



LEFT: Joining moderator Sheila Cochran in a town hall on Voter ID were the attorneys leading lawsuits that had halted the most repressive law in the nation – from left, Denise Lieberman, Richard Saks and Karen Rotker. **See Page 12.** **RIGHT:** Hundreds of union construction workers crowded the thank-you luncheon in the unfinished Moderne structure, a catered tribute by the AFL-CIO Housing Investment Fund, which has another emerging treasure to highlight. **More on Pages 10 and 11.**



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(USPS 350-360)

See Piggly wiggle from federal judge

It says it will close Sheboygan store rather than heed UFCW pact

By **Dominique Paul Noth**
Labor Press Editor

Piggly Wiggly has announced it would rather close its Sheboygan store Sept. 1, throwing 108 workers into the street, than submit to a federal court ruling that it broke the law by cutting 19 workers from full time to part time in violation of a union contract requiring negotiation. This is the real mustard



Ordered to restore union pay, the supermarket instead announces it will shutter Sheboygan store. behind the truncated announcement June 12 of the impending closing of the store at 3124 S. Business Drive in Sheboygan. You will look largely in vain for the local media to accurately tell you how Piggly Wiggly runs from justice. It is more likely to cover the sausage races at Miller Park. The media didn't even bother to cover the initial ruling against Piggly Wiggly nor the impending complaints against its stores around Wisconsin.

store had blown up in May -- a 60 page documentation decision by an administrative law judge and a full Eastern District Court of Wisconsin federal court order for Piggly Wiggly to make the workers whole and refrain from any further such action.

The failure of most local media to report this is something of a mystery, particularly in a state recently roiled by the entire issue of worker rights and union representation. Perhaps it is unfair to suggest that our local media has an opinionated thumb

Piggly continued Page 8

Election Aftermath

How both camps fumbled analysis

Both sides of the partisan divide are proving absolutely lousy at interpreting the June 5 recall election that kept Scott Walker in the governor's mansion (where he can pretend over beer and brats to sudden contrition for his behavior).

He flat-out won -- but that was not first understood as echo of what happened in 2010. That was masked by the extraordinary energy on the ground from the opposition. If kept alive as many are working to assure, such vitality and enthusiasm from new voters joining re-inspired traditional and union voters could change outcomes drastically in the upcoming legislative races and presidential campaign.

This surging power represents one of the first misreads by

pundits analyzing the election - just because it wasn't enough doesn't mean it isn't there. On the other hand, just because it is there didn't mean it would be enough in a unique election.

That was the sad truth Democrats couldn't believe, but they are convinced the fall of 2012 could be quite different if they keep the fever alive and foster greater awareness. This message that this is just the first round rang out before the vote and immediately after from all sorts of unbowed foes of the Walker agenda, from citizens on the street to AFL-CIO leader Arlene Holt Baker speaking two days before and the day after the results. So if you also read the punditry that said the progressives were slinking away in disgrace or felt overwhelmed, that is not the sound now raining

Analysis continued Page 4

Need for a union vital despite Palermo's denial

(c) By **Dominique Paul Noth**, Labor Press Editor

Community groups and unions are working to support the desire for a union and a contract for the troubled workforce, perhaps as large as 225 workers, at frozen pizza maker Palermo Villa in Menomonee Valley on Canal St. Boycott efforts are underway at local outlets and pickets circle the plant to hoots of support and derision from passing cars.

A vote on a union originally scheduled by the National Labor Relations Board for July 6 may still take place within the next month. Technical balks have raised issues requiring discussion with the National Labor Relations Board Region 30 (Milwaukee office), so the actual date won't be confirmed until after our press deadlines. But it will either be July 6 or soon after.

Nothing is clear in this dispute, which ambushed many established organizations occurring as it did in the middle of a broiling statewide recall election. So to say misconceptions abound is an understatement.

Labor Press investigations have now cleared much of the brush.

For instance, despite company claims that there is no worker problem at Palermo and the issue was manufactured by outside agitators, there are genuine issues and the company not the workers appears to be the long-term target.

NLRB Region 30 is also handling an unfair labor practice (ULP) against the company accusing it of

intimidating union efforts through questioning the legal status of workers, or locking out workers because of protected union activity, which would be a violation of the law. The attorney for the workers, Richard Saks, just won an injunction halting Wisconsin's Voter ID law.

As one NLRB insider explained, the status of the workers - whether they are working here legally under US immigration rules - is an issue that will take time to unfold. There is much confusion and many levels within the law. Palermo is apparently taking the attitude that the complaining workers - now supported by families and friends on the picket line -- were fired because of documentation issues. The complainers with legal and union help -- and a federal letter of clarification to point to -- are disputing the company's motives and attitude.

The actual constitution and size of the workforce -- whether temps or replacement workers should be included in the NLRB union election vote and which of the complainers should take part -- are issues that will test the research, judgment and fortitude of Region 30. But there will be a union election requiring a majority to say yes or no to a union.

It is more complex than the knee-jerk view that this is simply "some illegals" upset with a company. There is no question that playing to that concept has been a tactic carefully orchestrated by Palermo in its few remarks to the media and its press release blam-

Palermo continued Page 6



CROWDS AND CELEBRITIES FILLED WISCONSIN - Only a few hours' notice brought thousands to Pere Marquette Park June 1 to hear former President Clinton, one of many such last minute rallies and crowds on both sides of the recall debate. Spotted listening (top left) was Rob Zerban, the Democratic challenger to Rep. Paul Ryan in US District 1. Zerban seems to have gained speed in the distaste for Ryan's economic plans plus a redistricting that put more liberal regions in the district.

LEFT: Being interviewed by the Huffington Post at Milwaukee's Intercontinental Hotel was a Democrat much mentioned in the presidential field for 2016, Maryland Gov. Martin O'Malley, who was in the state in his leadership role for the Democratic governors conference.

Calendar

Visit www.milwaukeeelabor.org for updated events

Monday, July 9

Laborfest Planning Meeting
All affiliates and members welcome
5 p.m., 633 S. Hawley Rd.

Monday, July 23

More Laborfest Planning
All affiliates and members welcome
5 p.m., 633 S. Hawley Rd.

Wednesday, July 25

Executive Council Meeting
2 p.m., 633 S. Hawley Rd.

Wednesday, Aug 1

Monthly Delegate Meeting
6:30 p.m., Serb Hall, 5101 W. Oklahoma Ave.

Monday, August 6

Laborfest Planning Meeting
All affiliates and members welcome
5 p.m., 633 S. Hawley Rd.



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Progress testy but county finally can knit relations

By **Dominique Paul Noth**
Labor Press Editor

There was only one piece of good news when the county reported a \$15.6 million surplus in its 2011 budget -- how once Scott Walker was denounced in Madison not Milwaukee, all sides at the county quickly accepted the surplus numbers as accurate.

This is not a nasty comment. It is a reminder of his eight year history as county executive. Again and again he proclaimed surpluses of - who remembers? 50-60 million? After the first years of that, after money failed to materialize, the county board took these pronouncements with a grain of salt and several aspirin.

This time around dealing with new County Executive Chris Abele's austere budget, the questions when the surplus was announced June 13 was not accuracy -- but why? And how to use it? Note for the first time in years, the projections weren't in dispute. Not with Walker and his thumbs out of the building.

Even more surprising, immediately the county board and Abele agreed to something it had fought about before - getting out of legal trouble with its workers by returning money excessively deprived them by Walker, according to a legal ruling.

A judge had determined convincingly that while Walker could have imposed 45 furlough days, he went wacko and imposed four times as many. Some in the county administration had argued to fight the ruling, but the surplus has helped wiser heads prevail and agree to pay workers back. In the end there was little dissension that this was the just course.

