

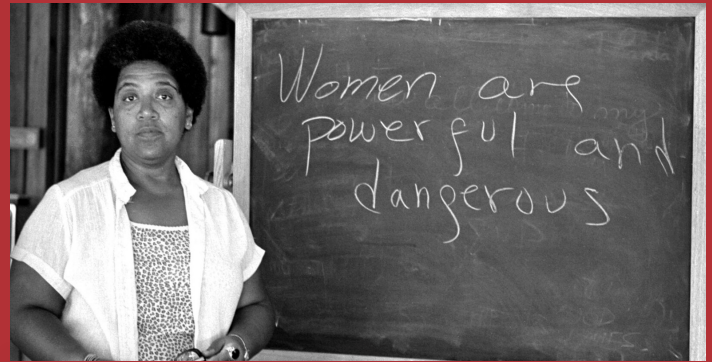


Justice Ruth Bader Ginsburg. Photo credit: Wikipedia.

Castle Rock v. Gonzales (2005): Jessica Gonzales acquired a restraining order against her estranged husband. When he abducted their three children, police told her to wait and see if he brought them back instead of pursuing him. He killed their children and shot up a police station. Gonzales sued the town for their inaction. The case made it to the U.S. Supreme Court which decided that Gonzales had no constitutionally-protected right to a “property interest” in the enforcement of the restraining order and could not claim the police had violated her right to due process.

The Violence Against Women Act: The Violence Against Women Act is a 1994 federal law that provided funding for investigation of crimes against women, allowed legal consequences for those who did not prosecute, and established a department in the DOJ specializing in these crimes. The first several reauthorizations met bi-partisan support, but then conservatives started to oppose the measure. In 2019, discussions of reworking the law and rescertifying it came to a halt, but the Act was reauthorized by President Biden in March 2022.

Justice Breyer: Justice Stephen Breyer served on the U.S. Supreme Court from 1994 until his retirement in 2022. Breyer was usually associated with the more liberal justices on the court and now serves as a law professor at Harvard.



Audre Lorde. Photo credit: Robert Alexander/Getty Images.

Audre Lorde: Lorde was a prolific writer, professor, philosopher, poet, and Black feminist activist. Lorde was known for her masterful poetic voice which she used to illuminate many social issues and her experience as a Black woman.

bell hooks: bell hooks was a powerful Black feminist, writer, activist, professor, and social critic. She was a prolific creator whose work is considered seminal in understanding intersectionality, feminism, capitalism, gender, and many other social issues.

Free to be You and Me: *Free to Be You and Me* is a 1970s entertainment project spearheaded by Marlo Thomas and performed by stars like Alan Alda, Rosey Grier, Cicely Tyson, Michael Jackson, and many others. The project included a book, a television special, and an audio recording that sought to defy gender roles and help children embrace their own special qualities.

Mel Gibson - *The Road Warrior*: Mel Gibson starred in the 1981 film *The Road Warrior*, the sequel to the post-apocalyptic action film *Mad Max*.

Meryl Streep - “The dingo ate my baby!”: The film *A Cry in the Dark* is based on a true story of a woman who fought to prove her innocence when she was accused of murder after her baby died in a dingo attack in the Australian Outback. The delivery of icon Meryl Streep saying “The dingo ate my baby!” has become a comic pop cultural reference.

Positive-Rights Constitutions: South Africa, Germany, European Convention on Human Rights: The constitutions that Heidi mentions in the play are “positive rights” constitutions, which means that those countries have constitutions which explicitly outline rights that citizens of the country are guaranteed such as the rights to education, shelter, medical care, etc. The idea of positive rights in the U.S. Constitution is hotly debated in legal scholarship and in legal decisions. any argue that the U.S. Constitution excludes positive rights and focuses on negative rights.

CONSTITUTIONAL AMENDMENTS

ADDRESSED IN THE PLAY

This play addresses several amendments in its discussion of the U.S. Constitution. A little refresher on the text of those amendments:

Amendment 9:

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

Amendment 13:

Section 1

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

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Amendment 14, Section 1:

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.

Demonstrators demanding a woman's right to choose march to the U.S. Capitol for a rally seeking repeal of all anti-abortion laws in Washington, D.C., Nov. 20, 1971. Photo credit: Associated Press.

A HISTORY OF ABORTION ACCESS IN THE UNITED STATES

**Throughout this article, we use the terms “women” and “woman” in reflection of the historical periods that are discussed. We are aware that the term “pregnant people” is a more accurate reflection of the current terminology for those with reproductive organs capable of pregnancy.*

What the Constitution Means to Me addresses the topic of abortion access in a deeply personal way as Heidi tells her story and connects it to the U.S. Constitution. The history of abortion access in this country has changed drastically over the past several hundred years.

