

## Scott Walker vs. the Unions

*Part 1: Wisconsin reforms lead to protests, recalls, and battering rams in the night*

By Steven J. Allen

**Summary:** *In politics, it's said, you're known by the enemies you make. Gov. Scott Walker (R-Wisconsin) is best known nationally for his battles with unions—from his reforms that brought 100,000 protesters to the state capitol, to the efforts by the unions to throw him out of office, to the passage of a Right to Work law. Now Walker is expected to run for president. This is part 1 of his story.*



**When Scott Walker sought reforms in Wisconsin, union protesters likened him to Hitler.**

The invitation-only ceremony was held March 9 at Badger Meter, a manufacturing company near Milwaukee, Wisconsin. As he prepared to sign landmark Right to Work legislation, Governor Scott Walker (R) sat with rolled-up sleeves at a table with a “Freedom to Work” sign emblazoned across the front. In front of a group that included Wisconsin Senate Majority Leader Scott Fitzgerald and Assembly Speaker Robin Vos, Walker said the legislation he was about to sign would send “a powerful message across the country and around the world.”

Only months earlier, Walker had seemed cool on Right to Work, calling it a “distraction.” Now, with the stroke of Walker’s pen, Wisconsin became the nation’s 25th Right to Work state—the 25th state to give workers the freedom not to join a union or pay union dues.

During the event, Rich Meeusen, chief executive and chairman of Badger Meter, said that even before this legislation was signed into law, it had had an effect: It had swayed Badger Meter management to expand in Wisconsin instead of Mexico, immediately creating 12 jobs, leading to 30 to 50 new jobs later on. (Mike Brown of the left-wing group One Wisconsin Now described Meeusen’s remarks as those of “a millionaire campaign contributor who threatened to send the jobs of hardworking skilled Wisconsin workers to another country unless the system was tilted further in his favor.”)

The signing of Right to Work was the latest blow delivered by Walker to labor unions in his state. It was Walker’s latest victory in a

battle with unions that has run throughout his governorship, that made him, in the words of the publication *Politico*, “Public Enemy No. 1 for organized labor nationwide.” In this protracted struggle, unions have attempted to paint the governor as a rabid union-hating right-winger, and in the process they have helped catapult Walker to the top tier of candidates, declared and undeclared, for the GOP presidential nomination in 2016.

### The road to the governorship

Scott Kevin Walker was born in Colorado Springs, Colorado, on November 2, 1967. He spent his early childhood in Plainfield, Iowa, where his father, Llewellyn Scott Walker, was pastor of a local Baptist church. In 1977, Llew Walker’s ministry moved the family to Delavan, Wisconsin, where Scott became active in sports, band, and the Boy Scouts. (He became an Eagle Scout.)

Walker says his interest in government began when he was in high school, where he attended the American Legion’s Badger Boys State Program. He was chosen to serve as a representative to Boys Nation in Washington, D.C., in which, according to the American Legion, “the young leaders receive an education on the structure and function of federal government.”

Walker started college at Marquette University in Milwaukee in 1986, leaving during his fourth year. (For years, Democrats claimed falsely that, as the Wisconsin Democratic

Party’s website put it as late as 2013, he was kicked out “after masterminding a scheme that destroyed newspapers critical of him.” After the *Milwaukee Journal-Sentinel’s* PolitiFact debunked the Democrats’ accusation, they removed it from the website.)

He worked as a financial developer for the American Red Cross and won his first political office in 1993, when he was elected to Wisconsin’s State Assembly. After four terms in the Assembly, Walker was elected in 2002 to serve as County Executive of Milwaukee. In that job, Walker says, he cut the county’s workforce by upwards of 25 percent, reduced debt by 30 percent, and authored nine consecutive budgets that did not increase property tax levies.

In 2006, he ran for the Republican nomination for governor, but dropped out before the primary. The nominee, U.S. Rep. Mark Green, lost to incumbent Democrat Jim Doyle by 45 percent to 53 percent.

**June 2015**

Scott Walker vs. the Unions  
Page 1

Labor Notes  
Page 8

When Walker ran again in 2010, he defeated former U.S. Rep. Mark Neumann 59 to 39 percent for the GOP nomination. In the general election, he was up against Milwaukee Mayor Tom Barrett, who was considered a favorite of President Obama. Walker won by 52 percent to Barrett's 46.5.

When Walker was inaugurated as Governor on January 3, 2011, the state faced an immediate deficit of \$136 million and a projected two-year shortfall of \$3.6 billion. Wisconsin had upwards of \$800 million in unpaid bills. The state's economy was weak, losing almost 134,000 jobs in the previous four years.

Walker looked at the books and saw immediately the main culprit behind Wisconsin's flood of red ink: the unions.

### **Founded in Wisconsin**

In the early days of the political party system in the U.S., most government employment was based on the principle, "To the victors go the spoils"—hence, the "spoils system." Jobs went to supporters of the winners.

In 1881, President James A. Garfield was killed by a mentally disturbed man who believed he had been unfairly denied a government job. That led to reforms such as 1883's Pendleton Act, which set up a civil service system in which government employees were selected in competitive examinations. New York became the first state to enact such a system at the state level in 1884, followed by Massachusetts in 1885. The idea soon spread across the country.