Wait! Could it be that with Walker and the old chairman of the board, Lee Holloway, gone,

there could be signs of accommodation and cooperation between the county exec, the county board and the conciliatory but determined new chairwoman, Marina Dimitrijevic?

Such hopes loom large in the community, though they keep getting dashed when olive branches from the chair are misinterpreted and turned into sticks in the eye by Abele's unpolished advisers.

But the universal agreement with a judge about furlough days was one of the good signs. Those excessive Walker furlough days translated into more than an 8% pay cut across the board. There were workers who went into bankruptcy because of this or lost their home or pulled kids out of college.

So the supervisors set aside \$4.1 million of the surplus to settle the dispute to much applause even from the county exec - but wait!

Perhaps inadvertently something seemed off to bean counters in the initial announcement of restoring 2010 excesses. There was a hole unreported in the media. The judge declared Walker in violation not just for 2010 days but drifting into 2011, though fewer workers, a different interest rate and fewer days were involved -- but all seemed covered in the decision. The \$4.1 million price tag might be too low when all the numbers are crunched. The left-outs could raise the cost to \$8 million, some quick mathematicians say (still leaving a surplus of more than \$7 million).

In any event, AFSCME District Council 48 is not about to take half a loaf, said David Eisner, president of Local 594. Supervisors are likely to agree, especially when they realize the initial figure won't settle a case they think should be settled.

Some on the board hope that



they can avoid hard money by offering compensatory time and other ways to make the workers feel better.

But as he roared away on his Harley, Walker dropped a cow chip. It's called Act 10 - the extreme limitation on collective bargaining. Walker's rules as governor prevent any bargaining with a union even if it wants to on anything but a narrow cost of living slice of wages. So unless some judicial finesse is involved, here's another case of Act 10 likely to cost the taxpayers money rather than saving money.

The largest issue hovering around the budget surplus is different. "Why were we so wrong?" asks Supervisor Gerry Broderick. "People suffered because of this, not just workers. There is a price to being overly constricted."

It's a genuine issue. Everyone agrees that the county should not go out and spend the surplus or try to go back and patch things up. There are rainy



It's become a perplexing sideshow to political observers. Chris Abele and Marina Dimitrijevic appear more in public these days supporting similar causes, but not together. Their disputes seem within reach of settlement but their leadership roles produce loggerheads. Abele is shown at left at a recent political gathering in Whitefish Bay while Dimitrijevic (above photo at left) was in the crowd at the Bay View Tragedy (that's speaker Stephanie Bloomingdale of the state AFL-CIO at right).

day considerations and deficit concerns. But never forget that Abele achieved his 2011 budget by attrition, by enforcing extreme cutbacks on departments and workers. There is no evidence so far that programs were made more efficient or savings came from better operations. It was cut, cut and bleed.

The surplus figures announced in June indicated which departments badly overshoot -- \$1 million too much in Department of Aging, \$2.5 million in Transportation and Public Works and a whopping \$4.7 mil-

lion in Health and Human Services. While county comptroller Scott Manske correctly suggested a great number of factors could be involved, no one can yet claim better function was one of the causes of the surplus.

Good, trustworthy numbers are sure better than what happened before. Surplus may sound swell to the taxpayer. But surplus can also be a sign of watching the numbers more than watching out for people. Which underscores how the new potentially more cooperative leadership at the county has some difficult negotiations ahead.



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Analysis

From Page 1

down on the community. But ground realities and better facts don't seem to distress the opinion-makers. For instance, final figures up-ended the myth promoted election night by so many anchors, that the contest was a blowout. Percentages confirm a badly divided state. Turnout was high for a governor's race, but mystifyingly not as high as energy on both sides led observers to expect. It wasn't 75% turnout as national anchors instantly said. It turned out to be 57%, still high for a gubernatorial contest but less than anticipated. For example, Walker picked up 200,000 votes over 2010 but did you know his opponent, Tom Barrett, also picked up more than 160,000?

The Democrats thought from the energy on the ground that the race was a lot closer. They were wrong. But in hindsight the Republicans clearly thought the same because they panicked, unleashing last minute dirty tricks and misdirection. Unnecessary, it turns out. The voters had clearly made up their minds weeks before to give Walker a full four years. It would have taken that 75% turnout to alter the conclusion.

Several voted for Walker because they still think the governor walks on water -- or at least bought into his argument of courage not misdirection tackling hard issues. But a lot, exit polls suggest, were almost holding their nose. They had determined it was too early to decide and were squeamish about the recall ferocity and what they interpreted as leftist exaggeration, but

they were hardly enthusiastic about staying the course. The division of such Walker support - was it half and half or one quarter vs. three-quarters? - is something only time will clarify.

That explains why his opposition is not about to roll over but instead is gathering detailed evidence of what's working and what is merely pretense at working. They also are struggling to convince more moderates that they were not the wild-eyed extremists in this contest. This also explains why Walker knows that next time there won't be such unlimited funding and that actual results will have a better chance at deciding his fate.

The bigger misread was the impact of those dollars. How big a factor was the money? To the Democrats it was the deciding factor. To the Republican Party leaders it made no difference. Both are wrong and both knew it - they were speaking for the cameras.

The money spent on the Walker side was repulsive to be sure, rising to \$49 million in recent reports, more than two-thirds from people outside the state who could care less about Wisconsin citizens, many the familiar reptilian right-wing names of national scorn.

But what the money mainly did was prevent the hard realities of Walker's personality and policies from getting through, clogging every gateway of information because of a quirk in state law unlikely to be repeated (another misread in national punditry -- it was likely not to be repeated even if Walker lost).

As bad as Citizens United is, it worked with another high court ruling to make the Democrats defend against bloat-



Win or lose, the need to build on the energy on the ground and keep fighting for workers was emphasized before and after the election by Arlene Holt Baker, the national AFL-CIO leader who is also leading a voter turnout campaign nationally. She is shown at the MALC awards banquet June 2.

ed anonymous cash - and look for that anonymity to face court challenges as an overreach of even what the US Supreme Court over-reached. Yet neither ruling was a central factor June 5. It was that Walker under that state quirk enjoyed months of unlimited cash with no opponent in view to oppose his advertisements. (Even Citizens United would normally let both sides battle - Walker had a free ride.)

Though we are unlikely to see that again, there are intelligent moves in the state legislature to make sure.

There is also Walker's contrary effort to eliminate any ability to recall officials, likely to be thwarted because the senate recalls put his party one deeper in the hole in the state Senate. But what the voters rejected was not having a clear-enough case, not the idea that if a governor burned down the Capitol in rage, he shouldn't be recalled - they still want protection against a Nero.

It is the Democrats who actually are pushing some sensible legal changes including tracking all \$100 or more state agency operation expenditures on a public searchable Internet site (SB 565), having a nonpartisan audit of large state agencies every five years (SB 506) and pursuing compliance with existing open meetings laws (AJR 52) - all of which would underpin the transparency so badly lacking in state government. Perhaps it was that current ease of how money could be hidden that so

attracted heavy corporate outside cash to Walker. It's another reason why pertinent changes in both recall and ALEC influence are also being pursued by the Democrats.

These bills are not given much chance in the GOP dominated Assembly - unless the voters agitate in time for the August primary and November election.

But there is one thing loosely under discussion that could gain support from both sides - a limit on the percentage of out of state money that can be raised by a state official in a recall race, a simple change that would allow big money to protect the official but make certain the cash was dominated by state residents.

Everyone now concedes it was unseemly and un-democratic to see 65% of Walker's direct money flow from the outside.

