



"Proud to be a Democrat"

Democratic Party of Door County

February, 2013 Monthly Newsletter

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Upcoming Events

MARCH

Mar 14 **DPDC Executive Board meeting**, Sturgeon Bay Library (**note location**), 107 S. 4th Ave., 7:00-8:30 PM. **Current** DPDC members are welcome.

Mar 28 **DPDC monthly membership meeting**, Sturgeon Bay Library, 107 S. 4th Ave., lower level, 7:00 PM. Ed Fallone, candidate for Supreme Court will speak. The public is invited. See articles below and on pages 2 and 5.

APRIL

Apr 2 **Election day**. Polls are open from 7:00 AM to 8:00 PM. Please Vote for Fallone for Supreme Court, and Tony Evers for Superintendent of Public Instruction.

Apr 11 **DPDC Executive Board meeting**, Sturgeon Bay Library (**note location**), 107 S. 4th Ave., 7:00-8:30 PM. **Current** DPDC members are welcome.

Digest of Contents

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- **Estella Lauter** discusses the upcoming Supreme Court Election.

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Page 5: Supreme Court Shenanigans Continue. An update on the Prosser assault on a fellow Justice.



Think this cartoon from John Fox is a bit much? Well then, see the article on page 5.

Ed Fallone, candidate for WI Supreme Court, to Speak at March 28 Meeting

Our March 28th Membership Meeting is of special significance, because just four days before a critical election for a seat on the WI Supreme Court, Ed Fallone, candidate for the Supreme Court, will be the speaker.

Mr. Fallone, a professor at Marquette University Law School with expertise in Constitutional, Corporate and Criminal Law, has pledged to strive to restore civility to the "dysfunctional" Court, and to repeal the infamous "Roggensack rule". This allows Justices to participate in cases involving individuals that have contributed to their, campaigns or companies that have aired political ads favoring the Justice!

Come and hear Mr. Fallone discuss the critical issues in this election at the Sturgeon Bay Library, lower level, 7:00 PM. **The public is invited.** For more about Fallone, see the article on page 2, and for more about the WI Supreme Court see the article on page 5.

Message from the Chair:

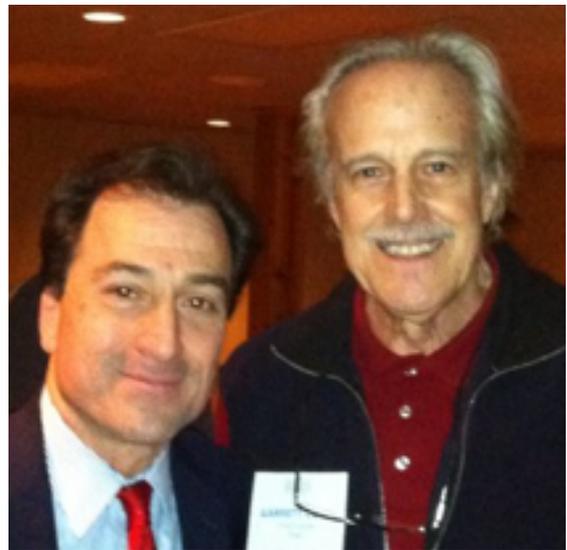
From Where I Sit

I just returned from the Democratic County Chairs Association Training/Conference in Stevens Point over the weekend.

I am pleased to let you know Door County was respected by everyone I met. There were approximately 125 attendees, all county board members--either Chairs or officers. Over a third of the attendees were new members to the Board County leadership! We had 13 separate workshops with presentations including Strategic Planning, Internal and Opposition Research, Using VAN, Identifying Various Components of the State Party as well as Best Practices and Ideas for the Future, plus a few more. WHEW! Interesting and truly informative.

State Chair Mike Tate spoke about our party being the wave of the future and that we have the Republicans on the run. He backed up his comments with specific examples and numbers. Exciting being near and/or on the top of the wave! But of course we aren't there yet--we must keep working, and working together!

This coming weekend the State is finalizing the positions for the Fox Valley Regional Coordinator. This means that with the Conference, the



Ed Fallon and Chair Garrett Cohn

Democratic state party is exerting both major funds and major efforts to keep us advancing.

Ed Fallon gave a short speech. He is inspiring and has a most interesting history for a candidate. Come and hear him yourself on the 28th--and don't forget to vote April 2. More later.

My take on it, by Estella Lauter:

Ed Fallon for WI Supreme Court: Why You **Must Vote in April**

On a snowy night in January, John Nichols, noted political reporter and blogger, gave a rousing talk for Ed Fallon at the Grassroots North Shore Annual Meeting in Shorewood, WI about the need to "return to the rule of law in Wisconsin." (http://www.youtube.com/watch?v=PxN8XizYpDI&utm_source=Subscribers&utm_campaign=bc04dfd6f1-Action_Alert7_21_2008&utm_medium=email)



Estella Lauter

Nichols views this election as a crucial one for Wisconsin—every bit as important as the election for Governor in 2014—because this Court has become politicized to the extent that we can no longer count on it to uphold the WI Constitution.