In the 1700s and early 1800s, medical literature and newspapers regularly referred to abortifacient herbs, pessaries, and other methods of abortion, as surgical interventions were not as common. Abortion was a fact of life and reproductive care, and was legal until what was referred to as “quickening,” or when fetal motion could be felt by the pregnant person. Reproductive care was the purview of midwives and nurses, and as such, was not regulated. White, male doctors saw pregnancy and reproductive care as a women’s issue, so women were the providers of care. Many of these women were Black, some of whom were enslaved; indigenous women and white women also provided midwifery. Abortions using herbs or other medicines were part of this care.



Advertisement for abortifacient pills, 1800s/early 1900s. Photo credit: Hopkins Bloomberg Public Health Magazine.

While abortion was legal throughout the country for white women until the mid-1800s, the same could not be said for enslaved Black women. The offspring of enslaved women were seen as valuable property, so enslaved women were prohibited from receiving abortions if their pregnancies were discovered. Under the law, white men owned these Black women’s bodies.



Black midwives receiving training, mid 1900s. Photo credit: ACLU.

In the mid-1800s, a coalition of doctors, with the support of the Catholic Church and others who sought control over the reproductive freedoms of women, began to lobby for a change in laws regarding abortion. The American Medical Association was founded in 1847 and promptly started to scrutinize the care provided by midwives and others giving reproductive care, even though expertise in these areas was not something “trained” doctors specialized in at the time. In their quest to regulate medicine and medical care, these women and their services were an easy target to help prove the AMA’s legitimacy and power.

In 1957, the AMA led a letter-writing campaign that was highly effective and led to over forty anti-abortion laws going into effect between 1860 and 1880. This movement continued to have a massive impact throughout the late

1800s and early 1900s, with abortion banned in every state by 1910. Although abortion became illegal during the 1920s and 1930s, many doctors still provided abortion services “off the book.” This practice became less common after World War II.

The change in enforcement of abortion laws in the 1940s and 1950s coincided with a change in societal attitudes: “All across America, it’s very much about gender roles, and women are supposed to be in the home, having babies,” according to Mary Fissell, Professor of History of Medicine at Johns Hopkins University. In the 1950s and 1960s, up to 1.2 million illegal abortions were performed annually across the U.S. These illegal abortions were often dangerous and not medically supervised, leading to complications and sometimes even death. In 1965, 17% of deaths from pregnancy complications were attributed to unregulated abortions.

A rubella outbreak from 1963-1965 and the complications it could cause with pregnancy set the stage for more advocacy for legal abortions and abortions for “therapeutic” or “medically necessary” reasons. During this time and throughout the late 1960s and 1970s, access to safe abortion was the domain of the privileged. Women with means and certain freedoms were able to obtain safer abortions, advocate for their rights legally, and get medical care they required. The trend towards legal intervention led to many states changing their abortion laws during this time.



Opponents and supporters of abortion rights in Trenton, NJ in 1973. Photo credit: *The New York Times*.

At the time of the landmark *Roe v. Wade* case in 1973, legal abortions were available in seventeen states. The Supreme Court ruled that the due process clause of the 14th amendment (a clause that is highlighted in *What the Constitution Means to Me*) protected the right to a legal abortion as part of a pregnant person’s right to privacy.

With the *Roe v. Wade* decision, abortion was legalized throughout the country, but the elevation of the issue to the Supreme Court galvanized abortion opponents and set off over fifty years of struggle between the Pro-Life and Pro-Choice movements in America.

In 1976, the Hyde Amendment was enacted, making it illegal for Medicaid or any other federal program dollars to be used for abortion services. Of course, this had a huge impact on marginalized groups as those people were the ones largely using Medicaid. As before, privilege factored into the availability of abortion access.

While *Roe v. Wade* made abortion legal throughout the country, in 1992, another court case came to the Supreme Court which reaffirmed the right to an abortion, but also created an “undue burden” clause that said that laws regulating abortion must be judged by whether they create an “undue burden” for the pregnant person. After that case, many state legislatures made even more regulations as far as when in pregnancy abortions were allowed, in what circumstances, and the like. Subsequent Supreme Court decisions chipped away at abortion access or reaffirmed it, depending on the particular cases.