Even many Republicans interviewed would support something like a 30% outsider limit in state recall races. This is recognition that these special circumstance didn't just tilt the playing field, they eliminated it. If the Democrats wanted to engage in campaign silliness, there was no opportunity.

There was nonstop silliness on the other side -- dead baby ads, uncheckable job figures, debunked \$1 billion in savings, questionable education statistics treated as unquestionable education pluses - all clogging genuine public discourse. Barrett may have won the debates, but it was without sufficient weight to change minds and no objective

media analysis to back him up. That leads to the most ridiculous interpretation of Wisconsin June 5 - and it came from GOP presidential candidate Mitt Romney, who stood squarely on his four feet and proclaimed that America did not need more firefighters, police and teachers, sneeringly asking, "Did (Obama) not get the message of Wisconsin?"

Well, obviously Romney was the one who didn't get it, and he was quickly chastised by leaders of his own party while bluntly condemned by Democrats. Even Walker made an effort to preserve the collective bargaining rights - and encourage more hiring -- of police and fire fighters and even today he tries to defend his cuts in teachers as an effort to "help" education and provide the "tools" to hire more teachers, which hasn't exactly worked out.

June if nothing else may have been too early for the public to perceive that lower wages, bigger class sizes and less revenue mobility for municipalities are a formula for disaster, but by November and certainly by 2014 that should become clear.

(Which is why Walker is angling for a national stage and would be a GOP vice presidential candidate were it not for that hovering John Doe probe.)

Some Republicans lamely defended Romney as meaning that where populations shrink then teachers, police and fire can be reduced, but the census shows the country ballooning and the needs growing - and Romney said the message was to attack and reduce the public workforce, not move it around.

Apparently the geniuses on his staff had not educated this genius of American finance that Reagan and the two Bushes kept recessions from falling into depression by growing the size of public workers (historical fact). That federal stimulus even before Obama helped add police, fire and teachers to local duty. (In fact, Romney as Massachusetts governor relied on it).

His comments were not only economic nonsense but a laughable misinterpretation of Wisconsin results..

-- Dominique Paul Noth

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Those casual union members are own worst enemy

By **Dominique Paul Noth**
Labor Press Editor

As political strategy, and probably error, the Democrats leading up to June 5 underplayed the impact of what was happening to union workers. That strategy failed hard far from big cities. It was the rural communities that handed Scott Walker his victory - and out there, apparently, the word "union" had a bad taste and no contrary fire to dispute the view.

While workers remain proud of how quickly they gathered and protested in Madison and collected recall signatures, there were citizens who saw that not as America in action but an America to be afraid of.

In response, some acted like the meanest boss they ever had.

One consequence now is that national pundits dismiss unions as irrelevant and Wisconsin is full of articles how unions will have to fight for their lives against invasion of the "right to work for less" body-snatcher legislation for the private sector.

Walker has long claimed that such laws would never come to his table - yet here they are, pushed by his legislative allies and business cohorts filling conferences with remarks of how nice it would be not to have "forced" work rules in a state where only 8% of the private workers are union.

Some citizens seem to believe such bad arithmetic. That is not just a consequence of constant harangues from talk radio and Ayn Rand acolytes. Some opposition to unions is a matter of heritage and high-minded belief in the goodness of the rich.

But it's quite a stretch to rely on patriarchal benevolence (or matriarchal benevolence for that matter) from the boss by giving up your power to organize fellow workers, just because master he or mistress she seems to be a decent sort. That sure seems the philosophical agenda at work in right to work legislation.

Comment

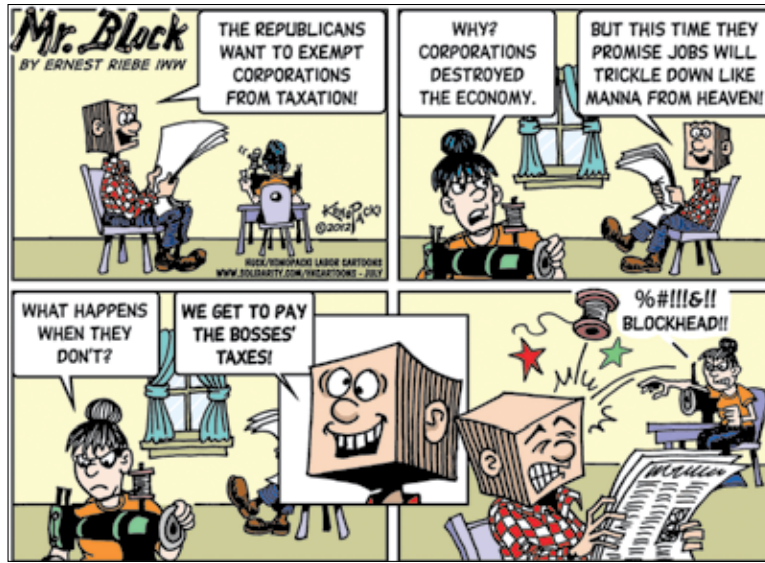
But let's not quibble. The power of this attitude that unions are blasé or passé is actually an indictment of unions themselves.

Loaded with evidence to the contrary, dripping with proof that unions are good for the community, it is the unions that have become complacent. Or defensively hostile and arrogant of late, as opposed to sharing the good news.

Unions have too long just gone along despite their own great examples to the contrary. They've thought the quality work they do on the job would speak for itself. Well it doesn't. People seem to need to be hit over the head -- and then they protest that you are hitting them too hard, as if somehow the extremists on the other side aren't even more over the top.

Union members have also let their elected leaders do the heavy promotional lifting, the speaking up about what unions do for the community. That's passing the buck. They should be their own best missionaries. But it's the leaders and diehard union activists who show up at charity events to lend a hand or pack rallies to speak about principles. It's not the workers taking time off from their busy lives. Is there a more important time to actually show up?

Members have too long let unknowing outsiders label them as dupes and simpletons, proclaiming it is a mis-use to employ union dues outside workplace details, as if it is okay to let corporations use their enormous wealth to proselytize but workers can't let their money speak for their own principles or the candidates that support the same goals. Political action with dues money is a natural extension of the belief in betterment that underlies unionism - and there is a voting process if you don't agree with your union's choices. In contrast, corporate



minions have no power to object.

The heart of union membership is not what you give in cash to a cause, though that seems to be where the opposition thrives, but how you reflect your personal independence by caring about others, how you speak out to neighbors when you hear a lie.

Yet the public hears constantly that unions get too much take-home pay or only support extreme political causes and candidates.

It is the union member too often who walks away at such canards, much as citizens used to walk away when they heard anti-Semitic or anti-black remarks. Such childish evasion has no place in a mature democratic world.

During the election, little publicity or news coverage looked deeply at how the courts had ruled unconstitutional Walker's direct attack on union money. The federal judicial panel saw right through Walker as vindictive so they reversed his refusal to allow paycheck dues and rejected his demand for annual recertification. But Act 10 still eliminated the basic right to negotiate benefits. Over time that will cost taxpayers money even for those rural communities that

elected Walker. Perhaps they don't know. Perhaps, more frighteningly, they don't care.

Reluctantly or not, public unions had agreed even before Walker's legislative attack to paying more for health benefits and pensions, though such rates were negotiated long ago in exchange for lesser wages. You didn't hear much of that during the election. The strategists feared it would sound too much like union selfishness. So a good story of long-term sacrifice never got aired.

Nonunion households never connected to how union action to raise wages and working standards had over the years filtered into their lives. They have to be reminded to start looking around.

If hospitals that are not unionized give nurses better shifts and standards to care for patients, that is actually an echo of what union nurses proved and fought for. If non-union truckers on the highway are limited by law in how many hours they can drive so they don't fall asleep at the wheel, drift lanes and kill you, that was something drivers demanded through their unions. If buildings are con-

structed better and more safely, look at the standards unions established.