The advantage of the spoils system was that government could be held accountable. A state's governor or a city's mayor could be held responsible for the successful operation of the government, with no excuse that the bu-

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reaucracy was working against him. But under that system, jobs didn't always attract the best people, in part because government workers could be fired for partisan political reasons. The civil service system was intended to put the best-qualified people in government jobs and protect them from unfair labor practices. Over time, though, government employees came to see the advantage of combining civil service protections with unionization: Then they couldn't be fired except under extreme circumstances, and their political clout (including money from forced union dues) made it possible for them to, in effect, hire their own bosses.

In 1932, a small group of Wisconsin state workers organized in depression-stricken Madison to "promote, defend and enhance the civil service system," and to spread the gospel of civil service throughout the country. Their creation, the Wisconsin State Employees Union/Council 24, was soon rechristened the American Federation of State County and Municipal Employees (AFSCME), and in 1936 it received a charter from the American Federation of Labor (AFL). Public-sector unionism was born.

Not only was AFSCME born there in the 1930s, but in 1959 Wisconsin became the first state to grant all its public-sector unions full collective bargaining powers. This was one of the seminal accomplishments in the history of the labor union movement. After 1959, the door opened for other state-employee unions across the nation to bargain with the very officials they helped elect, officials who were all too happy to reward union supporters with fat pensions and health plans. Unfunded and underfunded obligations piled up as pliant politicians paid off union officials with generous benefits and even more generous promises of future benefits, some of them in the far future. The political expression for what they did is "kicking the can down the road," leaving a mess for future taxpayers and future governors to clean up. Five decades later—after the politicians and union bosses who negotiated the sweetheart deals were dead or long-retired—states and municipalities across the country faced financial ruin.

### **Acting against unions**

Taking office as governor in 2011, Walker faced a big challenge: that \$3.6 billion shortfall projected for the next two years, and the long-term unsustainability of state government. For example, the cost of public-employee healthcare plans had gone up 90 percent in the previous nine years, according

to Lt. Gov. Rebecca Kleefisch.

Walker moved quickly. On February 11, less than six weeks after he took office, he put forth a reform plan, Act 10, that would make dramatic changes involving state employees. Act 10 required public sector union members to increase their health plan contributions to 12.6 percent, almost doubling their share but still below the national average. That reform alone was projected to save Wisconsin local governments about \$724 million per year. The measure also called for public employees to contribute 5.8 percent toward their pension plans, roughly the national average.

But the biggest reforms involved the collective bargaining system. A press release from the Governor's office explained that "the budget repair bill gives state and local governments the tools to manage spending reductions through changing some provisions of the state's collective bargaining laws." The state's civil service system, among the strongest in the country, would not be changed, and state and local employees could continue to bargain for base pay. But they would not be able to bargain over other compensation measures.

Other reforms included an end to the collection of union dues by state and local governments; the option for each employee to opt out of paying union dues; a one-year limit on contracts; and a requirement for annual certification of union representation by secret ballot. Under the Walker plan, wage increases would not exceed a cap based on the Consumer Price Index (CPI) unless the voters agreed through a referendum. In exchange for these reforms, Walker promised not to lay off any state employees.

Act 10 exempted local police, firefighters, and the state patrol from the changes. That proved to be a smart move politically. First Responders—those who risk their lives to keep the rest of us safe—have strong political support, especially among Republicans, who otherwise are prone to resisting the demands of unionized public employees. In other states, reform measures have sometimes failed due to opposition from police and firefighters. Their exclusion from the Walker plan ultimately helped it succeed.

Over the next two years, it was projected, Act 10 would save the state \$330 million.

### **The fight begins**

Reaction was swift and furious. Public employee unions saw the Walker plan as a threat to their existence. On February 17, 2011, more

than 20,000 pro-union protesters descended on the state Capitol to voice their opposition to Walker and his plans. “This is disgusting,” said union ironworker Sean Collins of Waukegan, as quoted in the *Los Angeles Times*. “Everybody in Wisconsin should be scared, because if the unions go down, everybody else’s standards will go down.”

Protesters’ signs compared Walker to Hitler, and the occupiers chanted, “This is what democracy looks like.” Some protesters carried Egyptian flags, likening themselves to protesters who had overthrown the Egyptian government earlier that month. (That revolution would lead to the takeover of Egypt by the Islamofascist-backed Muslim Brotherhood in June 2012; the Muslim Brotherhood would be overthrown in turn in July 2013.)

On February 18, AFL-CIO president Richard Trumka addressed the protesters, describing Act 10 as part of a grand scheme by Republicans to bring down the unions. By February 19, the crowd had grown to some 90,000, although that figure apparently included Tea Party counter-protesters. The siege, sometimes featuring thousands of angry protesters occupying the Capitol and the surrounding area, continued for three weeks.

The national labor union apparatus moved quickly to provide logistical and public relations support for the protesters. Eddie Vale, a spokesman for the AFL-CIO, proclaimed: “All across the country, Republican governors and legislators have almost immediately [following their election victory in 2010] moved to strip working families of their rights and eliminate their unions as political payback to their Wall Street and corporate CEO donors.” Vale was referring to governors like Walker, Chris Christie (R-N.J.), and John Kasich (R-Ohio), all of whom proposed reforms related to public-sector employees.

