

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 4

DANE COUNTY

CENTER FOR MEDIA & DEMOCRACY

KATHLEEN METER LOUNSBURY,
THE PROGRESSIVE INC., AND
JUD LOUNSBURY,
Plaintiffs,

Case No.: 2015 CV 1289

v.

SCOTT WALKER,
OFFICE OF THE GOVERNOR,
WISCONSIN DEPARTMENT OF ADMINISTRATION,
NATHAN E. SCHWANZ, MICHAEL G. HEIFETZ,
PATRICIA REARDON AND
SCOTT NEITZEL,

Defendants.

**AFFIDAVIT OF BRENDAN M. FISCHER IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Brendan M. Fischer, being first sworn under oath, testifies as follows:

1. I make this affidavit on the basis of my own personal knowledge and in support of Plaintiffs' motion for summary judgment.

2. I am an attorney and represent the Center for Media and Democracy in the above-captioned action.

3. Attached as Exhibit A is a true and correct copy of the front page of 2015 Senate Bill 21, introduced February 3, 2015, retrieved at this date from:

<http://docs.legis.wisconsin.gov/2015/related/proposals/sb21>

4. Attached as Exhibit B is a true and correct copy of an online news article published at the Center for Media and Democracy's website PRwatch.org dated February 4, 2015 titled "Walker Strikes Truth and Wisconsin Idea from UW Mission in Budget," retrieved at this date from <http://www.prwatch.org/news/2015/02/12724/walker-strikes-truth-wisconsin-idea-university-budget>

5. Attached as Exhibit C is a true and correct copy of a news article from the *Milwaukee Journal Sentinel's* "Politifact" dated February 6, 2015 titled "Despite deliberate actions, Scott Walker calls change to university mission a 'drafting error'," retrieved this date from <http://www.politifact.com/wisconsin/statements/2015/feb/06/scott-walker/despite-deliberate-actions-scott-walker-calls-chan/>

6. Attached as Exhibit D is a true and correct copy of a *Milwaukee Journal Sentinel* news article dated February 4, 2015 titled "Walker proposes changing Wisconsin Idea — then backs away," retrieved this date from <http://www.jsonline.com/news/education/scott-walkers-uw-mission-rewrite-could-end-the-wisconsin-idea-b99439020z1-290797681.html>

7. Attached as Exhibit E is a true and correct copy of a *Milwaukee Journal Sentinel* news article dated February 5, 2015 titled "Walker forced to admit UW objected to Wisconsin Idea changes," retrieved this date from <http://www.jsonline.com/news/statepolitics/documents-show-walker-administration-seeking-removal-of-uws-wisconsin-idea-b99439710z1-290927651.html>

8. Attached as Exhibit F is a true and correct copy of a press release dated February 5, 2015 titled "Governor Scott Walker Releases Statement on the Proposed University of Wisconsin System Reforms," retrieved this date from the official state website of Governor Scott Walker at: <http://walker.wi.gov/newsroom/press-release/governor-scott-walker-releases-statement-proposed-university-wisconsin-system>

9. Attached as Exhibit G is a true and correct copy of the partial denial letter dated May 8, 2015, sent by email to Center for Media and Democracy staff writer Jonas Persson from Gregory D. Murray, Department of Administration Chief Legal Counsel (and Defendants' attorney in this case). The denial letter, written in response to a request for emails to and from two individuals at DOA on January 5 and January 13, 2015, includes nearly identical language to the denials at issue in this case; it states the DOA withheld materials "consist[ing] of preliminary analysis and deliberations created and exchanged by and among DOA and Governor's office employees in preparation of the Governor's budget, before the budget legislation was introduced in the legislature."

10. Attached as Exhibit H is a true and correct copy of a *Milwaukee Journal Sentinel* news article dated July 23, 2015 titled "Scott Walker says public has no right to some records on key issues," retrieved this date from <http://www.jsonline.com/news/statepolitics/robin-vos-pushed-for-open-records-overhaul-records-show-b99543456z1-318294111.html>

11. Attached as Exhibit I is a true and correct copy of a Freedom of Information Council op-ed published in the *Milwaukee Journal Sentinel* on June 2, 2015, titled "No executive privilege for records," retrieved this date from

<http://www.jsonline.com/news/opinion/no-executive-privilege-for-records-b99511898z1-305914371.html>

12. Attached as Exhibit J is a true and correct copy of a *Milwaukee Journal Sentinel* news article dated July 3, 2015, titled “Bipartisan spectrum blasts proposed changes to open records law,” retrieved this date from <http://www.jsonline.com/news/statepolitics/republicans-mum-on-who-wanted-open-records-changes-b99531607z1-311570811.html>

