

September 10, 2012

To: Professional Fire Fighters of Idaho

Fr: Dan Leahy 

Re: "The Wisconsin Fight": Thursday at 1:30 pm

Please read this short description on Wednesday and hand in the attached questionnaire by 5:00 pm.

I'll use your answers to help shape my talk and our discussion on Thursday afternoon.

Thanks and Solidarity.

### **What Took Place in Wisconsin: February 2011 to June 2012**

#### **What the Governor Proposed on February 11, 2011.**

Republican Scott Walker defeated Democrat Tom Barrett in November, 2010, and was elected Governor of Wisconsin. The Republicans also held a 19 to 14 majority in the Senate and a 60 to 38 majority in the Assembly.

In February he submitted his budget (repair bill) claiming that the state was broke and there needed to be drastic cuts in state spending. His proposed spending cuts take place as Governor Walker enacted \$2.3 billion dollars in tax breaks for corporations over the next ten years.

On February 11, 2011 Governor Walker submitted his "cuts only" budget proposal which included substantial cuts to the public sector, such as, K-12 education (\$800m, plus \$1.2 billion in next two years), technical colleges (30%), University system (UW-\$250m), Badger Care, which is Wisconsin's Medicaid/Healthcare (\$500m) and reductions in state support for regional transit systems, etc.

Local governmental districts, such as school districts, transit districts or technical college systems, were also not allowed to compensate for these cuts by using their taxing authority.

In addition, a study of the state pension system was mandated and indications are that Governor Walker intends to shift from a defined benefit plan to a 401k plan and also provide an opt out provision. This retirement system has \$77 billion in assets.

Governor Walker's budget also proposed changes to the collective bargaining rights of public sector union members. He separated his proposals into two segments: Public safety workers (fire fighters, police and EMTs) and General public employee (primarily teachers and state, local and county employees).

#### **Public Safety Union Members:**

These union workers retained all their existing bargaining rights, but could no longer bargain for what was covered in their health care plan. Also, unlike existing employees, new employees in these unions

would have to pay 5.9% of their gross wages in 2012 as their pension contribution, thus creating a two tier system within these unions. This contribution is expected to increase in 2013 to 6.4%.

#### **General Public Employee Union Members:**

There are approximately 170,000 workers in this group with teachers comprising about 90,000 and state, county and municipal employees making up the balance. These workers lost the right to bargain except for wage increases up to the rate of inflation as measured by the cost of living index. Governmental employers would no longer collect dues check off. Every bargaining unit must be certified yearly by a vote of 51% of the total members in that unit. Workers must pay 5.9% of their gross wages as their pension contribution at the expiration of their existing contract. In the past, government had paid for 100% of the workers' pension contribution.

#### **From Public Hearing to Walk outs to Occupation of the State Capitol (February 11<sup>th</sup> to March 11<sup>th</sup>)**

From February 11<sup>th</sup> when Governor Walker proposed his budget bill to March 11<sup>th</sup> when he signed the bill, there were almost continual rallies (24 rallies in 15 days) building to a rally of over 150,000 people on February 26<sup>th</sup>.

Public hearings on the budget bill turned into occupations of the capitol building with struggles over public access which continue to the present day. The Madison School district canceled classes due to teacher absences when over 40% of their teachers called in sick. By February 17<sup>th</sup> at least 15 school districts had closed for a third day with students joining the protests. These teacher actions combined with the leadership of the Teaching Assistants Association of the University of Wisconsin-Madison sparked additional support. Over 1000 people signed up to testify on the budget repair bill. Both the state teachers union (WEAC) and AFSCME called its members to the capitol for emergency lobbying.

A significant actor in these rallies both in terms of leadership and strategy was the Professional Fire Fighters of Wisconsin whose participation symbolized the rejection of Walker's effort to divide public employees into two conflicting groups. Also some police unions participated as "COPS for Labor."

On February 17<sup>th</sup>, the Senate was taking the budget bill to the floor for a vote, but fourteen Democratic senators fled the state to Illinois to prevent a vote. A two-thirds quorum is required to pass a fiscal measure. These fourteen senators remained out of the state until the day after Walker got his bill passed on March 11<sup>th</sup>.