President Barack Obama came to the defense of Wisconsin’s beleaguered unions—no wonder, since Big Labor spent a combined \$400 million to help elect him in 2008, according to the *Wall Street Journal*. “Some of what I’ve heard coming out of Wisconsin, where you’re just making it harder for public employees to collectively bargain, generally seems like more of an assault on unions,” Obama said in an interview with a Wisconsin TV station. “And I think it’s very important for us to understand that public employees, they’re our neighbors, they’re our friends.” (In response, Walker said, “We are focused on balancing our budget. It would be wise for the government and others in Washington to focus on balanc-

ing their budgets, which they are a long way off from doing.”)

### Teachers walk off, legislators vanish

At the time, the average salary of a Milwaukee public school teacher was \$56,500, on paper. But factoring in teachers’ huge benefits packages, including health care and pensions, the annual average compensation was actually more than \$100,000. With per-pupil spending higher than in any other Midwestern state, 63 percent of Wisconsin 8th graders in 2013-14 could not read at a “proficient” level and almost 26 percent could not read at a “basic” level.

Wisconsin teachers walked off their jobs en masse in protest of Walker’s proposals, and flocked by the thousands to the capitol in Madison. Their actions forced schools across the state to close, although they still collected their salaries.

The MacIver Institute reported: “In Madison, the school district was closed for three days after hundreds of teachers engaged in a mass sick-out so they could attend protest rallies at the State Capitol. That could cost the district \$2.7 million . . . . If all the teachers in Milwaukee and Madison are paid for the days missed, the protest related salaries for just the state’s two largest districts would exceed \$6.6 million dollars.”

During the protests, doctors wrote fake sick notes to enable teachers to attend the protest without having their pay docked. At least 84 teachers were caught using the fake sick notes. Conservative activists caught on tape some of the activity, including the handing out of fake notes to teachers, and the video was posted online.

The state Medical Examining Board disciplined some of the doctors, handing out reprimands, fines, and compulsory re-training. Marie Stanton, who represented at least seven of the doctors, said, “We’re disappointed that the board chose to impose that level of discipline, a reprimand, for a very technical violation.” Patricia Epstein, attorney for two other doctors, said her clients saw their visits as “community health outreach” and did not anticipate a rash of negative publicity over the matter.

The Milwaukee *Journal-Sentinel* reported:

The state medical school disciplined 20 doctors, including fining 11 faculty members up to \$4,000, for handing out sick notes to demonstrators at last year’s labor protests . . .

In several cases, doctors in more senior positions within the school also had to step away from those roles for a period of four months over one year. All the doctors were warned that further actions could result in them being fired.

Singled out for the largest fine was Louis Sanner, a physician who headed the Badger Doctors that set up a medical station to assist protesters. . . . “Sanner’s decision to openly practice medicine at the State Capitol, while intentionally avoiding the creation of a medical record, shows that his understanding and judgment are lacking,” Provost Paul DeLuca wrote . . .

The discipline records also show that Sanner and the other physicians disciplined insisted they had acted correctly even when accepting the discipline, saying they believed they were helping public employees under stress rather than writing fake sick notes to allow demonstrators to skip work and keep protesting.

### Fleeing to Illinois

Teachers weren’t the only ones to walk off the job. Not one of the state Senate’s 14 Democrats was present February 17, as the body prepared to vote on Walker’s measure. The Senate lacked a quorum of 20 members, which delayed the vote. The Governor’s Office was prepared to send out state troopers to round up the Democrats, but many legislators anticipated that move and crossed the border into neighboring Illinois.

At first, before they were tracked down by conservative activists, the Senators holed up at the Clock Tower Resort in Rockford, described by Eric Owen of the *Daily Caller* as featuring 245 rooms “including three exciting whirlpool suites, nine tennis courts, two basketball courts and Totally You Hair Salon. When hunger strikes, Clock Tower Resort guests can visit the Tilted Kilt Pub and Eatery,” where waitresses “flaunt their cleavage and traipse around in short, plaid, Scottish-looking skirts.”

Walker and his allies had a trick up their sleeves, though. They stripped the bill of its fiscal measures—which eliminated the need for a quorum. Senate passage was secured, and the legislation was signed by Walker on March 11, a month after he proposed it.

### Hitler!

Throughout the protests, Big Labor and their allies on the Left played rough. On February 27, on NBC’s *Meet the Press*, AFL-CIO Presi-

dent Richard Trumka was asked if placards depicting Walker as Hitler were “inappropriate” or “wrong,” he refused to answer.

On March 3, “police reported finding dozens of rounds of live ammunition outside the Capitol,” according to the Wisconsin State Journal. “Dane County deputies found 11 rounds near the State Street entrance . . . Twenty-nine rounds were found near the King Street entrance, and one round was found near the North Hamilton Street entrance” to the Capitol.

On March 9, Republican Senators received an e-mail that read, “Please put your things in order because you will be killed and your families will also be killed due to your actions in the last 8 weeks. Please explain to them that this is because if we get rid of you and your families then it will save the rights of 300,000 people and also be able to close the deficit that you have created. I hope you have a good time in hell. Read below for more information on possible scenarios in which you will die.”

