



Circuit Court Decision on Open Meetings Law Violations Checks Abuse of Power

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MILWAUKEE, WI – On May 26, Dane County Circuit Judge Mariann Sumi invalidated a bill passed by the legislature in March, taking away most public employees' collective bargaining rights. Judge Sumi based her decision on evidence that lawmakers violated Wisconsin's open meetings law when it voted on the bill with less than two hours public notice.

"Criticisms by legislators, attorneys and others that it was wrong for Judge Sumi to invalidate a state law – some going so far as to claim that judges have no business reviewing legislative enactments – show a shocking disregard of our system of checks and balances, and are dangerous to a society built upon the rule of law," said ACLU of Wisconsin Executive Director Christopher Ahmuty.

As Judge Sumi wrote in her decision, in 1803 the U.S. Supreme Court made it clear that it is "emphatically the province and the duty of the courts to say what the law is." That bedrock principle has governed our nation for centuries.

"The checks and balances built into our constitution make sure that no one branch of government – not the executive, or the legislature, or the judiciary – usurps power," said Ahmuty. "In this system, it is the role of the courts to ensure that the actions of the legislature and the governor comport with the constitution and the laws. While there may be limited areas where separation-of-powers principles clearly prevent the courts from interfering with exclusively legislative or executive functions, this is not one of those areas.

"Judge Sumi did not ask that anyone challenge the collective bargaining bill or that the challenge end up in her court. But judges have to decide the cases brought before them. Doing so is not "judicial activism" – it is doing the job of a judge. Even those who disagree with her decision should thank Judge Sumi for fulfilling her constitutional duty, rather than fulminating about the bogeyman of so-called activist judges."

The ACLU of Wisconsin has approximately 7,000 members who support its efforts to defend the civil liberties and civil rights of all Wisconsin residents. For more on the work of the ACLU of Wisconsin, visit our [webpage](#). You can also get news and opinion on civil liberties in Wisconsin on our [Cap City Liberty blog](#). Find us on [Facebook and Twitter at ACLUMadison and ACLUofWisconsin](#).

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