You want a negative about unions? Your family economy would be better if you could let your 12 year old go to work in a munitions factory, but he can't because unions fought against that standard child labor behavior of just a century ago. So indeed yes, they interfere with your economic freedom.

Yet the casual union member doesn't celebrate his union membership. He or she is often not even aware of what unions do for their own pocketbooks. They simply rely on their leaders "to do the right thing."

"The biggest mistake we ever made," one union leader told me, "was not crowing from the rooftops each and every time we made a gain in wages, health care or pensions. Because after a while members took for granted we would win. Now they're angry that we've lost."

So forget for a moment the non-union citizen who doesn't like unions. Think of that casual union member who doesn't know what the union does for him or for the community in general.

"And if some of them don't know, how can we blame the non-union folks?" asked one union leader at a recent strategy meeting. "If they don't understand what a good contract means, how can they expect to convince their opponents?"

Union members don't have to ardently call each other "brothers and sisters" or carry placards in Madison, though it helps. They just have to stop taking unionism for granted. Because when they do, and then sneer at non-union citizens for being so harsh, it's just dumb against dumber.

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Palermo

From Page 1

ing the entire problem on outside agitators.. Part of the "Who me?" excuse emphasizes the company's heritage as a major component of the business growth of Menomonee Valley and how it was founded by an Italian immigrant family -- so how, the company asks the public to believe, could anyone think it was operating around the truth?

The facts are different, Labor Press investigation reveals. While emotion may bring exaggerated rhetoric from both sides, and some overstatements on video by Voces de la Frontera, the rights group most publicly championing the workers' causes, the company's denials that there are any safety issues, scheduling issues, pay and discrimination concerns are an invention of its own making.

Palermo has been under investigation by ICE for a couple of years on its verification practices, sources confirmed, long before this unionizing effort. It has to deal with pending allegations of claiming a legitimate workforce when it shouldn't have and then blaming the workers when documents are questioned.

Palermo has long sought and had a strong Latino component in its workforce and has long claimed it has verified the legality of its workers. Yet Palermo for its part has now hired a nationwide anti-union law firm to deal with the current dispute it says was fabricated and it issued a defensive press release through Branigan Communications that only outside agitators and extremists were causing the anguish, not the company's behavior.

This has angered federal officials in D.C. and Chicago, who are not happy with the rhetoric on either side, but off the record point out the company is "taking advantage of our pledged neutrality" and legal requirement to stay

outside the fray. One federal official pointed out the rules followed so carefully by his own agency, ICE, the US Immigration and Customs Enforcement division of the Department of Homeland Security. By law it cannot officially comment but ICE did openly send Palermo's lawyers a terse one sentence letter June 7 saying it is staying interest in "suspect documents," which took the legs out of one of the company's arguments.

Palermo now says it will welcome the workers back, knowing full well that if it had illegal workers they can't be rehired. The ICE letter indicating the agency is not pushing for reverification would normally go a long way to settling the ULP complaint, tacticians for the unionizing effort agree -- "except that Palermo is stirring the pot," one said, by pursuing the "repressive methods" of a national union busting law firm.

One sentence in Palermo's official rebuttal angered a federal official in D.C. Palermo called itself "a third party to this federal action." That is "known as passing the buck," the official said, "trying to shift the blame to ICE."

In the dispute, one official said in a deep background, "it is equally clear the company is lying."

Another official offered off the record quotes that the company is the target of ICE investigation while the workers who may be there illegally are only indirectly caught in the headlights.

When the agency "requests administrative (I-9) audits of businesses," the official noted, "that is to verify that their employees are authorized to work in the US." ICE is concerned about the violation, not whether it was intentional or not, but it is the company that "faces civil penalties, criminal charges or fines."

"We understand the human



consequences involved when actual workers and their families get caught up in all this," the official added. "But it is the company under the gun."

These are separate issues from what the NLRB has to sort out as it seeks to set a timely union election vote. The NLRB has to determine who is actually a verifiable member of the workforce eligible to participate in the vote. Insiders report that the company is trying to include temp or replacement workers and challenge many now claiming they were locked out. That could delay things at the NLRB for weeks.

Another federal official attached to ICE likened the situation to "speeding down a deserted highway - if no one sees, there's no crime. But don't speed by a parked officer at 90 miles an hour."

His point? "We didn't intend to catch the worker, but we can't ignore what we find." There is no remorse built into the law, a lack of humanity that angers those families learning about the ICE rules. The situation, the official admits, often promotes fear in the immigrant community when that is not the intention.

Also by rule, to preserve the reputation of law-abiding companies, ICE never discloses the results of an audit or speculates on knowing or unknowing violation - the violation alone is the concern.

ICE officials off the record dispute Palermo's claim that it was given 10 days to verify cases of suspect documents. "We don't make those kind of ultimatums," one official told me. "We always tell companies they have reasonable time."

"There is a backfire in that," conceded another official. "It gives the company time to make sure a suspect worker can disappear into the woodwork. That is why we stay out of union organization cases, because it is possible the companies will use I-9 to intimidate workers whose papers are in question."

Off the record, agency leaders know what is going on. "I won't talk to the Milwaukee situation," one said, "but we are used to cases where companies wanted good workers and verified them for

Homemade and company signage are at war as workers and their families fight for union recognition at Palermo's on Canal St.



employment, then abandoned them when questioned. We had a case of a national retailer after I-9s that was suddenly employing no one but white high school students or retired veterans - and then went back to the old ways once we stopped looking. So there are all sorts of games."

"Suspect documents" noted another official, "is a much more serious term than 'a mistake in record-keeping'. That second one is easier for a company to explain away."

No official would confirm that concern about union efforts was why ICE suspended its look at suspect documents at Palermo. Inside reports suggest, however, that far less than a majority of the workforce seeking election had document issues, so something else was clearly going on.

I asked if Milwaukee would again be a case of a company walking away while a few of its workers face legal action. "From what I have heard about the Milwaukee situation," the D.C. official said, "and this is just my feeling not official, some workers will be caught up but I don't think the company will escape without punishment."

The only comment ICE would make on the record was to pass along a standard statement: "Employers need to understand that the integrity of their employment records is just as important to the federal government as the integrity of their tax files or banking records."

Palermo has also been investigated by OSHA after several workplace injuries and amputations raising safety concerns. Various unions have been floating around the plant in organizing efforts going back four years and these organizers claimed a variety of violations of working conditions, hourly schedules and other issues.

"On all sides this is not a happy situation," said one Chicago official, noting how quickly companies try to point fingers elsewhere than their own practices.

"Workers here illegally are low priority for ICE," said another agency official. "We don't go after them -- we go after persistent law breakers or companies that are cheating US labor law.

But we know good people get caught in the glare and then think we were after them all along. I understand the emotion, but emotions aren't always truth."

One official insisted on pointing out off the record, "It is equally illegal for a union to promise a worker amnesty or special treatment if they are in the country without appropriate papers. Joining a union doesn't protect them. In fact, it would make the union culpable as well." ICE, the official indicated, had been told that organizers had made such promises.

"We know better," said Primitivo Torres, chief labor organizer for Voces de la Frontera who is heavily engaged in the effort and is a former organizer for the United Food and Commercial Workers. "We would never do that." He wondered who was spreading such stories to ICE. No worker could be found who said any such promise had been made.

There are some language problems in this dispute. It is possible that Spanish to English and back again is not always clear. Even English to English.

