



Written by [Alex Newman](#) on September 12, 2013

Wisconsin Law Reining in Government Unions Upheld Again

A popular Wisconsin law aimed at [reining in the stranglehold of government-employee unions](#) over taxpayers and workers was upheld Wednesday by a federal judge, who ruled that the 2011 “Act 10” reform measures championed by Republican Gov. Scott Walker did not violate the First Amendment or equal-protection rights of Big Labor. It was the second major victory for the law in federal courts so far. However, with union bosses terrified of losing the battle thanks in large part to the national repercussions it could have, efforts to kill the measure are far from over.



In his September 11 ruling, U.S. District Judge William Conley explained that the First Amendment does indeed protect the right to free speech and association of government workers. Those rights, however, were not violated by the law, and the Constitution does not purport to grant any so-called collective bargaining privileges. “Whatever rights public employees have to associate and petition their public employers on wages and conditions of employment, this right certainly does not compel the employer to listen,” he wrote in his decision to reject the lawsuit filed by two public-sector unions.

Furthermore, the law does not violate the rights of government employees or Big Labor, Judge Conley pointed out. “This difference is likely of no comfort to plaintiffs, but the First Amendment does not require an affirmative response from governmental entities; it simply requires the absence of a negative restriction,” he said in the ruling. “Under Act 10, general employees remain free to associate and represent employees and their unions remain free to speak; municipal employers are simply not allowed to listen.” Fourteenth Amendment arguments were also dismissed.

The law in question, passed in early 2011 shortly after Governor Walker took office, sparked [a wave of outrage](#) among Big Labor bosses and advocates of Big Government worldwide. Unions across America joined Big Labor-funded Democrats in the effort to stop the legislation, eventually culminating in large, unruly protests in the capital city of Madison. Democrat state Senators even fled Wisconsin to prevent a vote, but ultimately the bill became law over their vehement objections, saving taxpayers huge sums.

Dubbed the “[budget repair bill](#)” by Governor Walker and his supporters, the “Act 10” reforms were aimed primarily at closing a multi-billion-dollar budget deficit facing the state following years of Democrat rule and big spending. The primary tools to fix the gaping hole in state finances involved restricting the awesome powers of government-employee unions to extract wealth from both taxpayers and workers.

Among other changes, the law requires that government employees pay more toward their generous health and pension benefits. It also limits the ability of most state-worker unions to collectively bargain on matters ranging from working conditions to benefit packages. Most government unions, meanwhile,



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are no longer able to force workers to pay mandatory dues via automatic deductions — much of which went to fund Democrat politicians, who returned the favors with taxpayer funds. Workers also get to vote annually on whether or not they even want the union to exist.

Unsurprisingly, state officials celebrated the decision, with Governor Walker calling it “another win for the hard working taxpayers of Wisconsin” in a message posted on Twitter. State Attorney General J.B. Van Hollen, meanwhile, said the ruling proved once again that the reforms are “constitutional in all respects and that the challenges to the law are baseless.” Van Hollen also said he appreciated decisions that follow the law and that he looked forward to bringing remaining state-level court challenges to the Wisconsin Supreme Court, “where we expect Act 10 to be upheld once again.”

Advocates for workers’ rights across America also applauded the federal court ruling. “The court’s decision is a powerful victory for individual workers who do not want anything to do with an unwanted union in their workplace,” [said](#) Mark Mix, president of the National Right to Work Foundation. “We’re happy that the court rejected the empty arguments of union officials who have had a free ride on the backs of taxpayers and government workers for too long.”

Mix also noted that the latest decision upholding the constitutionality of Act 10 ensures that thousands of public servants in Wisconsin will continue to have the freedom to make their own decision about whether or not to join or financially support a union. “No worker should ever be forced to pay union dues or fees as a condition of employment, which is why Wisconsin should guarantee that right for all Wisconsin workers, including private-sector employees and public safety workers, through a Right to Work law,” he added, referring to increasingly popular state laws abolishing forced unionism imposed by the federal government.

Big Labor and its attorneys, however, were outraged by the latest court decision. Katy Lounsbury, one of the lawyers representing government-employee unions in the case, slammed the ruling as “just wrong.” According to media reports, the attorneys will be consulting with union bosses before deciding whether or not to appeal the court’s finding that the law is constitutional. However, even if an appeal were to come, the prospects of success are probably not good.

Last year, the federal judge who just acknowledged that the law was constitutional tried to strike down certain provisions of the same law, including the ban on forcibly extracting union dues from government employees. The state of Wisconsin and the unions appealed the ruling to the 7th U.S. Circuit Court of Appeals, which reversed Conley’s decision early this year and upheld the entire law.

Several state-level challenges to the reforms remain in the pipeline. Among them is a dubious ruling handed down almost exactly one year ago by activist Dane County Judge Juan Colas, [described](#) by political insiders as “the left’s lefty” for, among other reasons, his zealous support of Big Labor. The judge claimed Act 10 was “unconstitutional” for supposedly violating the unions’ right to free speech and free association.

The reportedly more balanced state Supreme Court has already agreed to hear an appeal in the case, which was brought by unions representing government employees from Madison and Milwaukee. The original ruling did not make clear whether it applied only to the plaintiffs or all government employees in Wisconsin, but state officials expect it to be a moot point once the appeal is heard — mostly because the Walker administration expects to win the case.

While the law only directly impacts the state of Wisconsin, where it has already significantly diminished public-sector union membership as workers were given the option not to join, the entire saga has drawn



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[national and even international attention](#). If it stands, other states are expected to pursue similar reforms — especially as wild pension obligations run up by union-funded politicians continue to wreak havoc on public budgets. For taxpayers, that would be a positive development, but for union bosses and the politicians they fund with member dues, such reforms could prove devastating.

The national implications of the ongoing battle are one of the key reasons that analysts say unions across America have been frantically fighting the Wisconsin law. After it was approved, for example, Big Labor and its allies sought to recall Governor Walker and some fellow Republicans in the legislature, prompting huge spending sprees by organizations and unions nationwide. In the end, the GOP governor [survived](#) the well-funded challenge, setting the stage for other leaders to pursue desperately needed reforms as well. However, as the lawsuits continue, the battle is still far from finished.

Photo of 2011 union protest in Wisconsin

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