On March 14, *Investor’s Business Daily* reported: “State Sens. Pam Galloway, Glenn Grothman and Joe Leibham were among more than a dozen Republicans sent e-mails with messages such as ‘Death threat!!!! Bomb!!!!’ A note shoved under Grothman’s door said, ‘The only good Republican is a dead Republican.’ He has stories of getting obscene phone calls in the middle of the night. Two Republicans, state Sen. Randy Hopper and state Rep. Jeremy Thiesfeldt, feel so threatened that they backed out of marching in Saturday’s St. Patrick’s Day Parade in the city of Fond du Lac.”

The *Daily Kos* reported in June 2011 on the anti-Walker efforts that followed the passage of the Walker reforms:

For months, protesters have been dogging Gov. Scott Walker’s every move, protesting his every appearance. For this entire past week, there’s been an encampment set up along two sides of the Capitol Square, an around-the-clock presence with a topically-themed presence for every day of the week around which to organize marches and awareness-raising events.

In May, a blood drive in the Capitol rotunda had to be rescheduled when protesters’ loud singing made it impossible for the Red Cross workers to take people’s confidential health histories without shouting.

A few days later, more than 20 anti-Walker protesters, upset over the Walker budget including the labor reforms, disrupted an event

celebrating Special Olympics athletes. As Walker stepped to the podium, the protesters, dressed as zombies, went to the front of the audience and turned their backs on Walker, blocking cameras and the view of the athletes who had come to meet the Governor and hear him praise their accomplishments. (At this writing, video of the event is on YouTube under the title “Wis. Union Protesters Disrupt Special Olympics Ceremony.”)

The shrillness of the protesters reflected the speed with which the reforms were weakening the public-sector unions, who could no longer force members to pay dues or even to remain on the union rolls. The *Racine Journal-Times* reported on December 10, 2011:

One area teachers union has lost all bargaining power and another has completely disbanded in relation to Gov. Scott Walker’s legislative changes to public union rules.

The North Cape School District teachers union last week did not get a majority of members to vote for recertification, something now required annually because of Walker’s changes, which also limited collective bargaining for teachers unions to minimal wage increases. Without recertification, the union can continue to exist but is no longer able to collectively bargain with the district. Of North Cape’s 18 teachers union members, five voted for recertification Thursday while six voted against it, according to the Wisconsin Employment Relations Commission. North Cape union officials did not return phone calls Friday.

The Yorkville School District teachers union did not hold a recertification vote, instead voting earlier this fall to simply disband.

By October 2014, FoxNews.com reported:

Given no choice but to join and pay dues to the Wisconsin Education Association Council (WEAC) for decades, teachers have for the last three years been able to opt out. And that is what tens of thousands have done as a result of Gov. Scott Walker’s Wisconsin Budget Repair Bill, also known as Act 10. . . . The bill essentially requires the WEAC to mount a recertification drive every year to ensure that a majority wants its representation. The Act also prevents public sector employers from automatically collecting dues and passing them along to unions.

Since June 2011, teacher enrollment in the WEAC has dropped nearly a third

from nearly 100,000 members, and the smaller union AFT-Wisconsin has fallen more than half from its peak membership of 16,000. “As soon as I was given the choice, I left,” Amy Rosno, a teacher with the virtual class program at the Waukesha school system, told FoxNews.com. “I never really understood the union anyway.”

Walker’s reforms are credited with reducing public employee union membership in the state from 187,000 in 2011 to 138,000 in 2013.

Last February, Robert Samuels of the *Washington Post* looked at the effects of the reforms.

At the old union hall here on a recent afternoon, Terry Magnant sat at the head of a table surrounded by 18 empty chairs. A members meeting had been scheduled to start a half-hour earlier, but the small house, with its cracked walls and loose roof shingles, was lonely and desolate. “There used to be a lot more people coming,” said Magnant, a 51-year-old nursing assistant, sighing.

The anti-union law passed here four years ago, which made Gov. Scott Walker a national Republican star and a possible presidential candidate, has turned out to be even more transformative than many had predicted.

Walker had vowed that union power would shrink, workers would be judged on their merits, and local governments would save money. Unions had warned that workers would lose benefits and be forced to take on second jobs or find new careers. Many of those changes came to pass, but the once-thriving public-sector unions were not just shrunken—they were crippled. Unions representing teachers, professors, trash collectors and other government employees are struggling to stem plummeting membership rolls and retain relevance in the state where they got their start.

Here in [the community of] King, Magnant and her fellow AFSCME members, workers at a local veterans home, have been knocking on doors on weekends to persuade former members to rejoin. Community college professors in Moraine Park, home to a technical college, are reducing dues from \$59 to \$36 each month. And those in Milwaukee are planning a campaign using videos and posters to highlight union principles. The theme: “Remember.”

## The recall

It wasn't always clear that Walker's reforms would survive. Indeed, it wasn't clear that Walker's political career would survive.

In 2011, after union organizers failed to stop the reform package, they moved to Plan B: going after the governor and others who supported him.

The preliminary bout involved David Prosser, a former Speaker of the Wisconsin Assembly who had been appointed to the Supreme Court by Gov. Tommy Thompson in 1998 and was elected without opposition to his first full term on the Court in 2001. With his 10-year term expiring, he was up for re-election on April 5, 2011.

