

WALKERVILLE, NEW DEMOCRATS & “WISHES IN THE WIND”: ROLLING BACK THE 20TH CENTURY IN WISCONSIN

by Joyce M. Latham

[I]t does no one any good when public employees are denigrated or vilified or their rights are infringed upon... We're not going to attract the best teachers for our kids, for example, if they only make a fraction of what other professionals make. We're not going to convince the bravest Americans to put their lives on the line as police officers or firefighters if we don't properly reward that bravery. Barack Obama

W*ishes in the Wind* is a painting commissioned by the Executive Residence Foundation to hang in the Wisconsin Governor's mansion outside of Madison. David Lenz, the artist, painted three children – an Hispanic, African-American, and Causcasian – playing with bubble wands on a Milwaukee street. Lenz said he carefully selected the three children portrayed in “Wishes in the Wind” as representatives of marginalized populations in the state who benefit from state social services. The intent of the commissioned artwork by Wisconsin artists is to remind politicians of the people they were elected to serve. Governor Walker and his wife, as they redecorated the Maple Bluff residence, decided to replace the painting of Milwaukee children with “Old Abe,” a representation of a Wisconsin bald eagle from the era of the Civil War. For many, as they learned of the swap, it was a telling replacement. Walker's office indicated that the decision was intended to highlight the 150th anniversary of the Civil War.¹

Given the economic and political battle underway in Wisconsin, it is understandable that residents would see a symbol of rejection in Walker's removal of the vibrant painting that had hung over the fireplace mantle. While it may have been a sign of the social progress this country has made that an inter-racial image would hang in a Governor's mansion, Walker is not a progressive governor. His focus is on corporate America.

As many historians have revealed, the denial of equal opportunity has not only been race-based in the United States; ethnicity, nationality, religion and sex have also defined social value and so, levels of participation in the American democratic experiment. The levels of participation granted the general population could define a class structure, but, as it is possible to move into a higher level of participation through capital acquisition,

education or political activism, there is a general disinclination to define U.S. social stratification as class-based, beyond the broad scope of lower, middle and upper class. But as Alan Dawley has written, “the image of America as a classless society was dealt a heavy blow by the rise of a capitalist elite” at the end of the 19th century, the era of the Gilded Age. As the “robber-barons” – Carnegie,² Rockefeller,³ Duke,⁴ and Morgan,⁵ among others – celebrated the concentration of wealth and power in the hands of the few, the “labor question”⁶ emerged in a wave of organizing and a series of “great strikes.”⁷ The foundation was laid for the class, race and gender battles of the twentieth century.

The Twentieth Century

The path of participatory progress in the twentieth century was narrow, muddy, convoluted and, while paved with many good intentions, often hedged by compromise. As the economy transitioned from agricultural to industrial and then to digital, the country developed various strategies to mesh the right of individual identity with broader social needs. U.S. citizenship itself, which was initially awarded to propertied white men, expanded as barriers to the ballot box fell bit by bit. Women earned the right to vote in 1920, while Native Americans earned citizenship in 1924. The Voting Rights Act of 1965 addressed voter suppression in the southern states, as false barriers to democratic participation such as the poll tax, literacy tests and private primaries were eliminated. In many states, public libraries served as voter registration centers. The Motor Voter Law, national legislation passed in 1995, made it even easier to register to vote by pairing it with driver license or motor vehicle registration.

Public school integration was required in 1954 by the Supreme Court’s *Brown vs. Board of Education* decision, as it overturned the “separate but equal” segregation strategies then in effect. The Civil Rights Act of 1964 restricted discrimination on the basis of race, color, sex, religion or national origin and established the Equal Employment Opportunity Commission. While sex discrimination had been added to the Civil Rights Act at the last minute, in 1971, Title IX of the Act was expanded to ensure that no one would be excluded from any educational activity receiving federal aid. The U.S. government passed legislation banning age discrimination in 1967, and required accommodations for the disabled – the Americans with Disabilities Act – in 1990.