On March 9<sup>th</sup>, Assembly Republicans meeting in a conference committee stripped fiscal measures from Act 10. The absence of fiscal measures allowed the Senate to vote on the bill which contained the attack on public sector collective bargaining rights. Moments after the conference committee ended, Senate Republicans passed the bill 18 to 1. Scott Walker signed Act 10 two days later on Friday, March 11<sup>th</sup>. The provisions of Act 10 were to come into effect on June 29, 2011.

#### **From Occupation to Senatorial Recalls. (March 2011 to August 2011).**

Although there were teacher and student walk outs, calls for a general strike, and a resolution to investigate a possible general strike by the South Central Labor Federation, the dynamic of the occupation shifted to efforts to recall Senators who had voted for Walker's bill and eventually to recall

Walker himself.

The Wisconsin constitution allows for a recall of an elected official by gathering a percentage of the vote in the previous election. There is no requirement that those gathering the petition charge that the elected official has engaged in some form of misfeasance or malfeasance in office.

Initially the strategy had been to delay implementation of the budget bill and hope for negotiations with Walker by pressuring moderate Republicans. But it soon became clear that Walker had no intention of negotiating and the moderate Republicans would not or could not delay or vote against the bill.

The recall effort's goal was to retake Democratic party control of the Wisconsin Senate and stop the Walker agenda from proceeding further. The intention was to recall six Republican Senators. The collection of recall signatures was coordinated by the Alliance for a Better Wisconsin, an organization which had been supported historically by labor unions in Wisconsin.

In addition, a coalition of labor unions calling themselves We Are Wisconsin was formed in mid-March. It was based in Madison and composed of unions, primarily AFSCME, SEIU, WEAC, the NEA affiliate in Wisconsin, the Professional Fire Fighters, the state AFL-CIO and a few private sector unions.

Just prior to the recall elections, We are Wisconsin shifted its 501 (c) 4 IRS status to an independent expenditure basis. This allowed We are Wisconsin to coordinate with other independent expenditure organizations, but it could not coordinate with the campaigns of specific candidates or Democratic party organizations.

The Alliance for a Better Wisconsin helped coordinate and collect approximately 150,000 recall petitions against six Republican senators who had voted for Walker's Act 10/32. We Are Wisconsin worked to build support for the recalls in these senate districts. However, as the recall effort unfolded from March to August 2011, Walker supporters gathered recall signatures on three Democratic Senators. The We Are Wisconsin forces, therefore, needed a total of six victories by both recalling at least three Republican Senators and retaining all three Democratic Senators.

As the recall petitions were being collected and the election dates were being determined that spring, We are Wisconsin focused on holding educational forums on the effects of Walker's proposed budget, as well as holding rallies, demonstrations and "Walkervilles" at the state capitol. As the election neared, it shifted its focus to GOTV phone and door knocking work.

One recall election was determined in late July when a Democratic Senator was retained and not recalled. Six Republican Senatorial recalls were held on August 9<sup>th</sup> and two were recalled. Two Democratic recalls were held on August 16<sup>th</sup> and both were retained.

The We Are Wisconsin forces came up one short of Democratic party control of the Senate. They had recalled two Republicans and protected three Democrats for a total of five, but they needed six.

### **The recall petition drive of Governor Walker and Democratic Primary.**

Under Wisconsin law you can not recall an official until he or she has been in office at least one year. Organizers with United Wisconsin PAC began to circulate recall petitions on November 15<sup>th</sup> 2011. With a volunteer force of between 25,000 and 30,000 volunteers they needed to collect 25% of the vote for

Governor in 2010, approximately 540,000 signatures.

Two months later, on January 17, 2012, United Wisconsin submitted between 900,000 and one million signatures to recall Walker, close to 46% of the 2010 turnout. In addition, they submitted 845,000 signatures to recall Lieutenant Governor Kleefisch and enough signatures to recall four more Republican Senators (Moulton, Galloway, Wanggaard and Fitzgerald). In all, United Wisconsin collected close to 2 million signatures in two months to set the stage for recall in the summer.

