

Wisconsin Union Law To Take Effect



SCOTT BAUER 06/14/11 10:48 PM ET

MADISON, Wis. — A divided Wisconsin Supreme Court handed Republican Gov. Scott Walker a major victory Tuesday, ruling that a polarizing union law that strips most public employees of their collective bargaining rights could take effect.

In a 4-3 decision that included a blistering dissent, the court ruled that Dane County Circuit Judge Maryann Sumi overstepped her authority when she declared the law void. She sided with a lawsuit that claimed Republicans didn't provide proper public notice of a meeting that helped get the original legislation approved.

The legislation sparked weeks of protests when Walker introduced it in February. Tens of thousands of demonstrators descended on the state Capitol for weeks and Democratic senators fled the state to prevent a vote, thrusting Wisconsin to the forefront of a national debate over labor rights.

Walker claimed that the law, which also requires public employees to pay more for their health care and pensions, was needed to help address the state's \$3.6 billion budget shortfall and give local governments enough flexibility on labor costs to deal with deep cuts to state aid. Democrats saw it as an attack on public employee unions, which usually back their party's candidates.

Walker, in a one-sentence statement Tuesday, said "the Supreme Court's ruling provides our state the opportunity to move forward together and focus on getting Wisconsin working again."

Union leaders blasted the court's decision. Phil Neuenfeldt, president of the Wisconsin State AFL-CIO, called it "an affront to our democracy."

Communications Workers of America Local 4250
3055 Glenwood-Dyer Road, Lynwood, Illinois 60411
Elizabeth R. VanDerWoude, President (708) 757-4065 (Office)
evp4250@sbcglobal.net (E-Mail)
<http://www.cwalocal4250.org> (Website)

An avalanche of lawsuits is expected, since legal challenges couldn't be brought until the law took effect.

In vacating Sumi's ruling, the Supreme Court ruled that the judge had "usurped the legislative power which the Wisconsin Constitution grants exclusively to the legislature." The court also rejected arguments that Republicans violated Wisconsin's open meetings law.

"The doors of the Senate and Assembly were kept open to the press and members of the public ... access was not denied," according to the majority opinion.

In a fiery dissent, Supreme Court Chief Justice Shirley Abrahamson wrote that justices hastily reached the decision and the majority "set forth their own version of facts without evidence. They should not engage in this disinformation."

Abrahamson also said a concurring opinion written by Justice David Prosser, a former Republican speaker of the Assembly, was "long on rhetoric and long on story-telling that appears to have a partisan slant."

Tuesday's ruling means the law is in effect but it wasn't immediately clear when public employees would be affected. There are no plans to apply paycheck deductions retroactively, said Rep. Robin Vos, co-chairman of the Legislature's budget committee. Walker's top aide, Department of Administration Secretary Mike Huebsch, said the ruling was being reviewed.

Many school districts and other public entities reached new union contracts before the ruling, and collective bargaining rights were curtailed. Had the court decision not come down Tuesday, Republicans planned to put the collective bargaining provisions into a budget bill slated for debate that night so the changes could take effect during the court fight.

The fight stemmed from a lawsuit that claimed Republicans violated state law by not providing the proper public notice of a meeting in March.

All 14 of the state's Democratic senators had fled to Illinois in February to try to prevent a vote, but Republicans got around the maneuver by convening a special committee to remove fiscal elements from the bill and allow a vote with fewer members present. Walker signed the plan into law two days later, on March 11.

Democratic Dane County District Attorney Ismael Ozanne filed the lawsuit the next week. Sumi, who initially heard Ozanne's lawsuit, issued a temporary order blocking publication of the law while she weighed the arguments and declared the law void last month.

Senate Majority Leader Scott Fitzgerald and Assembly Speaker Jeff Fitzgerald, both Republicans, said Tuesday that they always believed the bill was legally approved.

"We followed the law when the bill was passed, simple as that," the brothers said in a joint statement. "We're finally headed in the right direction by balancing the budget and focusing on jobs, just like Republicans promised we would do."

Ozanne was disappointed, saying "we've done the best we can ... It looks like we've lost."

Attorneys for the Wisconsin Department of Justice, representing the Republicans who control the Legislature, had asked the Supreme Court to take the case directly, in part to speed the process.

Walker counted on the law being in effect in the budget he put forward for the fiscal year that starts July 1. Walker has said the public worker concessions would generate about \$300 million in savings to the state over the next two years.

Democratic Senate Minority Leader Mark Miller said Walker and Republicans' push to enact the law "resulted in months of legal wrangling, unprecedented political divisiveness and millions of dollars of lost budget savings."