Women struggled to gain a voice across multiple venues. The Women’s Trade Union League was established in 1903, early in the history of labor organization. The Women’s Bureau was established within the Department of Labor in 1920 and played a significant role in promoting women’s roles in the workforce during World War II. In 1921, Margaret Sanger established the American Birth Control League, which later became Planned Parenthood, active in sex education and the dissemination of information about family planning. In 1961, John F. Kennedy established

the President's Commission on the Status of Women, chaired by former First Lady Eleanor Roosevelt. The National Organization of Women was founded in 1966, and continues to sponsor the Equal Rights Amendment to the U.S. Constitution, which has never been passed. The Supreme Court *Roe v. Wade* decision in 1973 finally allowed women control over their own bodies, and the decision has so far withstood relentless attack since being decided. Gender issues expanded with the establishment of the gay male Mattachine Society in 1950, and the Daughters of Bilitis lesbian organization in 1955. The Human Rights Campaign launched in 1980, as gay and lesbian activists began to support political candidates who supported their own open participation in society. The Supreme Court decision in *Lawrence v. Texas* in 2003 eliminated state laws restricting consensual sex acts between adults, addressing both homosexual and heterosexual practices. Sex itself was freed in the early 21st century as a result of the activity in the 20th.

The labor movement has roots in the 19th century, when the Knights of Labor organized male and female, black and white workers, regardless of skill level. Their values later influenced the International Workers of the World (IWW), who, unlike the American Federation of Labor (AFL), believed in an inclusive organization, rather than a craft-based, guild like structure. As the 19th century had ended with a raft of strikes, labor began to enjoy some protections in the early 20th century. The Clayton Act was an early stab at providing some protections to labor organizations, and the 1926 Railway Labor Act protected those workers engaged in rail work, as it involved interstate commerce. The 1933 National Industrial Recovery Act was a significant stimulus to labor organizations, but not as significant as the law which became known as the Wagner Act, passed in 1935, officially known as the National Labor Relations Act. The Wagner Act fostered employee unions in the private sector, but not public sector employee unions. While public employee unions did organize in the 1930s and 1940s, they were never officially recognized as collective bargaining units.⁸ Wisconsin, in 1959, was the first state to recognize the rights of government workers to bargain collectively, as the American Bar Association had argued in 1955 that equal access to collective bargaining was a civil rights issue.⁹ Kennedy extended a measure of bargaining rights to federal employees in 1962, and President Richard Nixon strengthened those rights in 1969. When President Ronald Reagan broke the wildcat air-traffic controllers strike in 1981, however, public employee unions experienced an erosion of political power, which has continued into the 21st century.

In 1938, with the passage of the Fair Labor Standard Act, the country finally accepted the regulation of child labor. The law passed almost 20 years after all the states had established compulsory education. Both women's and labor groups supported the restriction of child labor, one to protect the child and the other to protect jobs. Education became the primary focus of childhood during the rest of the 20th century, and the United States witnessed an incredible expansion of high school participation during that

period.¹⁰ Colleges grew as well, with the passage of the GI Bill after World War II, and the provision of education access funds such as the National Defense Education Act of 1958 and the Higher Education Act of 1965. The focus on access to education was accompanied by increased funding for libraries, first addressed at the national level in 1957 with the passage of the Library Construction Act, and later extended to include library services and a broad range of technologies.

Government initiatives enacted this social progress, without a doubt. The groundwork for systemic change was either legislated or litigated. The New Deal, sponsored by President Franklin Delano Roosevelt in response to the extensive failure of the economy in 1929, pursued policies to make capitalism “fair.”¹¹ While the unions which emerged from this process actually protected the capitalist underpinnings of U.S. culture, Social Security offered the first measure of social protection, and was the crowning legislation of the New Deal. The “Great Society” initiatives of President Lyndon Baines Johnson promoted education and equity and a “war on poverty,” unfortunately, undermined by the national conflict over the Viet Nam War. However, the domestic program delivered Medicare and Medicaid, environmental protection and cultural institutions like the National Endowment for the Humanities and public broadcasting.

These programs, spearheaded by two flawed but visionary presidents, provide the targets for the current wave of rightwing rollbacks of social justice earned bit-by-bit through the 20th century. The “Gilded Age” of the late 19th century was an era dominated by capitalist elites that was, in short, a “white man’s democracy.” The United States at that point was a liberal democracy that gloried in a competitive marketplace, a taste for imperialism and a disregard for the common worker.¹² The Wisconsin budget battles of 2011 represent a concentrated view of the rightwing strategies to drive a radical reshaping of American society that would reinstate the “Gilded Age” and dismiss the progress of the 20th century.