The election turned into a referendum on the Walker reforms, which would have to make their way through the state's courts. An estimated \$4.5 million, perhaps a million more, was spent in the race. A "Progressive" 501(c)(4) organization called the Greater Wisconsin Committee ran ads against Prosser that accused him of making "sexist slurs" against the court's left-wing Chief Justice Shirley Abrahamson (who was described as "one of America's most respected judges") and of failing more than 30 years earlier to prosecute a Catholic priest for child sexual abuse. The ads used old video that, as described by a journalist, had him "looking like Al Pacino in *Dog Day Afternoon*."

At the first count of the votes on Election Day, it appeared that Prosser had lost to Assistant Attorney General JoAnne Kloppenburg, but, two days after the election, the Warren County Clerk said that she had erroneously omitted 14,000 votes from her tally. That shift gave Prosser a 7,000-vote victory.

To reverse the Walker reforms, "Unions and their supporters immediately turned to the state Constitution to exact their revenge," wrote Christian Schneider of the Wisconsin Policy Research Institute. "In 1926, voters approved a change to the Wisconsin Constitution that provided for the recall of state officials if a petitioner could gather 25 percent of the signatures cast in the previous gubernatorial election for the relevant district. In Wisconsin's history, only two state elected officials had been successfully recalled," one Senator after he reneged on a promise not to include Racine in the tax jurisdiction for financing a new baseball stadium, and another Senator after he went to prison.

Unions and their allies vowed to take Wisconsin's state Senate in a special election August

10, 2011, by defeating six Republicans who voted for the reform measure. (The other GOP Senators hadn't served long enough to be eligible for recall.) The anti-Walker forces poured a reported \$28 million and countless hours of work into the effort. Schneider wrote:

Little of the pro-recall money was spent trying to convince the public of the righteousness of the unions' collective bargaining position; instead, ads were run accusing the senators of cutting school funding, reducing health services funding, and giving tax breaks to big business. Someone wandering into Wisconsin from another state would have no idea what these senators did that warranted their recall from office

Republicans held four of the six seats and kept their Senate majority. (Of the two Republicans who lost, one was in a heavily Democratic district and the other had been caught in an extramarital affair with a 25-year-old capitol staffer.)

Republicans also attempted to unseat three Democratic Senators in recall elections, but were unsuccessful.

As for Walker, unions promised to gather a million signatures demanding that Walker face Wisconsin voters again.

They didn't reach the one-million goal, but they got enough signatures to force Walker back to the polls less than halfway through his term.

Milwaukee Mayor Tom Barrett, Walker's 2010 opponent, leapt at his second chance against Walker. Former Dane County Executive Kathleen Falk, supported by such unions as AFSCME, SEIU, AFL-CIO, and the Wisconsin Education Association Council, also sought the Democratic nomination. The unions ran a smear campaign against Barrett to help Falk win the primary.

A union-circulated video claimed that Barrett was a supporter of Walker's collective-bargaining reforms; it used out-of-context video of Barrett to back up that false claim. The uproar against the ad forced AFSCME to admit that it was "over the top": "While we used poor judgment in directing our members' attention to an Internet video that went over the top to make its point, we believe it is essential to bring attention to Barrett's record on collective bargaining."

Barrett didn't support Walker's reforms, but he certainly used them against unions in his city, Milwaukee. So, in the May 8, 2012 special primary, when Barrett won the Democratic

nomination overwhelmingly—58 percent to 34 percent for the union candidate, Falk—it was clear that collective bargaining reforms did not much disturb Democratic voters. A spokesman for Wisconsin's Democratic Party, Graeme Zielinski, told *Mother Jones* that "Collective bargaining is not moving people."

The same day, Walker won the Republican primary with 97 percent, leaving Wisconsin voters just under a month to prepare for the same choice they faced in 2011, between Walker and Barrett.

The recall campaign received nationwide attention from the media and from contributors and activists. Mike McCabe from the Wisconsin Democracy Campaign, a watchdog group, said both candidates were swamped with extraordinary levels of money. By late May, the unions had pumped upwards of \$14 million into the campaign to bring down Walker, according to the MacIver Institute, a free-market think tank in Wisconsin.

Leigh Ann Caldwell of CBS News reported on May 30 on the resources being poured into the state:

Walker's policies have motivated Democratic-aligned unions—according to AFL-CIO spokesperson Amaya Tune, union head Richard Trumka likes to say that Walker should receive "the mobilizer of the year award."

Democrats have sought to make the recall election a referendum on conservative economic policy, not just in Wisconsin but nationally. Last week, the DNC sent a fundraising appeal to its supporters, which says: "Of all the elections we are preparing for in 2012, one of the most important ones isn't happening in November."

Local and national teachers unions have joined with the public sector union, the American Federation of State, City and Municipal Employees (AFSCME), and the AFL-CIO to defeat Walker, spending more than \$5 million. National progressive groups are also involved, with the Progressive Change Campaign Committee announcing Tuesday that it has spent another \$100,000 on the recall efforts, bringing their total to more than a quarter million dollars.

