

Wisconsin Supreme Court Upholds Scott Walker Act 10

Written by GBP Staff

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Wisconsin Supreme Court upholds Gov. Scott Walker's signature labor legislation Thursday. Rather than rule on the constitutionality of a law passed by the legislative branch as it affects the individual rights of citizens, the court sides with their partisan political allies.

MADISON - In a decision that came as no particular surprise, the Wisconsin Supreme Court upheld Gov. Scott Walker's signature labor legislation Thursday. The decision came on predictable partisan lines.

The case was brought forward by Madison Teachers Incorporated (MTI), and received backing from the Wisconsin Education Association Council (WEAC).

In a statement issued following today's State Supreme Court ruling, WEAC President Betsy Kippers said "Wisconsin educators are disappointed, but no court ruling can take away their right to organize through a union. We are assessing how the ruling will impact our members and any options available. Here's one thing everybody should know: No law or legal ruling will ever stop us from remaining Wisconsin's loudest collective voice for students and public schools."

In his own statement, MTI Executive Director John Matthews said "The decision by the majority of the supreme court reversing MTI's victory in circuit court where Act 10 was found, in great part, to be unconstitutional, is not only extremely disappointing, but is morally bankrupt".

As a result of MTI's legal challenge of Act 10, Circuit Court Judge Juan Colas had found much of Act 10 to be unconstitutional, ruling that it violated Wisconsin public employees' freedom of speech, freedom of association, and the equal protection clause of the U.S. Constitution, because Act 10 treats separate classes of public employees differently.

Colas' ruling was in sync with U.S. Supreme Court Chief Justice Holmes who, many years ago,

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said that unions were organized out of necessity - that a single employee is helpless in dealing with their employer - that a union gives workers the opportunity to deal on an equal footing with their employer.

The Wisconsin Supreme Court's ruling today reversed 50+ years of legislation which enabled public employers and employee groups to work together to make workplaces not only more productive, but safer. In attempting to justify his ruling, Justice Michael Gableman differed from judge Colas by stating that public sector bargaining is not a constitutional right, but a "creation of legislative grace".

In a harshly worded dissent, to the majority opinion, Justice Ann Walsh Bradley, joined by Chief Justice Shirley Abrahamson says the majority simply did not address the issues presented to the Court by Madison Teachers, but "reframes", "dodges" and twisted the issues to enable their own desired outcome.

Rather than rule, as was their sworn legal duty, on the constitutionality of a law passed by the legislative branch as it affects the individual rights of citizens, the majority of the court chose instead to side with their partisan political allies.

According to Justice Bradley, "in this case we are presented with Constitutional challenges to Act 10. The majority aptly sets forth its results. However, it is difficult to find in the majority's lengthy opinion a discussion of the actual arguments and issues presented by the parties."

Bradley continues, "an actual issue presented by Madison Teachers is: does Act 10 infringe on the associational rights of Public employees to organize? Yet the majority reframes the issue to determine whether there is a constitutional right to Collective bargaining and whether the state has an obligation to promote first amendment rights."

The decision effectively ends the legal battle on Act 10 within Wisconsin. Justice Bradley concludes, "the majority's failure to address the actual issues presented in this case allows it to reach results that countenance the needless diminution of multiple constitutional rights. The right to freedom of association is diluted as the majority has opened the door for the State to withhold benefits and punish individuals based on their Membership in disfavored groups."

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Governor Walker said he would divide and conquer public employees and he did with Act 10. Now his conservative supporters on the Supreme Court have said what he did in acting to divide and conquer is constitutional.