“A crisis is a terrible thing to waste.” Paul Romer, Stanford¹³

The 2010 election was the best election for Republicans in Wisconsin since 1938. Ron Johnson, a successful businessman associated with the Tea Party movement, defeated incumbent Russ Feingold, an independent Democrat in the U.S. Senate. Scott Walker, the Republican County Executive for Milwaukee County, defeated Tom Barrett, the Democratic mayor of the city of Milwaukee for the position of state governor. Republicans also gained control of the state legislature, with two brothers, Scott and Jeff Fitzgerald, taking over control of the Senate and Assembly, respectively. Alberta Darling, viewed as a moderate Republican by her constituents, became co-chair of the powerful legislative Joint Finance Committee. No one was actually prepared for the tsunami of social change pushed by the Republicans in the guise of two budget bills; the Republicans were not prepared for the wave of protests that met the agenda.

The first bill is known as the Budget Repair Bill. Wisconsin works with a two year budget, and the repair bill represents any amendments that need to be made to the operating budget at the mid-point of the budget cycle. Usually a boring document, Governor Scott Walker used it as the introduction to his ideological agenda. The bill attacked social justice accommodations on many fronts, but the most visible was the extreme restriction on collective bargaining and the legitimacy of public employee unions in the state.

Dismissing the history of worker rights in the state, Walker had originally planned to end all public employee collective bargaining rights except for firefighters, police and state troopers. His own party advised against such a radical measure.¹⁴ As introduced, it prohibits *any municipal employer in the state* from bargaining collectively with a collective bargaining unit that includes a general municipal employee concerning anything other than base wages; it eliminates overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions from negotiations and restricts negotiations on base pay to a ceiling tied to the cost of living. It requires an annual re-certification of unions, eliminates “fair share”¹⁵ and check off provisions. The bill specifically repeals legislation that provides faculty and academic staff of the University of Wisconsin System (UW System) with the right to collectively bargain over wages, hours, and conditions of employment. Tom Barrett, the Democratic mayor of the city of Milwaukee, observed that Walker was “intentionally pitting middle-class librarians and nurses against middle-class firefighters and police officers by not including the latter in his austerity measures.”¹⁶

It did not work, as firefighters and police showed up in the capital to participate in the demonstrations in Madison which began immediately in response to the release of the bill. As a result, the Republican legislature introduced an amendment to the biennial budget bill proposing newly hired police and firefighters pay more for their health insurance and pension benefits. The change would require some police and firefighters to make the same contributions toward their benefits as required of other public workers under the budget repair bill. State Senator Alberta Darling said the intent was to “alleviate some of the morale problems that were created with the uneven application of these new policies.”¹⁷ The uneven policies emerged as the budget repair bill requires state, local and school employees to pay half the costs of their pensions and at least 12.6 percent of their health care premiums; again, police and firefighters were exempted. Walker purportedly presented the proposal as an attempt to bring public employee “sacrifice” in line with private employee “sacrifice,” not even acknowledging the unfunded salary and merit increases over the previous three years, and extensive furlough days public employees had already contributed to the state fiscal “crisis.”

Walker released the budget repair bill on February 11, 2011. He briefed the Democratic minority leadership, Mark Miller of the Senate and Peter

Barca of the Assembly, the morning of the 11th. While Barca advised Walker he was making a huge mistake, Walker assured Barca he had been consulting with the National Guard while drafting the bill.¹⁸ There was some debate about Walker's intentions relative to the use of the National Guard – whether to suppress resistance or replace public employees – but neither need emerged in the conflicts over the bill. Union members and their supporters refrained from negative confrontation, however they did immediately organize coordinated efforts to meet the challenge. The Wisconsin State Employees Unions, Wisconsin Educators Association Council (an arm of the National Education Association), the American Federation of Teachers and the AFL-CIO arranged lobby days at the Capitol and free buses running from multiple corners of the state. They brought in multiple unions, community groups and citizens to join the demonstrations. Churches with active social justice committees also joined the protests.