This was the largest recall drive in US history and only the third effort to recall a Governor. The two previous recalls, both of which were successful, were North Dakota Governor Lynn Frazier in 1921 and California Governor Grey Davis in 2003.

In January of 2012, Kathleen Falk, former Dane County Executive (Madison), announced her intention to run against Governor Walker in the recall election. She was supported by most unions who put \$4 million dollars into her campaign. However, Tom Barrett, the Mayor of Milwaukee, who had lost to Walker in 2010, announced his candidacy in March.

The primary was held on May 8<sup>th</sup> and Barrett beat Falk by 24 percentage points. Mahlon Mitchell, State President of the Professional Fire Fighters of Wisconsin, and a leading spokesperson for the occupation at the state capitol, won the nomination for Lieutenant Governor.

### **The Gubernatorial Recall Election on June 5, 2012.**

The recall election between Governor Walker and Mayor Tom Barrett was held on June 5, 2012. Governor Walker survived the recall effort by winning 53% or 1,335,585 votes to Barrett's 46% or 1,164,480 votes. There were 2,516,065 votes cast. Walker's Lieutenant Governor also survived the recall by beating Mahlon Mitchell by about the same percentage points.

Here are some generally agreed upon characteristics of the Walker/Barrett vote.

The state's normal election pattern is along an east to west corridor from Milwaukee to Madison with the state's three most populous counties (Dane, Waukesha and Milwaukee). Democrats tend to win in the West (Madison) and Republicans tend to win in the east, with the exception of Milwaukee.

Walker was able to shift this east/west pattern to a north south pattern, winning heavily in the central and northern Wisconsin and in rural counties. His victory has been characterized as a "rural landslide."

Walker won sixty of Wisconsin's seventy-two counties, including ten of the states' poorest counties which he won by a 13% margin. His biggest gains over his 2010 victory were in the 27 counties that make up the north and central Green Bay and Wausau television markets. Milwaukee and Madison voted for Barrett. In the City of Milwaukee Barrett beat Walker by 171,150 to 50,719 with a 73% registered voter turnout. Mahlon Mitchell beat his opponent in Milwaukee by comparable amounts.

Another characteristic of Walker's victory was the higher percentage turnout in strongly Republican counties in the eastern part of the state which surround Milwaukee county. Three of these counties are Waukesha, Washington and Ozaukee. Measured as a percentage of voting age population, these three counties had the highest voter turnout: Ozaukee 74%, Waukesha 72%, Washington 70%. In Ozaukee County preliminary results on June 6<sup>th</sup> showed an 82.1% turnout of registered votes with Walker winning 70.7% to Barrett's 29%.

### **Exit Poll Results: Who Voted How.**

Edison Research of Somerville, NJ conducted an exit poll for various news agencies, such as ABC, CBS and NBC news, the Associated Press, CNN and Fox News. As voters left 35 randomly selected precincts throughout Wisconsin, 2,457 filled out questionnaires.

Walker did better than Barrett with males (59%), people with white skins (57%), with anyone over 30 years old, people without a college degree (56%), with people who had incomes of \$50,000 or more, and with people who lived in the suburbs or rural areas.

Barrett did better than Walker with females (52%), people with black skins (94%), under 29 years of age (51%), college degreed (50%), less than \$50,000 income (56%), and in a city of more than 50,000 (62%).

There has been a good deal of comment about one percentage from this exit poll. The question was: Do you or someone in your household belong to a labor union. 33% of those surveyed answered "yes." Of those 33%, 38% voted for Walker and 62% voted for Barrett.

### **The Senatorial Recall of June 5, 2012**

There were four Republican Senators up for recall elections on June 5<sup>th</sup> at the same time as Governor Walker. One of these recalls was successful. Senator Van Wanggaard was recalled. This has meant a Democratic controlled Senate, at least until November, 2012 national elections. Some observers believe that this shift to Democratic Party control of the Senate prevented Governor Walker from calling a special session and passing his "right to work" legislation to complete his attack on unionized workers.

### **Various Explanations for the June Defeat.**

**Movement Denied.** The broad array of forces (students, union workers, farmers, senior citizens) represented by the occupation from February to March, 2011, should have been invested in, shaped and developed into a new political force in support of Progressive era formulated "Wisconsin Idea" - one that contains the notion of a public good, mutual cooperation and open government.

