

Judge temporarily blocks Wisconsin anti-worker law

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A local judge in Wisconsin issued a temporary restraining order Friday that blocks immediate implementation of the anti-worker law passed by the state legislature and signed by Republican Governor Scott Walker March 11. The law imposes drastic cuts on state workers, increasing pension and health care payments and stripping them of most collective bargaining rights, as well as outlawing strikes and other job actions.

Dane County Circuit Judge Maryann Sumi granted the temporary restraining order in response to a suit filed by the district attorney of Dane County, Ismael Ozanne, a Democrat. Sumi herself was appointed to the bench by a previous Republican governor, Tommy Thompson.

She set a further hearing March 29 to consider Ozanne's request for a permanent injunction striking down the law. This prevents the Wisconsin secretary of state from publishing the bill March 25, the last step to putting it into legal effect.

Sumi found probable cause that Ozanne would prevail in his challenge to the procedure used to pass the bill, which he claimed was in violation of the state's open-meeting law, which requires 24 hours notice for any legislative hearing, and two hours notice even for an emergency hearing.

The Republican leadership of the state legislature violated these provisions in the course of maneuvers to bypass a boycott of the state senate by 14 Democrats, which blocked passage of the anti-worker provisions as part of Governor Walker's "budget repair" bill. The passage of any legislation with fiscal implications, such as a budget, requires a 20-vote quorum in the state senate, which has 19 Republicans.

On Wednesday, March 9, the state senate Republicans removed the anti-worker provisions from the budget repair bill and passed them as a separate piece of legislation, claiming this had no fiscal implications and therefore did not require the 20-vote quorum.

A conference committee was then hastily called, with the senate Republicans and Republicans and Democrats from the state assembly, which accepted the revised legislation and sent it on to the lower house. It was the conference committee that met with no advance notice, in violation of the open-meeting rules.

At the brief hearing before Judge Sumi, Assistant Attorney General Maria Lazar, representing the governor's office, did not dispute the failure to give 24-hour or even two-hour notice of the hearing, and called no witnesses. Instead, she argued for a lesser penalty, the imposition of a fine rather than striking down the law.

"I think the question might be asked, how can something so apparently minor, the failure to provide timely notice prior to a meeting ... stop a bill in its tracks," Sumi responded, according to press accounts. "My answer to that is: It's not minor. It's not a minor detail."

"This was something that would and did catch the public unaware," she continued, "what ended up being a closed session of a body in propelling legislation forward."

The judge summed up her ruling, which did not touch on the substance of the law, as follows: "It seems to me the public policy behind effective enforcement of the open meeting law is so strong that it does outweigh the interest, at least at this time, which may exist in favor of sustaining the validity of the" legislation.

When Lazar asked whether the legislature couldn't simply reconvene, give notice of the hearings and pass the bill a second time, Sumi said there was no legal barrier to doing so. The legislature is in recess until April 5, however, and the governor's office announced it would take the case to the appeals court immediately, and ultimately to the Wisconsin Supreme Court.

Democratic politicians and union officials immediately hailed the judicial ruling, although it constitutes only a

minor procedural obstacle to the implementation of the law.

Phil Neuenfeldt, president of the Wisconsin AFL-CIO, issued a statement declaring, “Judge Sumi confirmed today what we knew all along—that the bill stripping hundreds of thousands of hardworking Wisconsinites of their voice on the job was rammed through illegally in the dark of the night.”

The political communications director of the national AFL-CIO, Eddie Vale, admitted in an email response to media inquiries, “the big caveat, of course, is that this is temporary. They can appeal the case. And they can also re-notice the meeting and hold another vote.”

He suggested that the decision might aid the union campaign to recall several Republican state senators, claiming there was “more and more energy against the Republicans. They thought at least they had the vote behind them, but now have to do it all over again and get another whole round of bad coverage.”

The unions are promoting the recall campaigns in a deliberate effort to divert the mass movement that erupted against Walker’s bill into support for Democratic politicians who support the same slashes in wages and benefits, but prefer to work through the unions to obtain the cuts. Throughout the month-long struggle, the state and national AFL-CIO and the teachers’ union WEAC have declared their willingness to wipe out their own members’ living standards, providing the unions continued to enjoy dues income and recognition as bargaining agents.

The response by one leading Democrat in the state senate, Jon Erpenbach, was to reiterate his support for such an agreement—cutting wages and benefits by the exact amount demanded by Walker, but keeping the unions in place to help enforce the regime of sacrifice. “I would hope the Republicans would take this as an opportunity to sit down with Democrats and negotiate a proposal we could all get behind,” Erpenbach said.



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