Mary Bell, President of WEAC and a school media specialist, announced via video that “Governor Walker said he doesn't want educators at the table, he doesn't want collective bargaining for [WEAC] members across the state, he doesn't want them engaged in discussion about quality [education]....The people of Wisconsin did not elect Governor Walker to undermine public education – but that is exactly what his extreme attack on worker rights' proposal will do. He's about to hurt really good people, their kids and families.”¹⁹

The initial demonstrations began on Sunday, February 13, with small groups of protestors at the capital building in Madison and the governor's mansion. The protests expanded on Monday, February 14, as college students responded to the radical nature of the bill. Protestors who could not travel to Madison demonstrated at local sites, such as town halls and representatives' homes or local offices. Union leaders held a press conference to denounce the bill that afternoon.

A large rally developed at noontime on the 15th, numbering approximately 10,000, as the Legislative Joint Finance committee began holding hearings on the bill. Hundreds signed up to testify about the effects of the bill and demonstrators began camping out in the building. Classes were cancelled in the Madison School District as John Matthews, executive director for Madison Teachers Inc., called for the membership to rally against the collective bargaining proposals in the repair bill; approximately 40% called in sick to participate in the protests.²⁰ Despite the obvious public objection and without hearing all the testimony scheduled, the Joint Finance Committee advanced the bill to the Senate on the 16th and on Thursday, February 17th, fourteen Democratic Senators left the state to block the vote on the bill, stoking an already heated environment and bringing the Assembly to the brink of “chaos.”²¹

By leaving the state, the Democrats bought some valuable time to study the document itself. Mark Miller, Senate Minority leader reported “There

was a real sense of injustice being perpetrated on workers in our state, and it was so obvious it was railroaded through before people had a chance ... We needed to do something responsible in order to be able to slow the bill down.”²²

The “flight of the fabulous fourteen” did allow time to review the other elements of the budget repair bill and it was an important piece of expanding awareness within the affected populations and increasing the momentum of the protests. The bill aimed to accomplish even more than the spaying of the unions. One obvious target was Badgercare/Medicaid. The repair bill proposed that the Department of Health Services (DHS) could promulgate any rules, such as requiring maximum cost sharing by recipients; modifying existing benefits or benefits packages for different groups of recipients; restricting access to non-citizens; creating standards for establishing and verifying eligibility requirements; reducing income levels for participation; permitting DHS to promulgate any rule under this provision as an emergency rule.

The “emergency rules” would be subject to review by the Joint Committee on Finance under a 14-day passive review process, which removes the review process from the more politically accountable full legislative review process. According to David Wahlberg “Walker’s budget repair bill ... would give the state Department of Health Services the authority to restrict eligibility, modify benefits and make other changes to Medicaid with less legislative review than required now.”²³ The new head of DHS, Dennis Smith, brings strong conservative credentials to the job. He has served as a senior fellow of the conservative Washington, D.C., think-tank The Heritage Foundation, since May 2008. He is a fervent critic of the very programs he is now in charge of running, even suggesting in a December 2009 essay for Heritage that states walk away from Medicaid completely rather than comply with the new healthcare law, which he calls a “federal takeover.” (Shawn Doherty, *Capital Times*, January 2011).

The repair bill also called for the release of 35 classified positions covered by civil service, and redefined “administrators” to include other managerial positions determined by an appointing authority. While in many ways the least noxious of the “repairs” Walker included in the bill, it reveals the vulnerability of the civil service system to political manipulation. This is significant because Walker used the presence of the civil service system to argue against the need for unions in the public sector. In effect, his bill argued against itself.

On February 18th, the public employee union leadership announced it would accept the increases in health care costs and pension contributions required in the bill if Walker would surrender the reduction in collective bargaining authority. Walker argued that the strategies included in the budget repair bill were necessary to the success of the biennial budget, and so rejected the offer. On the same day, the Wisconsin Library Association (WLA) urged members to contact legislators and press for a “No” vote on the repair

bill. Lisa Strand, executive director of the WLA, wrote on the “WLA Blog” that “Walker’s Budget Adjustment bill ... seeks to end collective bargaining as we know it and decimate public employee unions.” But, as the demonstrations grew in size and intensity in Madison, WLA decided to postpone the annual Library Legislative Day, originally scheduled for February 22. They felt they would not be able to address their own agenda, which was the biennial budget bill and funding for library services. Sandy Heiden, president of the Wisconsin Educational Media Association, noted that school librarians were involved in the “organized rational protesting” going on in Madison as they too would be affected by any reduction in bargaining rights.²⁴ Roberta Stevens, president of the American Library Association, released a statement on February 24, affirming that: “The ALA supports library employees in seeking equitable compensation and recognizes the principle of collective bargaining as an important element of successful labor-management relations. We affirm the right of employees to organize and bargain collectively with their employers, without fear of reprisal. These are basic workers’ rights that we defend for thousands of academic, public and school library professionals.”