"He is still very, very unpopular. He took on and attacked workers," Trumka said during a recent interview on C-SPAN's Newsmakers program.

But Gov. Walker had been notably successful at raising money. The Associated Press re-

ported at the time that, since January 2011 (17 months earlier), Walker had raised over \$31 million. In the last five weeks before the special election, Walker outraised his Democratic Party opponent \$5.9 million to \$3.4 million.

Walker also showed that he knew how to attack effectively. Referring to Mayor Barrett's use of the Walker reforms against unions in his own city, Walker labeled the mayor a hypocrite: "It's not me saying it, it's his own employees . . . over and over again calling him a hypocrite."

Meanwhile, as the election approached and it became apparent that Walker would win, the Obama political machine dialed back from its expected level of involvement, not for lack of ideological commitment, but out of fear that Obama's open involvement would backfire—and perhaps out of fear that a defeat would diminish the President.

Barrett took great pains to emphasize that the recall vote wasn't about national issues: "I want to make sure that everybody understands this is about Wisconsin values. It's not about Washington, D.C. It's about right here, who is going to control the future of this state? Will it be tea party, the national right wing? Or is it going to be the state of Wisconsin, and I'm putting my money on the people of the state of Wisconsin." CNN's Candy Crowley reported:

Fueled by the power of organized labor, the passion of the Tea Party and millions in outside money, it is politics gone wild in Wisconsin.

The recall race to oust Republican Gov. Scott Walker has pretty much seen it all—except for President Barack Obama.

Tom Barrett, the Democratic mayor of Milwaukee who hopes to oust Walker, reads nothing into that: "No, because we understand that he's got a lot going on," [Barrett] told me on CNN's "State of the Union" on Sunday.

There is little else [going on] in the political world right now, and some Republicans suggest the no-show president means the White House believes Barrett will lose. Walker is less direct:

"I don't know what it says, but I think it's interesting," the governor told CNN affiliate WLUK-TV on Sunday. "Two years ago, the president came in for our opponent. He's not here now. On Friday, he made three stops in the Twin Cities, to my understanding, three stops in Chicago so it's kind of hard to argue you weren't nearby."

A top Obama adviser insists the president and company are committed in Wisconsin—after all, what better way to say "we're with you" than a lot of money and dozens of lawyers.

"We poured upwards of a million dollars of resources into that race, our entire field operation is committed to it, we've got hundreds of lawyers up there for voter protection programs, so we're invested in it and we're very much in the corner of Mayor Barrett," campaign strategist David Axelrod said.

Unsurprisingly Election Day, June 5, saw a significant union turnout. A survey published by the *Washington Post* found up to one third of all votes were from union households.

To the union bosses' dismay, however, Walker won, and it wasn't even close. His victory was clear within an hour after the polls closed, and he won by 53 percent to 46 percent, a larger margin than he enjoyed when he first became governor. His running mate, Lt. Gov. Rebecca Kleefisch, also won, just a fraction of a point behind Walker. Scott Walker was the first governor in U.S. history to survive a recall election.

For those who hope to save state and local governments from the unfunded-liability death spiral, the Walker victory was a godsend. Writer and venture capitalist Bill Frezza wrote in *Forbes*:

Public sector unions have reached their high water mark. Let the cleanup begin as the red ink recedes.

Despite a last-minute smear campaign accusing Scott Walker of fathering an illegitimate love child, the governor's recall election victory sends a clear message that should resonate around the nation: The fiscal cancer devouring state budgets has a cure, and he has found it. The costly defeat for the entrenched union interests that tried to oust Walker in retribution for challenging their power was marked by President Obama's refusal to lend his weight to the campaign for fear of being stained by defeat.

#### Meet John Doe

Whenever the Left can't get what it wants through the democratic process, it turns to other means. Note, for example, the Obama administration's Internal Revenue Service scandal, targeting the President's critics.

The IRS scandal has a counterpart in Wisconsin: the so-called "John Doe" raids by

which corrupt officials sought to get revenge on supporters of the Walker reforms and to cripple their ability to exercise their First Amendment rights.

Conservative, libertarians, and free-market groups were hit with subpoenas demanding "all memoranda, email . . . correspondence, and communication," both within each organization and between the various organizations. The 29 targets included Wisconsin Family Action, Wisconsin Manufacturers & Commerce, the Republican Governors Association, the Republican Party of Wisconsin, Friends of Scott Walker, and the Wisconsin branch of Americans for Prosperity. Also demanded were "all records of income received, including fundraising information and the identity of persons contributing" to the organizations.

The raids were conducted under the pretext of an investigation into campaign finance law violations. But the advocacy groups were involved in promoting their views on issues, not expressly promoting any political candidate's election or defeat, so their activities were protected even under narrow interpretations of the First Amendment. The victims of the raids couldn't have committed a crime because no crime was committed.

The raids were what lawyers call "a fishing expedition," aimed at getting information—in this case, spying on the pro-Act 10 groups, obtaining intelligence on their strategies, tactics, and relationships and on the names of donors. In the *American Spectator*, Jon Cassidy compared the case to the scandal that brought down President Nixon and noted:

There never would have been any Cubans breaking into the Watergate to take a look at the files of the Democratic National Committee or plant bugs. [Nixon aides] G. Gordon Liddy and E. Howard Hunt could have just written subpoenas for whatever they wanted without restriction. When there's nobody to stop them, it turns out that what they want to look at is everything.