Fallon is the candidate who will uphold the rule of law that has defined our state's reputation for a hundred years.

The most telling evidence of political bias in the Court is the "Roggensack Rule," written by the WI Manufacturers and Commerce lobby and the WI Realtors Association and passed 4/3 by our court in 2009. This rule allows campaign contributions from parties with cases pending before the court! That is, it allows Justices to sit on cases that directly involve individuals that have provided political donations to their campaigns, or that involve companies that have sponsored "issue ads" favorable to the Justice.

The conservative voting block of 4 on the 7-person court has been courted with corporate money at least since the "Citizens United" ruling; in the recent Primary alone, the Club for Growth, funded by the Koch Brothers, spent \$300,000 on media ads for Roggensack. At the time the Roggensack Rule was passed, it was labeled "legalized bribery" in the national press. Ed Fallon has pledged to overturn this rule if he is elected to the court because it undermines the reputation for fairness that has made Wisconsin the "north star" in American government since the Progressive Era of the early 20th century.

Fallone for WI Supreme Court, continued from page 2

Nichols also spoke with passion about legislation recently passed by the WI legislature to re-write the rules for citizens who sit in the galleries while legislation is debated.

From now on, those citizens will not be allowed to read the Constitution while they are sitting there. They will not be allowed to wear a T-shirt favoring the First Amendment. They may not gather in a group that is in agreement on an issue. If they use their right to free speech 3 times, they may not return for the rest of the legislative session (a political version of "3 strikes and you're out").

Nichols views these new rules as a breach of both the federal and state constitutions, and he expects them to come up through the courts along with Act 10 and other legislation from the last session that is being challenged. While no candidate should say how s/he will vote on a pending case before s/he has seen the case as a member of the court, Ed Fallone is qualified to treat this constitutional issue fairly, since constitutional law is one of his specialties as a Professor at Marquette Law School.

Ed Fallone does not promise to vote as a liberal on the High Court. Instead, he promises to restore balance and civility in a court that has fallen into disrepute because of the Roggensack Rule and the bizarre antics of David Prosser, which his colleagues on the right have refused to address—among other ethical lapses. (See the article on page X for more background on this issue.)

Fallone is not an enemy of business; in fact, he serves on the Board of Directors for Business Law in the WI Bar Association and has practiced

business and corporation law for 25 years. (This fact makes me wonder exactly why out-of-state organizations like the Club for Growth,, are spending so much money for the other candidate!)

Fallone does pledge, however, to represent the judicial independence required under the WI Constitution, and he has a history of supporting equality before the law, of fighting for the little guy, and supporting voting fairness (one person, one vote).

He was the founding President of Centro Legal, an organization that helps to provide legal counsel for those who cannot afford it. He is a past president of the Latino Community Center which helps to keep students in school and out of gangs (his mother was from Mexico City).

He has a record of support for equality before the law for women, LGBT and people below the poverty line. He believes that "special interests" (e.g. large corporations, wealthy lobbies) should not have more access to or influence over the High Court than Wisconsin families do.

You may have seen the ad for Roggensack put out by the Club for Growth before the Primary claiming that she is fair and balanced. It's the same claim made by Fox News and it has about the same amount of validity.

Look carefully at the bottom of each ad to see who is funding it, and remember that even if it claims a Wisconsin chapter for the organization, the funding probably comes from elsewhere. Then ask yourself why organizations from other places in the US are so concerned about who sits on our court. Let's vote for good old Wisconsin independence!

Martha Lambiotte (1917-2013): Democratic Party Stalwart

The Door Dems have lost a Party stalwart in the passing of Martha Lambiotte. Our longest standing member, Martha was active in Party affairs for many years, serving as Secretary and Party Chair.

A teacher by profession, Martha brought her organizational skills to our Party, and was a key member of the committee that planned the annual fishboil, for many years, the Door Dems primary fundraiser. She felt strongly that the Party should be represented at the County Fair, so she set up the booth each year and recruited volunteers to staff it.

Martha was an avid writer, and penned many letters to the editor on current topics. She authored a novel, *Stopover*, one of her many accomplishments.

Martha will be sorely missed and long remembered.



Martha Lambiotte

Wayne Kudick reporting:

Scieszinski Discusses Local Effects of Health Care Reform

At the February 28th DPDC Membership meeting Bob Scieszinski, Chief Financial Officer for Ministry Door County Medical Center (DCMC), discussed the local effects of the Affordable Care Act (ACA) and the Governor’s decision to not accept federal funds to expand Medicaid (BadgerCare) for low income citizens.