A "strike fund" of several thousand dollars has been organized for the workers arguing the company locked them out or threatened their unionizing activity. It is inaccurate in union parlance to call this a "strike fund" because by definition you have to have a contract before you can strike. The workers didn't, so the company can suggest they walked off the job.

Then again, research proved that Palermo falsely claimed there never was a problem with its workforce. The reality is many workers want a union and weren't coerced to create one. Now many in the community want to support these families during the effort. So it's an emergency fund by any name and both the American Federation of Teachers and the United Steel Workers are helping raise money. The July 6 election could proceed as planned or may be forced to be rescheduled within a short time frame.

But there will be an election as quickly as the issues can be cleared, noted Region 30's director, Irving Gottschalk.

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Now we're waking up screaming 'Nixon! Walker!!'

By **Dominique Paul Noth**, Labor Press Editor

Nixon. Walker. The inescapable connection haunts me. Walker. Nixon. The nightmare grew immense June 5.

In 1972, American voters ignored reality tracked by journalists Woodward and Bernstein - the start of the Watergate expose. But voters dismissed the Washington Post as overreacting to - well, as a sign of how journalistic integrity has changed since then, let's quote the Milwaukee Journal Sentinel May 20 this year as it defended Scott Walker against the John Doe charges circling his appointments at Milwaukee County working at his behest and on his behalf: "Overzealous political associates sometimes get in trouble." That was how voters in November of 1972 treated the Watergate investigation.

Yet a few months after overwhelmingly re-electing Nixon president, the mounting evidence became inescapable. The nation's voters belatedly discovered that those "overzealous political associates" were doing far more than getting into trouble on their own. They were following orders and kowtowing to the leader. They, dozens more and the president himself were hip-deep in campaign abuse, dirty tricks, assorted corruption and collusion at his behest to destroy their enemies. As revelations mounted and aides were indicted (they soon went to jail), Nixon resigned rather than face impeachment.

Five years later it was hard to find anyone who admitted voting for him though he won the presidency twice - and quite handily the second time.

Wisconsin voters clearly decided it was too early to think of Walker in Nixon terms, but let's be honest. As historical parallel it's right to have the specter of Nixon hanging over Walker.

Here's where it is extreme. Nixon was clearly smarter. He was a better administrator and a shrewder politician willing to be convinced by the opposition to do important things. Yes, he was not as good about disguising his hatred and letting his attack dogs take the blame, but he became a late convert to the environmental movement and worker safety, actually creating the Environmental

Comment



"Those who hate you don't win, unless you hate them. And then, you destroy yourself." – *Richard Nixon*.
"We'll use divide and conquer." – *Scott Walker*

Protection Agency (EPA), the Clean Air Act of 1970 and Occupational Safety and Health Administration (OSHA).

Right after his resignation he said publicly that his undoing was blind hatred of his enemies. Forty years give us some perspective on his personality, even some sympathy for the private demons that so contrasted with his public aura of family values. His behavior was well disguised before the real Nixon emerged on tape to bring him down.

Walker is still right upon us -- the lack of distance amid political heat benefits him even despite videotape of his real thinking when in the company of the very rich. There is quite a bit of evidence of Walker chicanery but many in Wisconsin, like those voters in 1972, can't believe that his history of dirty tricks and political corruption can be traced back to his college years and his early terms in the legislature and as Milwaukee county executive.

They think it is dirty tricks to talk about his dirty tricks, which is the same technique that Nixon used for a long time to escape Judgment Day.

In the heat of immediacy, and because he is now the target, Walker can still get away with saying how he thinks the recall rules are bad. That's sure finessing around his statements ten years ago of how great he thought the recall effort was in allowing voters to fight back against bad politicians.

Only then, of course, he was the practitioner, not the target.

He can say the private emails he won't reveal outside the John Doe probe - which legal experts say he is quite free to reveal -- don't matter since they involve a land deal in which "no bid was accepted." He is counting on citizens right now not seeing a parallel to convicted Illinois Democratic Governor Rod R. Blagojevich who defended his taped "pay to play" efforts to influence a US Senate seat by arguing that his effort to sell the seat failed. Blago is now in prison.

Milwaukee County doesn't square to his diehard GOP supporters with Nixon's CREEP effort, which deliberately ignores how the American legal justice works. Prosecutors such as Milwaukee DA John Chisholm don't measure corruption in dollars but by the simple intent of being willing to bribe and unduly influence even to get "petty cash." And the simple willingness to be bought makes nothing petty these days, as evident when America's richest right-wingers see something in Walker that made them so eager to plunge \$30 million into his efforts to stay in office. Money was just as easy for Nixon to come by as it seems to be for Walker.

No wonder I'm having nightmares.

Americans are terrible at remembering the lessons of history or the motto that used to appear on the masthead of a Milwaukee newspaper: "Those who don't know history are destined to repeat it."

Unfortunately today's Journal Sentinel backed Walker. And the published motto of its editorial page boss David Haynes is "Keep the marketplace of ideas stacked."

I think he actually wrote "stocked," but you know how newspapers these days are full of typos.

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Piggly From Page 1

on the scale. More likely its short-handedness has made it sloppy on issues of basic worker rights it long ago stopped covering as a beat.

The media certainly ignored a landmark federal ruling - a striking decision, the first such action in a dozen years affirming collective bargaining, workers' rights to organize and a chosen union's priority to have its contract heeded.

The complaint supported by the National Labor Relations Board was initiated by the United Food and Commercial Workers and its legal experts. It is a total union victory and a winning first round against Piggly's treatment of unionized workers. It goes a long way to explain the aggressive announcement to close the Sheboygan store rather than obey.

The company's sudden action was led by a notorious union busting law firm, Jackson Lewis, which just opened an office in Waukesha (perhaps anticipating or helping further the move toward "right to work for less" legislation). The company first deceived the UFCW by holding a mutual meeting June 11 and then used these lawyers the next day to "continue its unlawful behavior" -- in the words of UFCW Atty. Mark Sweet -- to send a letter to the state, the union and all 108 workers announcing the intention to close the store.

How the court will respond to this defiance remains to be seen. Federal Judge C. N. Clevert had just ordered the store

to restore full work status and health care rights to employees whose hours were reduced to part time without bargaining with their union -- and to refrain from such unilateral decisions in the future. (Too bad he didn't say anything about keeping the store open.)

By implication, the order for restraint would apply everywhere, including any outlet of Piggly Wiggly Midwest, which operates 102 stores (maybe soon minus one) in Wisconsin and northern Illinois. It is doubtful that the Wiggly Piggly will shut all its stores just to escape future court rulings but it is already facing unfair labor practice charges in Menasha, Racine, and Kenosha, brought by the UFCW. The cases will be prosecuted before an administrative law judge by an appointed NLRB attorney in Milwaukee beginning July 23, something else the establishment media has failed to report. Region 30, the Milwaukee office of the NLRB, issued the complaint regarding Piggly Wiggly's overall bad faith bargaining in those locations.

Rather than boasting about its vindication, UFCW President John Eiden noted: "It's sad that it had to come to this, where the employer can't sit down and bargain in good faith with the union."

The judge in the original case also ordered the supermarket to immediately offer full reinstatement to four employees who resigned when told their hours were being reduced. The move to part-time status also resulted in the loss of health insurance. The company's new threat to close the store is regarded by some as a tactic to force the UFCW to accommodate but



UFCW leader John Eiden it clearly risks legal wrath from many quarters.

As the judge recounted in the decision, the company later justified its actions as a response to competition. Piggly Wiggly had been told a "non-union" supermarket was opening in the neighborhood.

Rather than explore competitive ideas, or talk to the union about the best ways forward, or look to promote the quality, depth and experience of its own workforce, management simply went after the workers to cut costs by telling them they would now work part time rather than full though it was their family livelihood being placed in jeopardy.