The prosecutor in the case, Milwaukee District Attorney John Chisholm, is married to a former shop steward for the teachers' union. A former prosecutor in Chisholm's office said that the office was decorated with the Blue Fist symbol of the Wisconsin union movement and said that Chisholm "felt it was his personal duty" to stop the Walker reforms.

The Left in recent years has increasingly made use of donors' list to intimidate people with whom they disagree, getting people fired from their jobs, barring companies from doing busi-

ness on certain college campuses and in entire cities, and turning regulators and prosecutors on businesses in hopes of ruining them.

As the *Wall Street Journal* editorialized, “The disclosure of conservative political donors has become a preoccupation of the political left across the country. In the heat of the fight over Governor Walker’s reforms, unions urged boycotts of Walker contributors and DemocraticUnderground.com published a list of Walker donors for boycotting.”

It’s become more frequent lately, but it’s not a new practice. At the height of the Civil Rights movement, officials sought to obtain donors’ lists in order to conduct intimidation campaigns. As noted in a legal brief by the Cato Institute:

In *NAACP v. Alabama*, the Alabama Attorney General’s office said it needed to gather information about the NAACP’s members in the course of its investigation into whether the nonprofit advocacy group should be registered as a foreign corporation under Alabama law. . . . Although the [Supreme] Court did not come right out and say so, it plainly saw the state’s “investigation” of the NAACP for what it was: a transparent effort at intimidation and retaliation for First Amendment activities. . . . In *Dombrowski v. Pfister*, civil rights activists sought injunctive relief to prevent a group of Louisiana officials from prosecuting or threatening to prosecute them under anti-Communist laws, which were being used as a pretext to retaliate against the activists for advocating for the constitutional rights of black citizens. The activists were arrested, their offices were raided and files seized, and the state authorities repeatedly announced that their organizations were subversive and under investigation. . . . As [in Wisconsin], these events had a substantial chilling effect on the groups’ protected activities: the investigation “frightened off potential members and contributors,” and the seizure of records “paralyzed operations and threatened exposure of the identity of adherents to a locally unpopular cause.”

The term “John Doe” refers to an unusual feature of Wisconsin law that makes the First Amendment violations particularly nasty: the victims aren’t even allowed to tell people what happened to them.

David French wrote in *National Review Online* about the abuses committed against supporters of Walker’s Act 10.

For dozens of conservatives, the years since Scott Walker’s first election as governor of Wisconsin transformed the state—known for pro-football championships, good cheese, and a population with a reputation for being unfailingly polite—into a place where conservatives have faced early-morning raids, multi-year secretive criminal investigations, slanderous and selective leaks to sympathetic media, and intrusive electronic snooping. Yes, Wisconsin, the cradle of the progressive movement and home of the “Wisconsin idea”—the marriage of state governments and state universities to govern through technocratic reform—was giving birth to a new progressive idea, the use of law enforcement as a political instrument, as a weapon to attempt to undo election results, shame opponents, and ruin lives.

In this case, French reported:

Cindy Archer, one of the lead architects of Wisconsin’s Act 10—also called the “Wisconsin Budget Repair Bill,” it limited public-employee benefits and altered collective-bargaining rules for public-employee unions—was jolted awake by yelling, loud pounding at the door, and her dogs’ frantic barking. The entire house—the windows and walls—was shaking. She looked outside to see up to a dozen police officers, yelling to open the door. They were carrying a battering ram. She wasn’t dressed, but she started to run toward the door, her body in full view of the police. Some yelled at her to grab some clothes, others yelled for her to open the door. “I was so afraid,” she says. “I did not know what to do.” She grabbed some clothes, opened the door, and dressed right in front of the police. The dogs were still frantic.

The police barged in on her domestic partner in the shower. When Cindy tried to get some coffee, she was told to sit down or be handcuffed. The officers made a mess of things; her dead mothers’ belongings were strewn across the basement. They left with a cellphone and a laptop.

Another woman told French of heavy pounding at the door, following by armed men pouring into her house, her family cornered, their computers and smartphones seized. A third woman recounted that she answered the door in her pajamas, and the police came in, and “the kids woke to an armed officer standing near their beds. . . . [T]he police carried off their personal possessions, including

items that had nothing to do with the subject of the search warrant—even her daughter’s computer.”

The victims were told not to tell anyone about the raid. Under the “John Doe” rules, they could not defend themselves publicly from the assumption that they must be guilty of something.

Court filings described the effects of the raids—just the sort of thing the Supreme Court feared in cases like *NAACP v. Alabama*—from the perspective of Eric O’Keefe of the Wisconsin Club for Growth:

O’Keefe’s associates began cancelling meetings with him and declining to take his calls, reasonably fearful that merely associating with him could make them targets of the investigation. O’Keefe was forced to abandon fundraising for the Club because he could no longer guarantee to donors that their identities would remain confidential, could not (due to the Secrecy Order) explain to potential donors the nature of the investigation, could not assuage donors’ fears that they might become targets themselves, and could not assure donors that their money would go to fund advocacy rather than legal expenses. The Club was also paralyzed. Its officials could not associate with its key supporters, and its funds were depleted. It could not engage in issue advocacy for fear of criminal sanction.

