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NEWS

Legislators hear justice plea for campaign finance changes

by Teresa Welsh
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The seven Wisconsin justices of the Wisconsin Supreme Court Monday to the governor and state legislators supporting public financing for Supreme Court campaigns.

The letter came a day before the beginning of Democratic Gov. Jim Doyle's special session, which will address campaign finance reform among other issues.

"We write to support the concept of realistic, meaningful public financing for Supreme Court elections to facilitate and protect the judicial function," Chief Justice Shirley Abrahamson and six other justices wrote in the letter. "The risk inherent in any non-publicly funded judicial election for this Court is that the public may inaccurately perceive a justice as beholden to individuals or groups that contribute to his or her campaign."

Abrahamson said the letter was not in response to any particular situation, but rather a trend.

"Many of us have been talking about this for a long time," Abrahamson said. "For example, I have supported public financing since I started on the court, and the fact that in several campaigns in recent years more and more money is being spent and polls show that the more money that is spent, the higher the risk that the public will perceive that judges might not be fair, impartial, neutral and nonpartisan."

She added the court does not support any particular bill or provision, but rather the concept of public financing for Supreme Court campaigns.

Jay Heck, executive director of Common Cause Wisconsin, said nothing like the writing of this letter has ever been done before.

"It's an amazingly significant document because to our knowledge it's unprecedented in the nation where you have all the members of a state Supreme Court issuing a letter of support for public financing," Heck said. "It indicates that the court is really concerned about the last election."

The last Supreme Court election took place in April 2007 between Justice Annette Ziegler and her opponent, Linda Clifford. Their campaigns for the Supreme Court seat totaled almost \$6 million given by special interest groups.

"Justices probably find themselves being increasingly unable to render impartial decisions if some of the people who come before them are people that contributed either huge amounts of money to their campaigns, or in the case of [Wisconsin Manufacturers in Commerce], spent \$2 million in outside spending to elect Ziegler," Heck said. "I think the public is very skeptical to whether or not she can be truly impartial in a situation like that."

WMC is currently party to a case being heard before the Wisconsin Supreme Court. The organization, Heck said, wrote a brief supporting an argument before the court. It is up to a justice to determine if they have a conflict of interest in a case, he said, and Ziegler chose not to remove herself.


"I don't think any Supreme Court justice wants to be in the business of raising campaign money and then be forced to recuse themselves in a case if one of their contributors comes before the court," Heck said.

Doyle wants two campaign finance reform bills to be considered in the special session, Heck said. One of them, Senate Bill 171, would provide complete public financing for Supreme Court elections. Each candidate who agreed to campaign spending limits would get \$400,000 in public money, which would come from taxes.

"I think it's not a lot to ask to have some tax money support democracy and clean elections," Heck said. "It makes for a more partial, independent judiciary. And that's obviously very important that the state Supreme Court level, the highest court in the state."

Abrahamson agrees the Wisconsin public must believe in their Supreme Court.

"We want to do everything possible to maintain trust and confidence that the Wisconsin judiciary is a judiciary that is neutral, fair, impartial and nonpartisan," she said.

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