Librarians did join the large march of February 26th, when over 100,000 swarmed the capital to march in the snow. Demonstrators at the “Rally for Workers Rights” marched through the winter weather in the largest demonstration in Madison since the Viet Nam War protests.²⁵

There were negotiations occurring between the Democratic and Republican senators in the meantime, and at one point there was a meeting with Walker staff members, but, collective bargaining itself was never back on the table, said one source in Walker’s administration.²⁶ That was the main problem for the Democrats and the labor leadership. While Republicans were fighting an ideological battle, the Democrats were fighting to keep an arrow in the quiver of the working class.

The Republicans grew frustrated with the delays, and the force of the resistance. According to one legislator, they were not prepared for the intensity of the response. In order to escape the trap of the debate, they attempted to pass the legislation without the 2/3rds majority necessary for a fiscal control bill by pulling the collective bargaining measure out of the budget repair bill and passing it separately. In a noisy, undisciplined and hastily called meeting on March 9th, the Senate passed the collective bargaining bill, but failed to provide adequate public notice. The following day the Assembly also passed the bill, and Democrat Barca filed a complaint with the Dane County district attorney alleging a Republican violation of the Wisconsin open meetings law. While Walker believed he signed the bill into law, the restraining order against the implementation of the bill was eventually granted by Judge Maryann Sumi. The Democrats returned to Wisconsin on March 12, with the biennial budget now also to address.

The Biennial Budget

Walker's budget repair bill was just the setting of the table. The full scope of his reach became apparent in the biennial budget. While their own document admitted that the state economy was in a state of recovery, Republicans still pursued budget cuts of 43.4 billion, while expanding tax cuts by \$200 million to businesses. While the administration argued there were no tax or fee increases, in fact the reductions in tax credits, such as the earned income credit and homestead exemption, amount to tax increases on the working class.²⁷

The programs targeted for extensive cuts include the public school systems in the state, the higher education system, local government agencies themselves, health care, transportation services and the environment. The K-12 schools alone will lose \$834 million, the UW system \$250 million and the technical colleges \$72 million. The K-12 funding cuts eliminate such programs as: aid for advanced placement classes; aid for gifted and talented; aid for at-risk children; P-5 class-size reduction programs for urban communities (Milwaukee, Kenosha, Beloit and Racine); grants to advance science, technology, engineering and math (STEM). The budget reduces funding for food and nutrition programs, bi-lingual education, transportation, and Head Start. It establishes a 14-member task force for "Read to Succeed"; as currently configured, the Task Force does not include a librarian.

The budget promotes public charter schools, managed under the direction of a statewide Charter School Authorization board with politically appointed members. The board would collect fees from charter schools. The budget eliminates the need for teacher certification in the charter schools and will not require the schools to serve disabled students. The budget also expands the use of virtual schools in the state by lifting the cap on the number of virtual students and allowing service through private companies. WEAC estimates it will potentially cost 5,000 teaching positions. The budget also calls for a decrease of 10% in library funding and the elimination of the "Maintenance of Effort" (MOE) requirement in public library funding, which will then threaten federal funding. The eradication of MOE will in all likelihood lead to the dissolution of the state interlibrary loan program. The state also rejected \$23 million in federal subsidies for statewide bandwidth expansion, as AT&T complained about the paperwork involved in filing for the federal reimbursements.

Budget cuts to the Corrections Department, funding for childcare, senior citizens, and transportation services for people with disabilities further demonstrate the utter immorality of the Republican budget. The plan completely eliminates funding for Title V, the only state-funded family planning health care program. Senator Alberta Darling, who once served on the Planned Parenthood Board, authored the bill that eliminated these services. The legislature has introduced an amendment to investigate funding for the statewide educational network WISCNET, and, in response,

the Board of Regents of the University of Wisconsin system, the Wisconsin Library Association, Council of University of Wisconsin Libraries, and the School of Information Studies, among others, issued statements informing the legislature of the scope of their recommendation and urging them to reconsider. As a result, the state will allow WISCNET to continue for two years while a privatization model is under investigation.