Regarding the SWAT-style raids, O’Keefe said, “Every family I know of that endured a home raid has been shaken to its core, and the fate of marriages and families still hangs in the balance in some cases.”

In a political prosecution like this, there’s no need for a guilty verdict or even a trial. “The process is the punishment,” said O’Keefe.

Meanwhile, the raids had the effect of making Scott Walker look like he was up to no good. “Indeed,” columnist George Will wrote, “one probable purpose of [District Attorney] Chisholm’s antics was to generate content for anti-Walker ads” in the 2014 gubernatorial election.

*Next month: Unintended consequences: The unions’ attacks on Scott Walker lead to Wisconsin becoming a Right to Work state, and may give Walker the chance to do at the national level what he did in Wisconsin.*

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# LaborNotes

In **Louisiana**, the **House Labor and Industrial Relations Committee** approved legislation that would, in the words of **Americans for Tax Reform**, “increase worker freedom and get Louisiana government out of the business of acting as the money bagman for government employee unions and their political activities.” HB 418 would prevent the withholding of union dues from the paychecks of government employees. The vote was 9-6, on party lines with one independent joining the **Republicans** in favor. As the committee considered the measure, the room was packed with union members, mostly members of the **Louisiana Association of Educators** and the **Service Employee International Union**. “Most of my teacher friends join unions because of the insurance benefits and protection against litigation,” said **Kristin Magee**, a fifth-grade teacher from **Ascension Parish**, who testified on the bill. “They have no idea that a portion of their union dues are going to political agendas set by unions.” [For an account of Louisiana **Gov. Bobby Jindal**’s fight with the teachers’ union, see the March 2013 issue of *Labor Watch*.]

In **Missouri**, the state **House of Representatives** approved a Right To Work measure by a 92-66 vote, after the state **Senate** passed the bill by a vote of 21-13. The bill needed to have passed by a two-thirds majority in both chambers in order to overcome an expected veto by **Gov. Jay Nixon** (D). Nixon, embattled over his handling of riots connected to the **Ferguson** hoax, is up for re-election in 2016. The *St. Louis Post-Dispatch* noted: “If [Right to Work] passes, unions will have to persuade workers to keep paying. They have a mixed record on that. The **Communications Workers of America** (CWA) represents 6,000 Missouri state employees. Its contract with the state doesn’t require dues payment, and only about 1,000 voluntarily pay dues amounting to a bit over 1 percent of their wages.” Six of the eight adjacent states have Right to Work laws, in addition to **Kentucky**, where RTW is spreading county-by-county. [See last month’s *Labor Watch*.]

You may have heard of **Operation Choke Point**, a scheme by the **Obama** administration to pressure banks to deny services to people in industries the administration doesn’t like, from porn stars to dealers in fireworks, firearms, tobacco, and “racist materials.” [See the March issue of our sister publication, *Organization Trends*.] One of the main targets of Operation Choke Point and of a so-called “regulatory crackdown” by the **Consumer Financial Protection Bureau** (the agency created by now-**Sen. Elizabeth Warren**) has been payday lenders, who lend money to people to enable them to avoid foreclosures and repossessions. You might ask: If the payday lenders are put out of business, who will lend money to people who need their services? The answer: the post office, which, in the Internet era, is looking for an excuse to maintain high pay and benefits for its unionized workforce.

We’re not joking. **Charles Lane** of the *Washington Post* reported: “To many progressives, including the bane of payday lenders, Sen. Elizabeth Warren (D-Mass.), at least part of the solution is to turn the **U.S. Postal Service** into a financial institution, with the authority to provide small-dollar loans at reasonable rates—as well as an array of other services, including savings accounts. **Mark Dimondstein**, president of the **American Postal Workers Union**, says the post office could be a ‘public option’ for the quarter of the population that the **Federal Deposit Insurance Corp.** identifies as being disconnected either totally or partially from the financial system.” The government providing below-market loans to people who have a hard time paying their bills—what could possibly go wrong?

**Stephen Dinan** of the *Washington Times* reported that “The **IRS** refused to fire most of its own employees found to be cheating on their taxes—and in some cases even quickly turned around and promoted them within the year,” according to an **Inspector General** audit. After the agency looked at 130,000 suspected cases, “1,580 were deemed to be intentional cheaters,” but, “in 60 percent of the cases, the managers refused to fire the employees,” and, in another 14 percent, the employees were allowed to resign or retire; others were admonished, but 108 received no punishment at all.

Sometimes it seems that politicians have more respect for government employees than for people in the private sector. Take the case of President Obama. If you’re successful in the private sector, he considers you “one of society’s lottery winners” and, “If you’ve got a business, you didn’t build that. Somebody else made that happen.” In contrast to his view of people in the private sector, the President declared last month that government employees are “the leaders of today’s progress and the innovators of tomorrow’s breakthroughs.” Presumably it’s that view of government employees that, in his mind, justifies the current level of government spending—spending that he inaccurately calls “investment.” Government spending in the U.S. (federal, state, and local, not counting the cost of government regulations) amounts, for an average family of four, to \$1,568 per week.