**Solidarity Strikes/Work Actions Dismissed.** When the Madison Teachers left their classrooms after February 11, 2011 to protest Walker's proposed budget, leading to 15 more districts canceling classes and students joining the protests, and the South Central Federation of Labor (Madison-based) authorizing a study of a possible general strike, other unions did not promote similar job actions or endorse this type of job action.

**Broken Electoral Arena.** Funneling the occupation forces into the narrow confines of partisan party politics in an electoral arena where the choice is Democratic or Republican personalities, the rules are shaped by billionaire fortunes pouring unidentified funds into campaigns (Citizens United), and where elected officials are seen as the equivalent of power, only acted to dissipate the energy of the statewide movement.

**Funding Disparities.** A New York Times chart published on June 5<sup>th</sup> listed the the funds spent by or for the Republicans and Democrats in the recall election. Walker's campaign received \$29.3 million and Barrett's campaign received \$2.9 million. Then there are the "independent expenditure groups" and

“issue groups.” The NYT chart estimated a total of \$45.6 million for Walker and \$17.9 for Barrett. A total of \$63.5 million dollars.

The independent expenditure groups for Walker were the Right Direction Wisconsin of the Republican Governors Association (\$8.7), National Rifle Association (0.8) and Ending Spending Action Fund (0.2). The “issue ad groups” were Americans for Prosperity (\$3.0), Wisconsin Manufactures and Commerce (2.0), Center for Union Facts (1.0), Tea Party Express (0.4) and Club for Growth (0.1).

The independent expenditure groups for Barrett were Greater Wisconsin Political Independent Expenditure Fund (\$5.3), Wisconsin for Falk (\$4.5), and We Are Wisconsin (\$2.8). The one issue ad group on the chart for Barrett was the Greater Wisconsin Political Fund (2.0).

Additionally, under the state's recall law, a sitting governor has no limit on what he can raise until the recall is actually certified which came at the end of March, 2012. The opponent, however, is limited to the \$10,000 limit per individual. This allowed Walker to raise millions from the time he was elected to the moment his recall petitions were certified in March 2012.

**The Recall Tactic itself.** Focusing on the recall tactic as the central response to Walker's proposed cuts was flawed for several reasons. The 2011 shift from the winter occupation to focus on six recalls in separate Senatorial districts scattered around the state dissipated the statewide movement. The recall standard for Governor was also too high. Only two previous Governors were recalled in US history. Exit polls indicated that 60% of Wisconsin voters objected to the use of recall over policy disputes. The sixteen month recall campaign dragged out over too long a time leading to “recall fatigue.”

**Narrow Focus on Collective Bargaining.** While Walker's Act 10 was a direct assault of the collective bargaining rights of public sector unions, his legislative proposals were also a much broader assault on the University of Wisconsin, K-12 schools, technical colleges, senior citizens programs, bus riders, students, voters, local units of government, and the authority of the legislature itself. A collective bargaining focus might have been more effective if people believe unions act to help a broader population than its members. However, in Gallup's annual poll on confidence in institutions, 68% of those surveyed think unions help mostly their own members.

**Mobilizing rather than Organizing.** While there were initial calls by We Are Wisconsin to build “community/labor” alliances within the context of the recall campaign, the leadership, staffing, resources of this union coalition were about voter identification and GOTV mobilization and not about organizing longer term community based alliances reflecting those forces who had made the occupation possible.

**Obama and DNC Missing in Action.** While the Republican Governors Association put up \$8.7 million for Walker and was active in the campaign itself, there was no comparable support for Barrett by either the Democratic National Committee or President Obama himself, who never spoke out in favor of the Wisconsin Uprising and never campaigned for Barrett. In addition, Barrett was unable or unwilling to articulate any plan to counter Walker's. The We Are Wisconsin forces pulled out their million supporters; it appears that Barrett only added an additional 100,000 voters.

