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The Honorable David Flanagan
Circuit Court Judge, Branch 12
Dane County
210 Martin Luther King, Jr., Blvd, Room 313
Madison, WI 53703

Dear Judge Flanagan:

I served as Chief Clerk of the State Senate from January 1977 until my retirement in July of 2003. I am aware that Chuck Chvala has entered a plea of guilty to two felony charges of misconduct in office, one of which related to use of caucus staff for campaign purposes.

Mr. Chvala's attorney has asked that I provide historical information on the operation of the State Senate partisan caucus staffs.

The partisan caucus staffs of the State Legislature were the focus of the investigation, which resulted in charges being filed. The partisan caucus staffs were created in 1963 as part of a program funded by the Ford Foundation that also established pilot programs for interns and budget staff. In December 1964, the Joint Committee on Legislative Organization, as part of an ongoing legislative improvement project, authorized one caucus analyst for each of the four party caucuses. In 1967, funding for the partisan caucus staff was transferred from the Ford Foundation to the legislative payroll and the partisan caucus staff became unclassified, monthly salaried, professional legislative employees.

There were four partisan caucus staffers in 1964, 28 in 1974, 48 in 1984, 56 in 1993 and 62 in 2001. This growth paralleled with the growth nationally in legislative staff.

A study of the Wisconsin Legislature, conducted by the Eagleton institute from 1966 through 1968, found that lawmakers were very satisfied with the work of the partisan caucus staffs. The work of the partisan caucus staffs contributed greatly to the ability of members to raise questions about the consequences of a proposal and enhanced the debate by providing information to justify and support the impact of a proposal. However, during the Eagleton's study, concerns were raised about the potential for partisan staff being used for campaign purposes. This concern continued until the abolition of the caucus staffs in 2001.

It was common for partisan legislative employees; in particular those in the caucus staffs, to take vacation or use compensatory time off to actively participate in campaigns. The

business of the legislature has huge peaks and valleys. During the session, members and staff put in a considerable amount of time each week. However, during the interim, the demands are far less and it was common for staff to take advantage of the lull in activity to take vacation time or use accumulated compensatory time off. Partisan legislative employees are not paid over time. For the most part they were monthly salaried professional employees. Compensation was based on a 40-hour workweek or 2,080 hours per year. The Senate policy provided for appointing authorities to establish the work schedule and to grant compensatory time off for work in excess of 40 hours. The work schedule of some employees, including the caucus staff, resulted in considerable compensatory time off.

The caucus staffs performed roughly the same duties. Each staff monitored the activity of the legislative committees, with a special focus on the Joint Committee on Finance. The caucus staff would track amendments to the budget bill and coordinate the drafting of individual amendments and the "caucus" amendment.

The caucus staff also summarized legislation, produced concise analyses of issues, produced newsletters, helped legislators prepare newspaper columns, produced radio feeds and generally assisted legislators in communicating with their constituents. The staff also worked closely with the respective leaders to develop the legislative agenda, in part, based on the public discussion and debate during the election cycle.

The partisan caucus staffs performed a unique function with the state legislature. Their primary function was to assist in the development of policies that were consistent with a common political agenda. To accomplish this, the staff would conduct political research and analysis to develop political strategies. The development of this expertise also was cause for the greatest concern about centralized partisan caucus staffs, the potential to use their skills and knowledge for "campaign" activity. As I mentioned earlier, this concern was discussed at the time the partisan caucus staffs were created 40 years ago and many times during the history of the staff.

Policies and guidelines were in place to advise staff and members of the appropriate conduct during the campaign. Over the years, partisan employees put in many hours serving the legislature and some of them also worked considerable time on campaigns and did so within the established policies.

The partisan caucus staffs were abolished in 2001. Policies and standards of conduct were expanded in 2001 to better define how employees may participate in the electoral process and to prevent any abuse. Chuck Chvala supported and voted for these changes in policy.

I served as the Chief Clerk of the Senate during the entire tenure of Mr. Chvala in the State Senate. His political beliefs ran deep. He believed strongly that government should protect and provide for those less fortunate. He was untiring in his efforts to forward his political agenda.

Chuck Chvala believed strongly in constituent contact. In addition to his duties at the Capitol, he would devote considerable time to district activities and meeting with constituents. The last redistricting plan placed my residence in his district, and I experienced first hand his outreach efforts. He always had time for the visitors to the Capitol and met with untold thousands of young people who came to the Capitol on class trips.

Chuck was an effective legislator even before his rise to a leadership position. He devoted himself to studying legislation and would explore ways to modify proposals to fit with his political ideology.

He was a tough negotiator and his style was often criticized. At times, he was unrelenting in his push to forward or oppose a proposal. Yet, he was effective. He was successful in enacting the Senior Care program at a time when most thought the proposal would not survive.

Chuck Chvala always worked well with the non-partisan staff in my office. He always had time to talk with them and would go out of his way to acknowledge them for their service.

Chuck has acknowledged the wrong doing in the use of the state resources. I was truly saddened by what has transpired. Chuck Chvala was a talented legislator with much to offer. In lieu of incarceration, please consider community service as a manner that Mr. Chvala can make restitution to the people of Wisconsin.

DONALD J. SCHNEIDER