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May 26, 2011

Judge Strikes Down Wisconsin Law Curbing Unions

By STEVEN GREENHOUSE

Ruling that Republicans in the State Senate had violated the state's open meetings law, a judge in Wisconsin dealt a blow to them and to Gov. [Scott Walker](#) on Thursday by granting a [permanent injunction](#) striking down a new law curbing collective bargaining rights for many state and local employees.

Judge Maryann Sumi of Dane County Circuit Court said the Senate vote on March 9, coming after 13 Democratic state senators had fled the state, failed to comply with an open meetings law requiring at least two hours notice to the public.

The Wisconsin Supreme Court is scheduled to hear arguments in the case on June 6, and Republican lawmakers are hoping that the court overturns Judge Sumi's ruling and reinstates the law.

The State Senate could choose simply to pass the bill again while assuring proper notice. But some political experts say there might be some obstacles to re-enacting the vote because some Democrats could conceivably flee the state again, and some Republican Senators are frightened about pending recall elections.

The law, which generated huge protests in Madison, the state capital, bars public-sector unions, except

for police officers and firefighters, from bargaining over health benefits and pensions. The law allows bargaining over wages alone, but does not allow raises higher than the inflation rate unless they are approved in a public referendum.

The Senate's 19 Republicans approved the measure, 18 to 1, in less than half an hour, without any debate on the floor or a single Democrat in the room.

Scott Fitzgerald, a Republican who is the Senate majority leader, attacked Judge Sumi's decision.

"There's still a much larger separation-of-powers issue: whether one Madison judge can stand in the way of the other two democratically elected branches of government," he said in a statement. "The Supreme Court is going to have the ultimate ruling."

Mary Bell, president of the Wisconsin Education Association Council, the state's largest teachers union, applauded the judge's decision, saying the law was always intended to "bust unions."

"In the wake of this ruling, state lawmakers should back down and not take another run at this divisive legislation," she said in a statement. "It is not in the best interest of students, schools or Wisconsin's future to take the voices of educators out of our classrooms."

Republican senators asserted that they had enacted the collective bargaining law under emergency conditions, obviating the need to comply with the open meetings law. But Judge Sumi said she found no official evidence of emergency conditions or notice.

"This case is the example of values protected by the open meetings law: transparency in government, the right of citizens to participate in their government and respect for the rule of law," Judge Sumi wrote in her conclusion.

She said the evidence demonstrated a failure to obey even the two-hour notice allowed for good cause if a 24-hour notice was impossible or impractical.

A Republican spokesman said party leaders were studying Judge Sumi's ruling and were not yet ready

to issue a statement. Cullen Werwie, a spokesman for Mr. Walker, declined comment, saying the Senate vote did not directly involve the governor.

Judge Sumi rejected the Republicans' claims that the open meetings law did not allow bills passed by the State Legislature to be struck down, asserting that only laws by lesser bodies can be overturned under that law. She also rejected the idea that the law was so important that it should stand despite the open meetings violation.

Quoting a Wisconsin Supreme Court decision from last year, Judge Sumi wrote, "The right of the people to monitor the people's business is one of the core principles of democracy."



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