In 2022, the Supreme Court ruled in *Dobbs v. Jackson Women’s Health Organization*, overturning *Roe v. Wade* after almost fifty years of abortion access as a constitutionally protected right. In the ensuing year-and-a-half, states have passed various laws banning or restricting abortion, advocacy groups have brought court cases, and abortion access has been greatly diminished throughout the United States. Here in Wisconsin, there has been great legal debate about whether an 1849 law actually criminalizes abortion or not. Some states such as Ohio, California, Michigan, and Vermont have enshrined the right to an abortion in their state constitutions. Wherever the abortion access debate goes from here, it is clear that our U.S. Constitution, our individual state constitutions, and what rights we are guaranteed as Americans will continue to be central to the argument.



Protestors outside the U.S. Supreme Court, 2021. Photo credit: Getty Images.

VIOLENCE AGAINST WOMEN AND INTIMATE PARTNER VIOLENCE IN THE U.S. BY THE NUMBERS

1 in 5: The number of women who have been raped in their lifetime

20%: Percentage of increase in domestic violence deaths in Wisconsin in 2022 from 2021

3x: The rate at which BIPOC women are murdered in relation to the rates of murder of white women

1 in 4: The number of women who experience severe intimate partner physical violence, intimate partner contact sexual violence, and/or intimate partner stalking

36.3%: Percent of Wisconsin women who experience intimate partner violence, intimate partner sexual violence, or intimate partner stalking

8th: Rank of Wisconsin in the nation in numbers of women killed by men

1 in 3: Number of domestic violence deaths in Wisconsin in 2022 that occurred in Milwaukee County

46.7%: Percentage of women who were raped that were raped by someone they knew

25: Number of counties in Wisconsin in which domestic violence deaths occurred in 2022

500: The percentage of increase of a risk of homicide if there is a gun present in a domestic violence situation

9 out of 10: The number of murdered women who were murdered by men they knew

88.5%: Percentage of fatal domestic violence incidents in Wisconsin in 2022 in which guns were used

20,000: The number of calls made to domestic violence hotlines nationwide on a typical day

18-24: Women between these ages are most commonly abused by a domestic partner

94%: The percentage of victims of intimate partner murder-suicides who are female

19.3 Million: The number of women who have been stalked in their lifetime

PLACES TO FIND HELP IN THE MILWAUKEE AREA

The National Domestic Violence Hotline is 800-799-7233.

The Sojourner Family Peace Center in Milwaukee operates a 24-hour confidential hotline at 414-933-2722.

We Are Here Milwaukee provides information on culturally specific organizations at weareheremke.org.

The Women's Center in Waukesha has a 24-hour hotline at 262-542-3828.

The Asha Project, which provides culturally specific services for African American women and others in Milwaukee, provides a crisis line at 414-252-0075.

The UMOS Latina Resource Center offers bilingual, bicultural supportive services and operates a 24-hour hotline at 414-389-6510.

The Gerald L. Ignace Indian Health Center offers culturally sensitive, trauma-informed services and can be reached at 414-383-9526.

Our Peaceful Home, a program of the Milwaukee Muslim Women's Coalition, operates a crisis line at 414-727-1090.

The Hmong American Women's Association, which serves the Hmong and Southeast Asian community, has advocates available at 414-930-9352.

End Domestic Abuse Wisconsin has a statewide directory of resources at endabusewi.org/get-help.

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VISITING MILWAUKEE REP

Milwaukee Repertory Theater is located in the Associated Bank Theater Center which is part of the Associated Bank River Center downtown at the corner of Wells and Water Streets. The building was formerly the home of the Electric Railway and Light Company.

The Ticket Office is visible on the left upon entering the Wells Street doors. The Quadracci Powerhouse is located on the Mezzanine and can be accessed via escalator or elevator.

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Advance the art of theater with productions that inspire individuals and create community dialogue.

Provide a richer theater experience by hosting Rep-in-Depth, TalkBacks and creating PlayGuides to better inform our audiences about our productions.

Educate over 20,000 students at 200+ schools in the greater Milwaukee area with Rep Immersion Day experiences, student matinees, workshops, tours and by making connections with their school curriculum through classroom programs such as Reading Residencies.

Maintain our commitment to audiences with special needs through our Access Services that include American Sign Language interpreted productions, captioned theater, infrared listening systems and script synopses to ensure that theater at Milwaukee Rep is accessible to all.

Educate the next generation of theater professionals with our EPR Program which gives newly degreed artists a chance to hone their skills at Milwaukee Rep as they begin to pursue their theatrical careers. We value our supporters and partnerships and hope that you will help us to expand the ways Milwaukee Rep has a positive impact on theater and on our Milwaukee community.

Donations can be made on our website at
www.MilwaukeeRep.com or by phone at **414-290-5376**

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