The Wisconsin AFL-CIO believes that Scott Walker is advocating a broad-based privatization agenda to eliminate all but the most necessary government jobs. Stephanie Bloomingdale, spokesperson for the union, believes that Walker's agenda to weaken the unions, paying back political backers like the multi-billionaire Koch Brothers, will generate a broader divide between rich and poor. "We understand it is a last stand for the middle class ... but we'll keep fighting for a fair democracy and a fair economy. The 'sleeping giant' is now awake and prepared to reclaim power for the working people."²⁸

Kathy Rohde, an organizer for WEAC, expresses confidence about the viability of the public employee unions, regardless of what the legislative actions ultimately address. "We currently operate as a service model union, under the 51-year-old collective bargaining law. If a member has a problem relative to the contract, they contact us. We'll help them with it. We provide training for members, but up to this point, we haven't done a good job of engaging our membership. Without the right of collective bargaining, we'll move to more of an organizing model. We'll be more engaged in active mobilizing and affecting change. We could well come out stronger as a union."²⁹ WEAC, along with Madison Teachers Inc., has filed a challenge to a law granting Walker the power to veto administrative rules written by any state agency. According to the Wisconsin constitution the Department of Public Instruction, headed by state schools superintendent Tony Evers, retains administrative autonomy in the state. (*Journal Sentinel*, "WEAC sues over law giving Walker power over DPI rules," June 30, 2011.)

The Democratic party of Wisconsin also claims to be re-invigorated. Senator Spencer Coggs, a former union organizer himself, spoke at a dinner for the Milwaukee Innerscity Congregations Allied for Hope on June 4, 2011 and said "Yes, we ran away to Illinois ...and we bought us all some time ... but we came back and we came back as new Democrats, empowered Democrats, and we believe as we have not believed in a long time that 'The people, united, can never be defeated!'"

The energy stirred by the weeks of demonstrations did not dissipate, but was re-directed. Former protestors, union members or not, became grass-roots organizers who mounted recall campaigns in senatorial districts across the state. Six Republican senators are confirmed as facing a recall election in July and one of them is Alberta Darling. Three Democrats also face recall campaigns for "running away." While teachers and the students led the charge back in February, now it is truly a collective effort. The first week of June 2011 protestors literally camped out in Madison, obviously present

as the legislators voted on the Governor's budget bill. The designation of "Walkerville," served to recall the "Hooverilles" that grew up in the cities during the Great Depression.

On June 6, the Supreme Court of Wisconsin heard the arguments against the stay on the implementation of the Budget Repair Bill issued by Judge Sumi. The very same day, the Supreme Court issued its decision. According to Chief Justice Shirley A. Abrahamson, who dissented from the Court's decision, "In hastily reaching judgment, Justice Patience D. Roggensack, Justice Annette K. Ziegler, and Justice Michael J. Gableman author an order, joined by Justice David T. Prosser, lacking a reasoned, transparent analysis and incorporating numerous errors of law and fact. This kind of order seems to open the court unnecessarily to the charge that the majority has reached a pre-determined conclusion not based on the facts and the law, which undermines the majority's ultimate decision."

The decision by the Wisconsin State Supreme Court that a committee of the legislature is not subject to Wisconsin's open meetings law requirements creates a transparency challenge for the public in the face of a controlled legislature. The choice to rush the release of the decision on the part of the court's Republican majority in order to enable the state's budget process to go forward without further accountability – such as voting *with* appropriate public notice – suggests collusion among members of the court and the legislature. Given the alliance among the Republican majority on the Supreme Court, the Republican legislature and the Republican Governor, there is no protection of the people's rights in the state of Wisconsin. It challenges the very concept of democracy; the only recourse is to attempt to recall the unresponsive parties.

The painting of the three children, representing the diversity and possibility of this state and this country, will be hung in the Milwaukee Public Library main building. It's true that more people will see it there, but they are not the people who need to see it. They already understand economic marginalization. It needs to hang in the Governor's residence.

Footnotes

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