

What's at Stake

Wisconsin showdown is over civil rights



Let's stipulate from the outset that Wisconsin is not Egypt, Madison is not Cairo, and Scott Walker is not Hosni Mubarak. Nonetheless, the Wisconsin governor's proposal to curtail collective bargaining rights for most of his state's public employees is a profoundly disturbing act that disrespects workers' rights, threatens economic recovery and violates important democratic principles.

Let's be clear about the real motivations behind Gov. Walker's actions. Emboldened by their triumphs in the midterm elections and using state budget deficits as a pretext, conservatives are now poised, in Grover Norquist's notorious formulation, to realize their long-held dream of reducing government "to the size where they can drag it into the bathroom and drown it in the bathtub." In contrast to the largely nonunion private sector, public employee unions still have the resources to mount effective political and ideological resistance to this radical agenda. By gutting public employees' collective bargaining and representational rights, Walker and other Republican governors would remove a formidable remaining obstacle to the right-wing's master plan to weaken public institutions and allow private entities to assume greater responsibility for providing vital social services.

Hence the consistent use by conservatives of skewed statistics to portray public employees, among them teachers, correctional officers, and child-care workers, as a "new privileged class" whose outsized wages and benefits are responsible for our economic woes rather than sharp revenue losses incurred by the most profound economic crisis since the Great Depression. By turning public employees into pariahs and pitting private and public sector workers against each other, the political right deflects attention from its unwillingness to tackle the true sources of our social and fiscal distress: the financial industry's reckless speculation that brought us to the brink of economic collapse, the continuing outsourcing of American jobs, a tax code that allows many businesses to avoid paying their fair share of taxes, and stagnant wages that rob our economy of the consumer purchasing power it needs to fuel economic recovery.

We also need to recognize the indispensable social and economic role that collective bargaining plays and what we stand to lose if Wisconsin and other states limit its operation in the public sector. In the U.S., government is not required to provide many of the social benefits (health care, vacations, sick leave, pensions) that most of us would agree are needed for a decent and secure life. It was only through collective bargaining in the private and later the public sector that many Americans began to obtain greater access to these benefits and upgrade the quality of their lives. Here in Oregon, we saw this most dramatically when home health and child-care workers, who look after some of our most vulnerable populations, gained improved wages, health insurance and enhanced dignity through the collective bargaining process.

Indeed, collective bargaining has boosted the purchasing power of workers, provided ongoing economic stimulus, enabled millions of Americans to gain admission to the middle class, and provided them with an effective voice in shaping their working conditions. When Wisconsin Senate Majority leader Scott Fitzgerald laments that "everything from workplace safety to some of the egregious items that are part of collective bargaining now in Wisconsin has a fiscal piece to it," he is asserting (falsely) that public sector collective bargaining is a luxury we can no longer afford. Instead, what he, Walker, and their conservative allies offer is a continuing race to the bottom and a return to darker times in our history when the lack of strong unions and effective collective bargaining made us less democratic, less fair, and less free.

Just as we were inspired by the struggle to gain democracy in Egypt, we must defend democracy in Wisconsin and give full-throated support to public employees fighting to maintain collective bargaining as a democratic necessity and a social good. The right to band together with one's fellow workers and negotiate wages, hours, and working conditions with employers, be they public or private, is a fundamental civil right that distinguishes democracies from authoritarian regimes. We relinquish it at our peril.

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news Briefs

COUNTY ASKS JUDGE TO RECONSIDER

The Lane County Board of Commissioners filed a legal motion last week asking a judge to reconsider a ruling that members of the board violated the Oregon Public Meetings Law through successive, one-on-one discussions.

Judge Michael Gillespie wrote in his ruling, in a lawsuit linked to timber baron Aaron Jones, that County Commissioners Faye Stewart, Pete Sorenson and Rob Handy and former commissioner Bill Dwyer violated the law by talking to each other one-on-one outside a public meeting.

"The court's conclusion is the first of its kind in Oregon law and results in a substantial change in the public meetings law," the board's motion to reconsider states. In support of its argument that the judge changed the law, the board motion cites attached "declarations of attorneys for the Association of Oregon Counties and the League of Oregon Cities."

"No prior Oregon case has indicated that a governing body can violate the Public Meetings laws by successive, one-on-one conversations that ultimately involve enough members of the governing body to equal or exceed the number of members who would provide a quorum at a public meeting," the board legal memo states.

"This conclusion deviates dramatically from the interpretation of the Public Meetings laws by the Attorney General," which is used to train public officials on the law, the memo states. The board quotes the AG's manual on the law: "A gathering of less than a quorum of a committee, subcommittee, advisor group or other governing body is not a 'meeting' under the Public Meetings Law."

"The advice public bodies often receive on this subject from legal counsel throughout Oregon is consistent with this interpretation," the board memo states, noting that they could find no cities or counties that interpret the law as prohibiting successive, one-on-one discussions as the judge claimed.

"Over the past 25 years, the legal counsel for Lane County has not advised its board and committees that successive, one-on-one conversations of board or committee members in numbers that could constitute a quorum, violate the Public Meetings Law," the memo states, citing declarations from three current and former county lawyers.

"The court's conclusions of law, unless vacated, may have a broad chilling effect on legal, one-on-one conversations," the board's legal memo continues. "Fundamental tension will occur between the court's interpretation of the Public Meetings Law, on the one hand, and constitutionally protected speech."

The memo states that practical difficulties in implementing the ruling and a possible injunction against serial one-on-one conversations will "bedevil enforcement." The memo notes that the judge himself "called the search for a bright line rule under Oregon's law a 'fool's errand.'"

The memo also cites legal precedents in arguing that the case was not filed against Stewart and Dwyer and the judge may not change the case at the end to add them as defendants. "The court may not find that a different, unpleaded combination of commissioners violated the law."

— Alan Pittman

REPS DE-FUND SACRED VESSELS

Planned Parenthood says condoms are cheaper than diapers, but much of Congress appears to disagree.

Supporters of Planned Parenthood gathered at the old Federal Building as *EW* went to press Feb. 24 to protest the proposed de-funding of Planned Parenthood and other family planning and sexual health organizations. "We want to raise our voices in protest and show that this vote is in opposition to mainstream America," says Cynthia Pappas, CEO and president of Planned Parenthood of Southwestern Oregon.

The U.S. House voted Friday, Feb. 18 to approve a budget that would eliminate all funding for the Title X Family Planning Program, a portion of the 1970 Public Health Service Act. Because Title X is the only federal grant program devoted solely to family planning, the measure would cease federal funding of Planned Parenthood.

Congressman Peter DeFazio, who voted against the amendment, called the vote extraordinary. "This is an egregious example of Republicans using social issues to distract from the real needs we face — fiscal responsibility and targeted job creation. As was apparent in the four days of debate last week, they have no positive answers to address the serious issues facing our country."

Eliminating Title X funding would cost the federal government more money in increased Medicare dollars, Pappas says. "In fact, for every dollar the government spends on family planning, it saves four dollars," she adds. In Oregon, 23,783 clients received Title X-funded health care through Planned Parenthood in 2010.

In addition to access to contraception and information on contraception, each year Title X provides funding for tens of thousands of screenings for sexually transmitted infection, pap tests and breasts exams through Oregon Planned Parenthood alone. Title X is legally prohibited from funding abortion as a method of family planning.

"Elimination of federal funding would have a disastrous effect on our ability to provide health care to women who need it most," Pappas says. She adds that the elimination of Title X funding is a strange decision for Republicans who claim to oppose abortion. "Planned Parenthood does more than any other organization to