Then the company in bulletin board letters defending its behavior berated the union for not supporting its efforts or helping the workers cope with less pay. Such open hostility to the union was cited by the judge in his decision - and clearly underlies the company threat to close the store rather than face federal court consequences for undermining the union's credibility and ignoring "a strong public interest in the integrity of the collective bargaining process."

Announcing closing the store rather than submit was a reminder of the legal maneuvers that many corporations now play nationally under expensive legal advice to avoid the consequences of their behavior and thwart the operation of the law. In some ways it is an unsurprising escape from consequence given the political environment, and it is certainly made easier by the media failure to scrutinize and explain what is happening.

For instance, while the May decision against Piggly Wiggly was news in national legal and information circles, it went unreported in Wisconsin by establishment media, except for a good story in the Sheboygan Press May 23. Yet there were constant attempts to put the landmark ruling in front of reporters because Wisconsin events made it an even bigger story than usual.

Clevert's decision came down on the eve of a recall election where one big opposition message was not getting through because of all the ad cash on the GOP side -- that much of the right-wing money agenda was to attack the very worker rights the federal court had just upheld. These were private sector workers, covered by the NLRB while public workers in Wisconsin are covered by state laws, which allowed Gov. Scott Walker to not just force higher pensions and health payments but to eviscerate basic bargaining rights - something he never campaigned on.

Yet the news was now full of a video of Walker with a billionaire that exposed his Act 10 as merely a first step to "divide and conquer," to expand his efforts to private sector unions, despite continuous campaign denials that he would do any such thing.

Corporations were smart enough to read his true motives - as were most unions. Sure enough, his attitude toward public workers has now radiated out into the private sector, attacking negotiated rights, the treatment of basic worker rights and even defying legal rulings. More than the Piggly Wiggly case is involved, according to observers, who cite rumblings and contract traps involving machinists, steelworkers and other unions.

The ruling also came in the heat of criticism from both labor and management about the NLRB and federal courts.

Unions complain that labor laws are too slow and too weak, which magnifies the importance of court decisions validating the rules unions have set up. At the same time, the maneuvers of companies to avoid consequenc-



UFCW lawyer Mark Sweet es support the complaint that the laws are too weak.

In May on a national level, though both sides want to see the NLRB rules work better, the corporations again moved to block basic progress in quicker resolution of disputes, using a technicality.

But along comes the other side of the seesaw. Their overreach is behind the resignation of Terence Flynn, a Republican who joined the NLRB in January in a recess appointment by President Obama (required by law to balance the board between Democrats and Republicans).

Flynn submitted his resignation in wake of media reports that he had leaked sensitive information to Mitt Romney's campaign, a blatant indication that his political leanings had influenced his public duty.

The Republican Party now seems determined to oppose any choice the president makes. One suspects they'd turn down David Koch, because a fully functioning agency is not seen as in their interest.

They are in a full-throated campaign to paint Obama's NLRB as having a pro-union tilt -- ironic since unions complain it is too cautious and circumspect in addressing corporate overreach.

Such are the political games surrounding the NLRB. No wonder Piggly Wiggly isn't accepting the ruling but threatening to close the store rather than obey.

It assumes the public won't object, or that the media will not bother to tell them.

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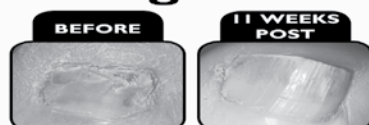
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Coordinated effort to suppress voters stirs AFL-CIO to act

The AFL-CIO announced June 11 a far-reaching, multi-partner campaign to register voters, ensure they can cast their ballots without intimidation and follow through to make sure those votes are counted. Speaking at a press conference in Washington, D.C., AFL-CIO Executive Vice President Arlene Holt Baker - who had recently been keynote speaker at a Milwaukee Area Labor Council awards dinner -- said this campaign represents the union movement's most aggressive push ever "because the attacks we are seeing are unprecedented."

The focus will be on Pennsylvania, Florida, Ohio, Michigan, Wisconsin and Nevada. Some of the partners who joined the press conference were NAACP President Ben Jealous, National Council of La Raza's Clarissa Martinez-De-Castro and Generational Alliance's Carmen Berkley.

AFL-CIO outreach will address such challenges registered voters face as inadequate election administration, lack of access to required photo ID and intimidation and dirty tricks on Election Day. The AFL-CIO has updated a website -- MyVoteMyRight.org - as a resource hub for voters, including state-by-state fact sheets on voting laws and voter registrations rules.

The site offers a story feature that allows voters to submit their stories online to be gathered as a resource. Wisconsin is proving a big part of these stories.

The AFL-CIO has singled out Gil Paar, who served in the US Air Force from 1962-1966, but his military ID isn't good enough to let him vote in Wisconsin. New rules pushed through by the Republican-controlled legislature and championed by Gov. Scott Walker limit the type of government identification acceptable to let him cast a ballot if the current injunction is overturned.

Speaking at the D.C. conference, Paar said: "I've always used my military ID to vote and for a lot of other things, but now it's not good enough for identification to vote? There are disabled vets who no longer have a license and won't be able to use their military IDs. What will happen to them? I didn't serve my country for four years so I, or any other folks, could be denied the right to vote."

Wisconsin is one of 34 states where legislators introduced reasonable-sounding voter ID laws in the first few months of 2011 that would effectively disenfranchise more than 21 million eligible voters who don't possess the kind of ID these laws mandate.

"It is a coordinated effort to block the vote," noted NAACP Jealous.

With 16.8 million people turning 18 this year, Berkley said the Generational Alliance plans to register as many of them as possible, while combating laws that turn young people away from the polls because they are students with out-of-state ID or because they face other restrictions.

Holt Baker also said there are some 2.3 million active union members who are registered, and the AFL-CIO seeks to raise the overall union registration rate from 70% to 75%, which would add about 400,000 new union voters.

As in years past, the AFL-CIO will continue to offer an election protection voter hotline, 1-866-OUR-VOTE.

Related story on Page 12.



Health and Hygiene Drive exceeds itself

Volunteers, union contributors and staff for homeless shelters crowded into the United Way June 12 to load vans with health and hygiene products gathered in the annual charity drive of the Milwaukee Area Labor Council. Despite shrinking union membership and hard economic times, this year's efforts in goods gathered and donations to buy more goods surpassed last year, noted AFL-CIO community service liaison Jay Reinke. This year 18 shelters rely on the union drive to free their budgets for other needs. At right, retired Graphics Communications leader Chris Yatchak helped load one of the shelter vans.



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TOP LEFT: Developer Rick Barret chats with workers at the Moderne during the hearty lunch for hundreds thrown by the AFL-CIO HIT investors.

TOP RIGHT: Chowing down with the workers was one of the labor leaders spread across the makeshift eating hall, at left painters officer John Jorgensen.

BOTTOM LEFT: Leaders of the carpenters union came in from Illinois and Pewaukee.

BOTTOM RIGHT: A proud ringmaster for the effort, Lyle Balistreri, head of the Milwaukee Building and Construction Trades Council, circled the room to thank the troops.



RIGHT TOP: The caterers outdid themselves in the setup, but hungry workers crowded right in before the food menu was ready.

RIGHT NEXT: Floating through the event were the many founders of the feast from the AFL-CIO Housing Investment Trust (HIT), which had sunk \$42.4 million in union pension funds into the Moderne. Seen chatting as workers munched were Marilyn Spears, longtime board member and investment adviser, and Rod DuChemin, director of labor relations.



