



Written by [Alex Newman](#) on March 20, 2011

Outrage as Judge Blocks Wisconsin Union Law

Claiming the legislature may have violated open-meeting laws which require at least a 24-hour notice before public meetings, Dane County District Attorney Ismael Ozanne, a Democrat, filed [the suit](#) on March 16. District Judge Maryann Sumi agreed with the allegations. So, she issued a ruling purporting to temporarily block publication of the law by the secretary of state — a requirement for it to take effect — until the issue could be resolved in court.



"Some may wonder how something as minor as failure to notify the public really stops this bill in its tracks," Judge Sumi [said](#). "My answer is, it's not minor." She did note, however, that Republican lawmakers were free to pass the bill again, provided they notified the public in advance.

Of course, [exceptions](#) to the open-meetings rule can be made in the event that providing 24-hour notice is impractical or impossible. And such a determination was made by the joint legislative committee being accused of the violation, a move that had previously been held as valid by non-partisan government bodies.

The Assistant Attorney General defending the procedure in county court also [pointed out](#) that the judicial branch had no authority to interject itself into the legislative process. But apparently the judge did not concur, calling case law on the matter "rock solid."

Despite the adverse decision, however, legislators and Gov. Scott Walker did not seem particularly concerned about the ruling. They said it was just a matter of time before the law would be implemented.

"This legislation is still working through the legal process," [explained](#) a spokesman for the Governor in a statement after the decision. "We are confident the provisions of the budget repair bill will become law in the near future."

Legislative leaders echoed the sentiment and wondered whether a county judge even had the authority to override the legislature. "Dane County always seems to play by its own rules, but this morning we saw a Dane County judge try to re-write the constitutional separation of powers," Senate Majority Leader Scott Fitzgerald and Assembly Speaker Jeff Fitzgerald said in a [joint statement](#) released following the ruling.

"We fully expect an appeals court will find that the Legislature followed the law perfectly and likely find that today's ruling was a significant overreach. We highly doubt a Dane County judge has the authority to tell the Legislature how to carry out its constitutional duty," the statement read. "In the meantime, both houses of the Legislature will continue working to create jobs, improve the economy, and balance the state budget."



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Wisconsin Attorney General J.B. Van Hollen has already [announced](#) that he will appeal the decision. "The legislature and the governor, not a single Dane County Circuit Court judge, are responsible for the enactment of laws," he explained in an e-mailed statement quoted in news reports. Van Hollen also said the court did not even have the power to issue such an order because of "perceived procedural irregularities or constitutional concerns," noting that the Secretary of State had no discretion to not publish the law.

The law in question, known as the [budget-repair bill](#) because it is aimed at closing a \$3.6 billion deficit, curtails the sweeping privileges currently enjoyed by government-sector unions. Among other changes, the legislation makes paying union dues optional for government employees while requiring a yearly vote by members on whether or not to continue allowing the organizations to represent them. Most government employees will also be required to contribute slightly more to their generous health and pension benefits.

Predictably, union bosses applauded the court ruling. "In Wisconsin, we have a democracy, and rules need to be followed. No one is above the law, including Scott Walker," [said](#) Stephanie Bloomingdale of the Wisconsin AFL-CIO. "This is definitely a move in the right direction for working people in Wisconsin to uphold worker rights and also to uphold democracy in Wisconsin and America."

Another union boss, executive director Martin Biel of Wisconsin's biggest government-employee union, cheered the decision as well. "State employees believe that nobody is above the law," he [said](#) in an e-mailed statement cited in media reports. "We are gratified to see some of our so-called 'leaders' finally held accountable for their illegal actions." The government-teachers' union also [celebrated](#) the ruling.

And Democrat politicians, whose campaigns are heavily financed by the forced union dues of government employees, praised the ruling, too. "In FitzWalkerstan, Republicans don't follow the rule of law in their haste to bust unions and balance the Wisconsin budget on the backs of the middleclass," Democrat state Rep. Mark Pocan [told](#) the Bloomberg news service in an e-mail, presumably referring to "middleclass" government employees. Democratic state Senators offered similar remarks.

Where the legislation goes from here is still unclear. Some analysts have suggested the legislature may simply pass the bill again. This time, at least one Democrat state Senator has said he would not flee the state again. But the option to pass the bill again is seen as less desirable, especially after [weeks of protests](#) and negotiations resulted in [chaos and security concerns](#) at the Capitol as Democratic state Senators [fled to Illinois](#) to block a vote.

Appealing the temporary restraining order is another possibility. That process is already underway. And of course, ignoring the court ruling has been discussed as well, particularly if it is determined that a county court does not have the legitimate authority to meddle in legislative affairs.

Regardless of what happens next, however, the legislation is expected to take effect in the not-too-distant future. But union bosses, socialists, and Democrats have [vowed](#) to keep up the fight. They are pursuing various strategies including an effort to [recall](#) some Republican lawmakers, more planned demonstrations, a possible [general strike](#) and further litigation.

Photo of Judge Maryann Sumi: AP Images

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