

Jacob Stampen: Evers makes gains despite GOP legislative and Supreme Court majorities

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During Wisconsin's 2019 – 2020 legislative session majority Republican legislators reduced the powers of the Democratic Gov. Tony Evers in a 2018 post-election lame-duck session before he was able to take office. Later, majorities on the state and federal supreme courts prevented Evers from postponing an April state Supreme Court election because Covid-19 threatened the health of Wisconsin voters. Republican majorities in both houses of the Legislature and the state Supreme Court also prevented the governor from establishing extended statewide pandemic response standards.

Evers, nevertheless, achieved some success in expanding aid for education by using his veto pen to alter the state's biennial budget. Also, Republican initiatives in the 2019-2020 Legislature, turned out to be far less revolutionary than during Gov. Scott Walker's time. No new legislation changed public policies as much as Voter ID, Act 10, Right to Work, Foxconn during the period between 2011 and 2017 when there was little resistance to passing "model legislation" authored by the American Legislative Exchange Council, a Republican super lobby. During the Walker era, as many as three out of four Republican state senators and two out of three Republican Assembly members consistently voted in favor of ALEC bills, which often reversed the courses of previous legislation on civil liberties, government operations, environmental protection, economic development, all levels of education, health and social services and transportation.

Despite seeming hostility to bipartisanship, most bills passed unanimously during the 2019 – 2020 legislative session. In the current state Senate only 13 percent of the bills (36) that passed, had recorded votes. One hundred and thirty-three of the total 269 bills that became law, passed unanimously. In the Assembly, which operates under separate rules and traditions, the pattern was somewhat different,

42 percent (54) of the bills were recorded and 58 percent (73) passed unanimously.

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Democrats voted with Republicans more often than Republicans voted with Democrats. Also, Democrats appeared to agree and disagree with Republicans and Evers in surprising ways. Besides several key elements in the biennial 2019 - 2020 budget, the governor vetoed 20 bills (15 Assembly bills and five Senate bills). Eight bills were contested in the Assembly and Senate. Five bills were contested in the Assembly, but not the Senate, and seven bills were contested in the Senate, but not the Assembly. Corporate interests were more often involved with the vetoed bills, and all enacted bills, than other types of lobby groups. Next most active were socially focused groups that divided over abortion-related bills. Childcare and women's right to choose was a hot healthcare topic. Road building materials were fought over as were bills affecting prostitution, tax deductions and levy limits, groundwater standards and lake pollution. Contested education legislation focused on appropriations for continuing K-12 and postsecondary education, tech college career clusters and occupational licensing.

A graphically detailed version of this report in the Voting Behavior in the Wisconsin Legislature database, includes a statistically derived index of voting similarity that shows important changes in voting behavior since 1900. Cluster analysis can create a number that summarizes all interactions within a given Assembly or Senate. The more negative the similarity index number, the less variation in legislator voting behavior. Overall, the index points to key characteristics of the following five political eras:

1) One Party Representative Democracy: Republican Gov. Robert LaFollette's innovative 1900-1905 start to Wisconsin's Progressive Movement corresponded with decline of the oligarch led "Stalwart" wing of the Republican Party and of rival oligarchs supporting the Democratic Party. These were replaced by several bottom-up economic and ethnic centered coalitions that evolved into the Progressive wing of the Republican Party.

2) Two Party Representative Democracy: During the 1960s bottom-up

representative democracy flourished. Republican Warren Knowles was governor in 1965. Republicans controlled the Senate and Democrats controlled the Assembly. The state Supreme court was nonpartisan. During the 1960s there were five recurring sub-party coalitions, three Democrat (Urban-Labor, Outstate Professionals (teachers, nurses, police and other public employees) and Academic Liberals) and two Republican (Fox Valley Conservatives and Outstate Business Owners).

3) Two Party Delegative Democracy: Between 2003 and 2011 Democrats held the governor's office and majorities in the 2007-2010 Senates and the 2009-2010 Assemblies. Republicans held majorities in the 2003-2006 Senates and the 2003-2009 Assemblies. Enmity between the parties increased during this period. Bloc voting on nationally oriented ALEC "model legislation" squeezed out locally initiated legislation, thus accelerating the demise of the old sub-party coalitions. Wisconsin transitioned from a bottom-up representative democracy to a top-down delegative democracy (related systems include Oligarchy, Plutocracy, Authoritarian Democracy, Exclusivism).

4) One Party Delegative Democracy: 2011 to 2018 brought one party rule. Wisconsin Republicans were led by Gov. Scott Walker. The party also held majorities in the state Senate and Assembly and a majority of justices on the state Supreme Court. Nationally oriented ALEC model legislation dominated the Legislature's agenda. Many long standing state and local oriented policies were reversed.

5) Return to Two Party Delegative Democracy. 2019-2020 saw a return to a sharply divided government pitting Gov-Tony Evers, a Democrat, against a Republican-controlled Legislature and the state Supreme Court.

The 1965-1966 session of the Legislature serves as a reminder of better days, an example of representative democracy and a baseline for understanding subsequent political developments.

A cluster analysis-based Voting Similarity Index is used to compare the 1965 - 1966 and 2019 - 2020 Senates. Value differences in the Assemblies are larger, but overall, the patterns dividing Republicans and Democrats are similar. Legislators were more locally oriented and freer to cross coalition and even party lines and yet remain in good standing with party leaders. Today, party leaders often punish similar behavior by supporting within-party opposition to incumbents in primary elections.

The most important distinction between the two Senates is that regional, occupational and cultural coalitions had a great deal of influence in 1965-1966. The system was more bottom up, now it is top-down. Today, the agendas of both political parties are shaped at the national level rather than locally. Accordingly, representative democracy in America and in many of its states is seriously ill.

We are evolving into an inferior form of government, of a type that has long held back many countries, where public policies are determined by special interests at the national level. Public policy has become less based on knowledge-rich debate, for which Wisconsin was once famous, than on emotion-inducing propaganda. Politics has degenerated into a form of public entertainment that distracts policymakers and the public from responding to critically important problems.

Wisconsin was in a somewhat similar situation in 1900. What can be done this time to restore representative democracy?

— *Stampen is an emeritus professor of Educational Leadership and Policy Analysis at UW-Madison. The 2003-2020 Voting Behavior in the Wisconsin State Legislature database, which is public and free for anyone to use and includes the 2019-2020 s database, can be accessed via the following address:*

<https://www.disc.wisc.edu/archive/wislegislature/index.html>