Trapshooting

After 9 weeks of shooting in the Milwaukee Area Labor Council league, here are the results by team reflecting wins, losses, and ties:

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IBEW494.....	6-3-0
3. Pipe Dopes	
Plumbers Local 75.....	3-6-0
4. Pipers	
Plumbers Local 75.....	2-7-0

Class A	W-L-T
1. High Voltage	
IBEW 494.....	6-3-0
2. R717	
Plumbers Local 75.....	6-3-0
3. Blind Men	
CWA 4603.....	5-3-1
4. Lucky 13	
CWA 4603.....	0-8-1

Class B	W-L-T
1. No Shorts	
IBEW 494.....	6-3-0
2. Steam Shooters	
Plumbers Local 75.....	4-5-0

3. Cloud Busters	
Plumbers Local 75.....	4-5-0
4. Blind.....	4-5-0

LEAGUE HIGH GUNS

Ron Wahl
Pete Malecki
Scott Kruck
Don Brunner 203
Terry Dillon 203

Trades leader chosen

The AFL-CIO Building and Construction Trades Department has elected a top Laborers Union officer, Brent Booker, to the important No. 2 post of secretary-treasurer. Booker succeeds Sean McGarvey, who became president when incumbent Mark Ayers unexpectedly died in April.

Booker had served as the international union's director of construction for 11 years. He was elected unanimously.



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Good lunch, great construction at the Moderne

By **Dominique Paul Noth**
Labor Press Editor

Afancy schmancy luncheon with teacups and finger sandwiches for visiting financial dignitaries would have been an inappropriate way to say "thank you" to the hundreds of carpenters, electrical engineers, bricklayers and cement encrusted who took a break from hard shifts making the Moderne rise 30 stories over the downtown landscape.

So it was just an extended lunch hour including excused time from subcontractors and J. H. Findorf & Sons, the project's chief contractor.

It featured hot dogs and burgers, piles of side dishes and buckets of soft drinks as hundreds of workers crowded amid union leaders and the bigwigs of the \$4.4 billion AFL-CIO Housing Investment Trust (HIT) June 14. The guests packed long folding tables surrounded by boxes of construction equipment in what will soon be the future ground floor home of an elegant ribs restaurant.

"But I can't quite figure it out," said one foreman as he gulped down some baked beans. "Looks to me from the plans that the kitchen area down here will be twice as large as the dining space."

That's the idea, chuckled developer Rick Barrett, a late arrival to the luncheon. The restaurant will be high grade, the chef from Chicago, but the concept is to add visual treats to gourmet treats - so diners can watch kitchen staff slab the ribs and so forth.

It's not only a contemporary trend in dining. It harkens back to Milwaukee's grand old open kitchen days, much as the Moderne combines 1930s architecture with new advances.

In this case it is an opportunity to put the workers center stage, at least in the kitchen.

Too bad that when the Moderne opens in a few months you won't see the experts at dabbing slabs of concrete and layering walls.

Frankly there should be more of that in a society in which the invisible construction experts fail to advance in wealth or opportunity -- they just buckle down and make everything the rest of us use work smoothly.

Yes, quite soon, the bowels of Moderne's preparation will disappear behind the finishing touches. But right now part of the thrill is watching a sophisticated collection of skills coming together among dozens of teams who don't even realize they're the embodiment of sophistication and skill, so offhand is their devotion to detail and getting things right.

"Put politics aside," said Lyle Balistreri, president of the Milwaukee Building and Construction Trades Council,

AFL-CIO. "Here you have the exact model of what our economy needs - cooperation of unions, business, investors, public officials on a project that is one of the best I've ever been around - on time, under budget and something I can point to with pride and example as I go around encouraging more all-union projects."

And he intends to do just that in presentations to civic boards all around. But first:

"Thank you guys!" he said constantly to the passing parade.

The theme of the lunch, in fact, as the workers gulped down the food and headed back to their chores, was when will this team get back together? And that is quite a story of hope and caution.

Developer Barrett already has a couple of area projects going. He's signed on to develop an element of the new housing-retail complex arising in Oak Creek on the site of the old Delphi plant. "Yes, all union," he told me. (One of his big champions is Oak Creek Ald. Dan Bukiewicz, who also understands union construction work. He's business rep of IBEW Local 494.)

For Milwaukee County, Barrett has submitted one of five proposals invisible to the public but being measured behind closed doors to replace the lake-front Transit Center. "Again, all union," said Barrett, but quite understanding that a number of county officials and committees will have to work through these ideas before a winner is determined.

In fact, it was not Barrett, but several others at the Moderne luncheon who grumbled about government red tape affecting the pace of development. "How do we push through when the community is in need?" one asked me. A listener recalled how it was not the necessary rules and regulations but the turtle pace of political meetings that caused some developers to walk away from projects at the Park East. "Darn, I was looking forward to doing that one," he said.

The big question for HIT officials was how quickly they

could come back for new projects.

The Moderne represents its first big commitment here in a decade, and was regarded as something of a risk when HIT announced it would provide \$42.4 million of union pension capital for the \$56.7 million building, underwritten by HUD security guarantees. Despite the underwriting it was dismissed as a last gasp for union pension money in Milwaukee and a major risk for investors in troubled economic times given that anti-union GOP takeover in Madison.

Not anymore. It now looks like a darn smart investment as the Moderne sails along offering more than 200 rental units with commercial retail space and above ground interior parking. Young couples, CEOs and workers are responding. The Moderne has also generated more than 320 jobs for Balistreri's union members at a badly needed moment in Wisconsin economy.

It now allows him the opportunity to boast, he said, as he continues to push harder for minority employment on all union projects and goes before

city and county leaders to offer even more projects.

So HIT in a difficult atmosphere provided proof that the politicians should stop demeaning both unions and traditional pension funds - because here is a national model of how union-friendly (because unions build better) construction is also socially responsible, economically secure and a dynamic improvement for communities in housing projects that pay off for investors without gutting jobs and fleeing to Asia.

HIT's \$4.4 billion in assets reflects more than 350 investors who trust its operations and know that it researches hard before committing - and it has a 45 year track record involving \$6.3 billion in projects and more than 70,000 union jobs - always union, is the motto.

This year alone it has added projects in Chicago and Ohio. Just June 18 it announced a modest (for HIT) \$4.1 million project in Minnesota creating 113 jobs and refurbished town homes.

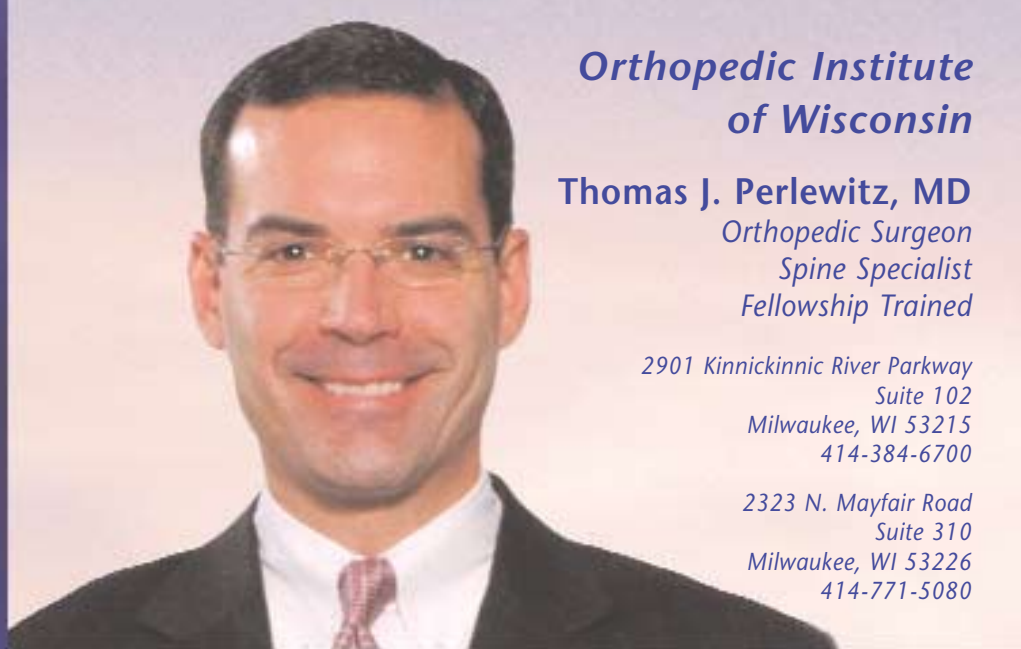
Is Milwaukee next? Another big one? "Oh, we love this place," noted Rod DuChemin, HIT director of labor relations.