Background: The ACA is a complex law being implemented over several years, but largely in force by 2014. The main goals of the law are to:

1. Ensure (nearly) universal medical insurance, and thereby access to routine comprehensive medical care for the vast majority of legal U.S. residents.
2. Stop the most egregious practices of the health insurance industry.
3. Lower medical care costs while improving peoples health.

Some of the most significant provisions of the law after full implementation are:

1. Essentially everyone will be required to have health insurance -
 - a. Employers with more than 50 employees must provide health insurance.
 - b. Employers with fewer employees will receive tax credits to encourage covering employees.
 - c. Medicare will cover individuals over 65 years
 - d. Medicaid would expand coverage to all earning less than 133% of federal poverty guideline. This provision was required of the states, with the federal government paying for it for three years, and then paying 90% of the cost thereafter. The supreme court subsequently ruled that states could not be required to offer the expanded medicaid.
 - e. Otherwise uninsured individuals must purchase health insurance, with assistance from tax credits for those earning up to 400% of the federal poverty guideline.
2. Health care insurers must offer insurance in statewide “marketplace exchanges” in which individuals and small businesses have access to the same coverage and rates as large employers. Our governor has chosen to leave the planning for this to the federal government.
3. Basic preventive care services must be covered without co-pays.
4. Young adults can be covered under their parents’ policies up to age 26.
5. Insurance companies most egregious behavior is regulated:

- a. Coverage cannot be denied for “preexisting conditions”.
 - b. Coverage cannot be withdrawn when an individual gets sick.
 - c. No lifetime limits on coverage.
 - d. Insurance companies must spend 85% of premium \$ on health services, or rebate fees to their policyholders.
6. Payments to service providers for Medicare and Medicaid patients will gradually change to reward a model for quality outcome rather than volume of services. This is designed to encourage development of Accountable Care Organizations that monitor and promote preventive care and quality outcomes.

The Governor’s decision: Governor Walker has refused the federal government’s offer to expand medicaid (BadgerCare in WI), with federal grants of \$4.3 **billion** over the next several years. The consequences of the refusal include:

1. Approximately 90,000 fewer individuals will be eligible for Medicaid (BadgerCare) than under the federal government’s plan.
2. Approximately 100,000 individuals eligible for BadgerCare on waiting lists would now have access to BadgerCare, but another 110,000 now receiving BadgerCare would become ineligible, and ineligible for subsidies to assist in purchasing insurance.
3. Creates \$250 million more WI taxes because the ACA would not cover the cost of new enrollees due to the fact that the WI system violates requirements of the ACA.
4. Creates \$120 million in business taxes.
5. Costs about 10,500 service sector jobs that would be created by the influx of the federal funds that will now go to other states.

With this a background, Mr. Scieszinski discussed the implications for Door County residents and the DCMC.



Bob Scieszinski

The effects of the ACA and governor’s plan for Medicaid will have little impact on health care delivery by DCMC, because it is committed to provide care regardless of ability to pay. This is a long-standing policy of DCMC, which provided \$3.5 million of uncompensated care last year, about 3% of total charges.

(Continued on page 5)

Local Effects of Health Care Reform, continued from page 4

DCMC will continue to provide emergency, urgent and clinic care services all, regardless of ability to pay. However, Services not available at DCMC or through other local care providers to the under- and uninsured of Door County must be referred to systems (i.e., in Green Bay) that may be less willing to provide uncompensated care.

The local impact of the governor's plan for BadgerCare without federal funding on the number of people eligible will be small. However, significant numbers of newly eligible participants will replace a similar number of newly ineligible people. There will be lots of pain.

Local health care providers report seeing patients who had been billed for services at DCMC

but were unable to pay. Mr. Scieszinski said that DCMC has financial services representatives who can work with patients to resolve such issues.

To help local businesses prepare for ACA, DCMC will offer a Community Conference on **"Health Care Reform and Its Impact on Door County Business"** Thursday, April 4th, 9:30 AM at Crossroads at Big Creek, and 1:00 PM at Baileys Harbor Town Hall. Call 746-3555 with questions.

Spirited discussion followed the formal presentation, both before and after Mr. Scieszinski left for another obligation.

A motion was passed to demand [urge] the Governor to accept the federally funded expansion of Medicare.

Supreme Court Shenanigans Continue

[Editors note: The following is a reprint of an editorial in the Madison Cap Times of February 20, 2013. It is reprinted here in its entirety, as it sheds light on the probity and veracity of Patience Roggensack who is a candidate for reelection to the WI Supreme Court.]