### **Legal Challenge to the Act 10/32 by the Teachers Union (WEAC)**

On March 10, 2012, United States District Judge William Conley concluded in WEAC v. Walker that the re-certification and dues deduction provisions of the Wisconsin Act 10 were unconstitutional and

enjoined their enforcement. This decision is being appealed by the Walker administration.  
**Decision's Effect of Decertification**

However, prior to the Judge's decision many bargaining units had already been subjected to the Act's re-certification requirements, and, although some were successful in their re-certification efforts, others, including a number of large state-employee units, lost their certifications.

The Judge's decision does not change these decertifications. This means that all of those bargaining units that had been decertified prior to March 30, 2012, either because they "lost" their re-certification elections or because they did not seek recertification when they were required to do so remain decertified, and their employers have no obligation to recognize or bargain with them, even over the issue of "total base wages."

In May of 2012, there was a Wall Street Journal report that AFSCME, Wisconsin's second largest public employee union, lost 34,073 members, from a total of 62,818 in March 2011 to 28,745 in February 2012. Most of the decline centered in AFSCME Council 24 which represents state workers.

**Decision's Effect on Dues Deduction.**

From the time of ACT 10/32's implementation date of June 29, 2011, public sector unions were asking members to continue paying dues on a voluntary due deduction or by paying on a credit card deduction. Given the likely appeal of the Judge Conley's decision by the Walker administration, there is a great deal of uncertainty about how to proceed. One public sector bargaining unit agreed to voluntary dues checkoff and the governmental unit is collect the funds, but refuses to distribute those funds to the union because they say it is illegal.

**PROFESSIONAL FIRE FIGHTERS OF IDAHO**

September 12, 2012

**QUESTIONS FOR TALK ON WISCONSIN FIGHT**

I've been asked to talk with you about the Wisconsin fight on Thursday afternoon. In preparation for this talk, I wrote up a seven page description of this fight. Please read it today and fill out the attached questionnaire. I'll read your answers Wednesday night and include your comments in our discussion on Thursday. Thanks. Dan Leahy

**Were you aware of the 2011-2012 Wisconsin occupation and recall campaign?**

**\_\_Yes \_\_No. If yes, what did you think it was about?**

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**Is what is happening in Idaho just like what is happening in Wisconsin?**

**\_\_Yes \_\_No. If yes, what are the similarities? If no, what's different?**

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**What are the lessons from the Wisconsin fight that can be useful to Idaho?**

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**Your conference agenda says the "largest attack on firefighters in history". Beside the Fire Fighters what other segments of US society are under attack and by who?**

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**The Occupy Wall Street movement of 2011/2012 pointed to the high concentration of wealth in our nation's 1% of the population as the source of our country's problem. What do you think is the main source of our country's problem?**

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**List some issues or questions you want me to discuss on Thursday.**

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**IDAHO NOTES: 10/04/06**

**Idaho Legal History Project.** April 2005. Assassination of Governor Frank  
Steunenberg on December 30, 1905 and trial 1907. A subcommittee is working on a play  
being written by Mike Silva. Hoping to produce an Idaho Public Television program.

**SA --** Victory by a Florida Local to have paramedics paid for 40 hours and also  
overtime pay for over 40 hours.

**NADA --** September 2006 international convention was in Toronto. Also discussion  
of global alliance.

**10 WORKERS --** AFL-CIO Press Release - LABOR DAY 2006

Health Care: Since 2000, 6000 more without health care (insurance).  
Means 15,000 total in Idaho.

Job Loss: three million manufacturing jobs since 2000, 6,000 in Idaho.

Repeal Estate tax: Will cost \$70 billion/year in lost revenue.

CEO - Average CEO made \$11.75 million. 431x the average worker.

Union worker: \$809/week. Non-union worker: \$568/week.

**GLARROL ROCKY MOUNTAIN LABOR SCHOOL (\$550/Student)**

**VI OVER CONTROL OF FUNDS.** PFFI law suit to overturn provision in  
2006 which was passed due to victories by firefighters in Pocatello and  
teadwell. (Alliance??)

**CONG OUT/ARBITRATION VICTORY.** Boise local fought to keep city  
from going out its airport work to a national guard unit. Judge ruled city had to  
arbitration and stayed the implementation. (What happened?). Decision,  
May