"This is such a devoted strong union town," said Marilyn Spears, a chief investment official for the area building trades pension trust fund and longtime member of the national HIT board.

But love is not enough, pointed out DuChemin. "We have to carefully measure demand and capability, that's what our investors rely on." Spears points out that despite initial doubts about HIT's involvement, the Moderne is proving a sound investment and providing "much-needed jobs, housing and development in downtown Milwaukee" - so obviously, you shouldn't listen to the surface rumbles but look more deeply into the projections.

But no one could discuss plans for the future beyond hope. So right now, all HIT can do is thank the workers and continue to look hard. This is known as solid financial scrutiny.

No one will say aloud that a more progressive, healthy political environment would be the right fertilizer for growth, but only fools aren't diplomats when it comes to socially responsible investment.



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Halted not thwarted, so worry about voter suppression law

By **Dominique Paul Noth**
Labor Press Editor

When Gwen Moore said she was collecting experts for a Voter ID Town Hall June 15 she wasn't fooling around. The stage was loaded with top legal and election protection talent -- including the main reason we continue to speak in the future tense about the most repressive voter law in the country, Wisconsin's.

Richard Saks of Hawks Quindel serves as lead lawyer in the state lawsuit that produced an injunction blocking the requirement to produce a photo at the polls. And that victory was soon followed, rather amazingly, by a state high court decision to let the ruling stand and a trial proceed before Judge William Flanagan.

At current writing, this will prevent the full weight of the Voter ID bill from affecting the November election, a chief now frustrated aim of the GOP majority.



Moore

Only signing a logbook and the 28-day residency requirement (which certainly confounds many poll workers and students) are the notable changes as voters head to the polls.

Look for more wrenching of the GOP scheme. Several legal challenges, state and federal, are still working through the courts. From the human perspective discussed by many on the panel and in the audience, the Wisconsin

law pushed through the legislature with every Democrat screaming "NO!" has so many aspects of voter suppression it is hard to see any court supporting it.

All that remains, as Moore gently suggests, is the misconception of "many fine people who are hardly bigoted - they are so used to showing a photo ID to buy beer" that they can't see what all the fuss is about. Or see a problem in showing a photo ID to rent a video - except, as Moore noted, "Granddaughter?! Renting a video isn't a right."

That misconception that having a photo ID is no hardship in any circumstance, as moderator Sheila Cochran noted, is precisely why education forums are so vital. The message from the dais pushed how it is everyone's responsibility to spread the facts and expose how these seemingly harmless ID rules are pernicious roadblocks protecting nothing and clearly aimed at citizens least equipped by age or income to respond. They are the citizens more likely to oppose the politicians attempting to ram through these restrictions.

A huge moment in the forum was when Catherine Clark told about her 92 year old mother, Lorraine, born in Mississippi. The legal requirements to prove her ID after decades of regular voting and even working as a poll worker cost more than



Clark

\$2,000 in legal issues as mother and daughter sought to gather the documents to get her a Wisconsin photo ID.

Again and again - and these were not anomalies - mistakes on yellowed birth certificates by careless clerks decades ago, or home births unrecorded in a segregated South or misrecorded in rural America have blocked genuine citizens from a fundamental right.

Leon Burzynski, head of the ARA state chapter, noted from the audience that the senior citizens he speaks for, largely white, contain thousands who haven't driven in years or never did -- 25% of citizens over 80 according to one poll. A liquor store clerk would not ask one of these for a photo ID.

The NAACP's chapter president, James Hall, precisely detailed how suppressing the black vote in the late 19th century took decades of action to reverse. Other speakers noted how that turned Mississippi from a state with 30,000 blacks registered to less than 750 over 40 years until the federal government got involved.

The number of laws passed to restrict voting in the past 12 months exceeds any similar effort since the days of Reconstruction after the Civil War. Hall brought in the role of ALEC - the American Legislative Exchange Council, the right wing organization of lawyers and big money that has advanced restrictive voter law models in many states including Wisconsin.

ACLU lawyer Karen Rotker and the organization's election

issues organizer Emilio Torres also detailed the human cost of voter suppression laws and the need for impassioned citizen action to cure the disease.

All these are factors, Moore noted, why voter rights are protected in many separate constitutional amendments and major voting bills. In contrast the Constitution mentions the right to bear arms once and free speech once.

Saks used a term in a US Supreme Court decision. "We too easily say voting is a right, but it is the 'protective right,'" he noted -- the right from which all those other rights flow.



Saks

What the public enjoys in rights stems from protecting everyone's right to vote.

Saks won the injunction working for the NAACP. Rotker and the ACLU have mounted an important challenge. Another panelist, Atty. Denise Lieberman of the national Advancement Project, is one of the lawyers representing citizens and groups - including Cochran and the MALC - in a federal lawsuit against the Wisconsin law. As several speakers noted, the delays forced by voter ID along with the costs are deliberately oppressive obstacles imposed selectively.

Lieberman also put in context how Wisconsin is merely a part of a national voter suppression trend, which is sending lawyers flying around the country.

The most recent twist is the purging of voter lists in Florida, which brought a cease and desist warning from the US Department of Justice and then a lawsuit against the state for violating federal voter rights. Rather than obey, right-wing governor Rick Scott immediately doubled down on obstinacy, suing the US for access to an immigration database protected by privacy issues.



Hall

The Florida case demonstrates how fear, misdirection and accusations without proof are part and parcel of the voter suppression movement. Despite evidence that its motor division list is outdated, incomplete and inaccurate, Florida used that as a basis to identify and purge "non-citizens," but wound up listing mainly people with Latino-sounding last names plus veterans and elderly who turned out to be citizens. With some 11 million voters, the Florida illegal hunters could only find 100 questionable names, and there could well be explanations other than an attempt to illegally vote.

As Pro Publica noted in a recent story, Scott justified the purge because of concerns about voter fraud, which "appears to be quite rare, perhaps because the penalties are strict -- it's a felony in Florida and many other states - and the payoff relatively modest (a single vote)."



Torres

As Saks pointed out, there is not a single case on record of voter impersonation, the only sort of offense that the Wisconsin Voter ID bill could address - yet the taxpayers are being asked to spend big, and voters are asked to spend hours and dollars at the DMV and in pursuit of documents to address a problem that doesn't exist.

Gearing up the national topic, Lieberman described the efforts here and elsewhere as "nothing else but structural racism."

It was the most directly political statement of the forum, though clearly right-wing political motivation is not a myth. The bills target the classes of voters - minorities, the elderly, students, the disabled --- that tend on the whole to vote Democratic.

Moore, Milwaukee's representative in the US House, took pains several times to point out that the purpose was nonpartisan education. This observer couldn't help noticing, however, that there was only one Republican in the large UWM Student Union ballroom - and that one was pretending not to be.



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