

It's Not Over Yet

Last winter's tumultuous partisan battles continue to echo in legislative chambers.

BY STEVEN WALTERS

The 2010 elections upended legislative control, handing Republicans majorities in 10 additional states. They also set up partisan rifts that played out in 2011 sessions over collective bargaining, voter ID, immigration and pensions.

The battles have continued in states such as Alabama, Arizona, Michigan, Ohio, South Carolina and Wisconsin. Opponents of the new policies—ranging from activists to civil rights groups to the U.S. Justice Department—have used the courts, recall elections and referendums to challenge legislation and legislators.

Nowhere has that been more true than in Wisconsin, the emotional epicenter of the national debate over collective bargaining rights for public employees, and how much they should pay for health care and pensions.

Union and Democratic activists have been going door-to-door and standing outside shopping malls urging voters to sign recall petitions targeting first-term Republican Governor Scott Walker and Lieutenant Governor Rebecca Kleefisch. The activists faced a Jan. 17 deadline to file 540,208 signatures, which even the governor and top Republicans expected would be met.

Wisconsin Democrats also have been gathering signatures to recall four more Republican senators who voted for Walker's bill, which all but eliminated collective bargaining for most public employees. If enough signatures are gathered, there will be spring recall elections for them as well.

Control of the Wisconsin Senate is at stake. Republicans now

have a slim 17-16 margin, narrowed when two GOP senators were recalled in August.

Phil Neuenfeldt, president of the Wisconsin AFL-CIO and treasurer of the pro-recall group We Are Wisconsin, says the recall-Walker movement will grow "until working families have a voice in this economy."

Walker says he's being targeted by out-of-state unions and special interest groups only for keeping his campaign promises.

"This is not something we brought on," Walker says. "I did what I said."

Sparring in Michigan and Ohio

In Ohio and Michigan, where Republicans are in control, legislative battles continue over workers' issues as well.

"I believe we did the right thing with the passage of SB 5," says Ohio Senate President Thomas Niehaus, a Republican who is disappointed that voters on Nov. 5 overwhelmingly blocked the law, which would have sharply limited collective bargaining for public employees.

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Niehaus says he and other Republican legislators supported the legislation to equip local government leaders with the

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"tools" they think are needed to control employee pay and benefit costs, including those for firefighters and police officers.

In Michigan, lawmakers passed a measure to require most public employees to pay 20 percent of health-care costs and contribute more toward their pensions. One additional option being debated would require those who stay in the defined-benefit pension system to contribute 4 percent of their



Senate President
Tom Niehaus
Ohio

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Wisconsinites opposed to Governor Scott Walker's effort to reduce collective bargaining rights for public employees protested at the Capitol in Madison last winter.

pay. Workers would also have the option, however, of choosing a self-directed pension plan, with no employee contribution.

Opposition Mounts

The fight in the Michigan Legislature “is a continued attack on the middle class,” says Michigan House Assistant Democratic Leader Kate Segal, citing reductions in workers’ compensation and unemployment insurance benefits.

“If we start taking away tools at the collective bargaining table, you’re not only hurting workers, you’re hurting management as well.”

State employees have made almost \$700 million in wage and benefit concessions in the last two years alone, Segal says. And she thinks that’s enough.

The focus on public employees, including teachers, led Michigan Democrats to push a constitutional amendment that would guard “the school-aid funds we have for our kindergarten through 12th grade education,” Segal says.

Education “is our future. That’s what is going to turn Michigan around,” she says.



Representative
Kate Segal
Michigan

Courts Step In

Elsewhere, legislation affecting immigration and voter ID also has set off fireworks.

Five states—Alabama, Georgia, Indiana, South Carolina and Utah—crafted omnibus immigration laws following the example of Arizona’s 2010 law, which the U.S. Supreme Court soon will review. Federal judges have blocked several provisions in each of the laws.

The laws generally require police officers to try to determine the immigration status of a person involved in a lawful stop; allow state residents to sue state and local agencies for not enforcing immigration laws; require employers to use the E-Verify system for all new hires; prohibit the harboring or transporting of illegal immigrants; and make it a crime not to carry immigration documents.

Alabama’s law also requires schools to verify students’ immigration status, but that provision and one on carrying registration documents were blocked by the U.S. District Court.

Alabama House Speaker Mike Hubbard says he and other Republicans passed the law to “ensure that any person in the

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Kate Segal



Voters in Brownsville, Texas, lined up to cast their ballots in the 2008 presidential election. New voter ID laws in several states have prompted legal challenges.



*House Speaker
Mike Hubbard
Alabama*

state of Alabama is here legally” and “to protect Alabama taxpayers from subsidizing people who are in this state illegally, and not paying into the system.”

In response to complaints by some businesses of shortages in workers after the bill passed, Hubbard says, “We’re not going to be able to help people whose business plans were built on hiring illegal labor. That’s against the law.”

The Alabama law—along with laws in South Carolina and Utah—is being challenged in court by the U.S. Department of Justice. Government lawyers argued the state law was preempted by the U.S. Constitution and federal immigration statutes. A coalition of civil rights groups, including the American Civil Liberties Union, also objected to the law and filed suit.

Hubbard welcomes the U.S. Supreme Court’s decision on whether the Arizona law is constitutional, predicting it will be upheld, freeing more states to pass their own laws.

“It’s not like we went out and invented our own immigration laws,” the speaker says. “We’re just saying, ‘Enforce what is already federal law.’”

The Alabama Legislature will tweak its law to make it more workable during the February session, Hubbard predicts. But those changes will be in response to concerns from business leaders.

“This law remains very popular in Alabama,” Hubbard says. “I don’t see any chance that we would repeal this law.”

ID at the Polls

Ten legislatures either enacted new voter ID laws or toughened current ones last year, according to the National Conference of State Legislatures. Governors in three of those states—Minnesota, New Hampshire and North Carolina—vetoed the changes, however. And Kansas, Rhode Island and Wisconsin enacted their first-ever voter ID laws.

These laws have long been a point of contention between Republicans and Democrats. Republicans say the laws are needed to prevent fraud, while Democrats say they discriminate against minority, elderly and poor voters who may not have the necessary ID.

As with immigration laws, the Justice Department may join the fight. U.S. Attorney General Eric Holder told a Texas audience in

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December that “We must remain ever-vigilant in safeguarding our most basic and important right. The reality is that, in jurisdictions across the country, both overt and subtle forms of discrimination remain all too common.”

The contentious stance between the GOP and Democrats over this issue makes recent action by the Rhode Island General Assembly surprising. It became the first legislature led by Democrats to pass a voter ID requirement. The law phases in the new rules over three years. For the next two years, voters will have to provide some form of ID, but not necessarily a photo ID. Those will be required starting with the 2014 elections.

The law has the potential to be a national model because it is “so less restrictive than what I’ve seen in other states,” says House Majority Whip J. Patrick O’Neill.



House Majority Whip J. Patrick O’Neill Rhode Island

O’Neill says support from two African-American lawmakers from Providence, Senator Harold Metts and Representative Anastasia Williams, was critical in passing the law.

In Wisconsin and other states, African-American lawmakers have fought voter ID laws, saying they would prevent a disproportionate number of minorities from voting.

Last year, O’Neill says, almost every lawmaker had “a story of some form of voter fraud.” Although they involved only a few votes in each district, in a state as small as Rhode Island, “That could swing one or two seats—and that’s enough to get legislation passed.”