No one has stood more courageously and more consistently for the restoration of the rule of law and the dignity of the Wisconsin Supreme Court over the past two years than Justice Ann Walsh Bradley.

For this, she has been vilified.

Now it is time for the vilification to end, along with the lies and the political games that would have Wisconsinites believe that Bradley is anything less than who she is: an able and responsible independent jurist who serves in the best Wisconsin tradition.

A native of Richland Center who worked as a high school teacher before entering the University of Wisconsin Law School, Bradley was a respected attorney in private practice before she became a circuit judge in Marathon County in 1985.

Elected to the state Supreme Court in 1995 with bipartisan support, she became such a well-regarded justice that Democratic and Republican sheriffs and district attorneys hailed her service, and judges from across the state and across the ideological spectrum encouraged her re-election. Indeed, the support for Bradley was so overwhelming that no challenger filed to oppose her and she retained her post without opposition.

Then she got on the wrong side of David Prosser, the intensely partisan former Republican leader of the state Assembly who was appointed to the high court by his old friend Tommy Thompson

as a consolation prize after Prosser was defeated in a congressional bid.

Since his appointment to the bench, Prosser has sought to remake the traditionally nonpartisan and independent high court as a tool of conservative judicial activism. And after the 2010 election of Gov. Scott Walker, who Prosser had mentored when they served together in the Legislature, the justice began working to make the court a steady rubber stamp for the new governor's policies. When Walker-allied legislators passed the governor's trademark anti-labor legislation in a session that clearly violated the Wisconsin open meetings law — which had been placed on the books by the Legislature — the law was challenged. Dane County Circuit Judge Maryann Sumi halted implementation of the measure.

Never mind that Sumi was, like Prosser, a Thompson appointee. Prosser, as he made clear at partisan events and on right-wing talk radio shows, was determined to abandon the rule of law and renew Walker's fortunes. To this end, he pressed the high court to quickly and decisively overturn Sumi's decision and clear the way for implementation of Walker's assault on bargaining rights.

Prosser reportedly became more and more belligerent as the judicial process dragged on. The politician-turned-jurist, who admitted that he had previously shouted obscenities and threatened to "destroy" Chief Justice Shirley Abrahamson, confronted Bradley in her chambers.

(Continued on page 6)

Supreme Court Shenanigans, continued from page 5

Prosser acknowledges that he had his hands on Bradley's neck. He claimed he was not trying to choke her, but an investigation of the incident by the Wisconsin Judicial Commission determined that Prosser had "willfully" violated the Supreme Court rule requiring judges to be dignified and courteous to people "with whom the judge deals in an official capacity," the court rule requiring judges to "promote the satisfactory administration of justice" by cooperating with each other, and the court requirement that judges personally observe "high standards of conduct."

The Judicial Commission, which was chaired by the attorney for a top Walker aide, recommended that the court find Prosser guilty of three ethics violations for the June 13, 2011, incident.

Prosser moved to block action on the Judicial Commission's recommendations. Two conservative justices who had faced ethics charges of their own, Justice Annette Ziegler (who had been publicly reprimanded by her colleagues) and Justice Michael Gableman (who avoided discipline on campaign violations after justices deadlocked 3-3 on whether to sanction him), backed the assault on accountability. But Prosser still could have been held to account if Justice Pat Roggensack joined Abrahamson, Bradley and Justice Patrick Crooks in respecting the need to address the commission's recommendations.

Unfortunately for the court, Roggensack, an ambitious partisan who has aligned with Prosser, refused to do so.

Last week Bradley, recognizing that Prosser would not be held to account, issued a statement

detailing the safety concerns of justices who the Judicial Commission indicated had been targeted by Prosser for abuse.

The statement came as Roggensack was seeking re-election and claiming, remarkably, that all was well on the court. Bradley's statement unsettled Roggensack's backers, who immediately went on the attack.

Roggensack backers claimed Bradley's sincere expressions of concern about the direction of the court, and its inability to address even basic questions of ethics, discipline and personal safety, were the stuff of fantasy.

Finally, marshal Tina Nodolf, who has responsibility for security issues relating to the court, issued a statement confirming Bradley's account of how several justices had raised safety concerns prior to the June 2011 incident.

The attempts to smear Bradley by Roggensack's allies — which are the latest manifestation of the crude crusade to vilify Bradley — were as irresponsible as they were shameful. And they have now been proven to be entirely false.

Roggensack needs to put an end to this charade. She needs to apologize to Bradley. She needs to assure the voters of Wisconsin that her re-election campaign and its allies will not engage in more crude attacks on Bradley. And, above all, Roggensack needs to commit herself to a new course of recognizing and addressing the ugly circumstance she has played a part in creating for the court.

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