13. Attached as Exhibit K is a true and correct copy of a *Wisconsin Center for Investigative Journalism* (WisconsinWatch.org) news article dated July 3, 2015, titled “Update: Gov. Scott Walker backs away from changes to open records law but is mum on his role; Budget measure’s wording similar to recent documents from governor and DOA,” retrieved this date from <http://wisconsinwatch.org/2015/07/gov-scott-walker-vows-changes-to-open-records-rewrite-but-is-mum-on-his-role/>

14. Attached as Exhibit L is a true and correct copy of a front-page *Milwaukee Journal Sentinel* editorial dated July 4, 2015, titled “A declaration of secrecy that runs counter to American values,” retrieved this date from <http://www.jsonline.com/news/opinion/a-declaration-of-secrecy-that-runs-counter-to-american-values-b99531765z1-311591891.html>

15. Attached as Exhibit M is a true and correct copy of an *Associated Press* news article published in the *New York Times* dated July 4, 2015, titled “Gov. Walker and Wisconsin GOP Retreat on Open Records Limits,” retrieved this date from http://www.nytimes.com/aponline/2015/07/04/us/ap-us-xgr-wisconsin-budget-open-records.html?_r=0

16. Attached as Exhibit N is a true and correct copy of a *Milwaukee Journal Sentinel* editorial dated July 7, 2015, titled "Public deserves answers on assault on open records," retrieved this date from <http://www.jsonline.com/news/opinion/public-deserves-answers-on-assault-on-open-records-b99533387z1-312284271.html>

17. Attached as Exhibit O is a true and correct copy of a *Wisconsin State Journal* (Madison.com) news article dated July 11, 2015, titled "Scott Walker: Open records changes 'a huge mistake' that 'didn't come from us'," retrieved this date from http://host.madison.com/news/local/govt-and-politics/scott-walker-open-records-changes-a-huge-mistake-that-didn/article_1f25802b-535a-52e7-9111-ab6602c2beab.html

18. Attached as Exhibit P is a true and correct copy of a *Milwaukee Journal Sentinel* news article dated July 29, 2015, titled "Scott Walker's office pushed for language to gut open records law," retrieved this date from <http://www.jsonline.com/news/statepolitics/brad-schimmel-kicks-off-open-government-summit-b99546843z1-319422891.html>

19. Attached as Exhibit Q is a true and correct copy of a *Wisconsin State Journal* (Madison.com) news article dated July 30, 2015, titled "Email links Scott Walker to open records changes," retrieved this date from http://host.madison.com/news/local/govt-and-politics/article_67ee3888-1dcc-5dbe-b645-c5c951dff0ef.html

A handwritten signature in black ink, appearing to be 'B F' with a horizontal line underneath.

Brendan Fischer, SBN 1089027
Attorney for Plaintiff

Subscribed and sworn to before me
this 23rd day of September, 2015.

Winston Klinton Morrison
Notary Public,
My commission: 09/30/2016

DISTRICT OF COLUMBIA: SS

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 23rd DAY OF September 2015
Winston Klinton Morrison
NOTARY PUBLIC
My Commission Expires 09/30/2016



EXHIBIT A



2015 SENATE BILL 21

February 3, 2015 – Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Scott Walker. Referred to Joint Committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2015 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2015–2017 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2015–2017 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration’s publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau’s summary document, and the Legislative Reference Bureau’s drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

EXHIBIT B



Walker Strikes Truth and Wisconsin Idea from UW Mission in Budget

by [Jonas Persson](#) and Mary Bottari— February 4, 2015

UPDATE Feb. 5th -- After first defending the language in DePere, Walker backed down after being asked by *Milwaukee Journal Sentinel* [reporter Dan Bice](#) about the issue. Late in the day Walker spokesperson Laurel Patrick told media outlets that the changes to the UW mission were a "drafting error," and a [Tweet](#) from Walker made the same claim. The next day the *Milwaukee Journal Sentinel* [reported that](#) far from being a drafting error, the language was specifically requested by the Walker administration.

In addition to unprecedented budget cuts to the University of Wisconsin (UW) system, Wisconsin Governor Scott Walker struck "the search for truth" and the Wisconsin Idea from the university's mission in his [executive budget bill](#) unveiled last night.

First summed up by UW President Charles Van Hise in 1904, the Wisconsin Idea means that "the borders of the University are the borders of the state." Van Hise declared that he would "never be content until the beneficent influence of the university reaches every family in the state" and this has long been the core philosophy of the UW System, which has worked hard over the decades to generate programs that serve people and communities all over the state.

Walker's executive budget (see below) amends Sec. 1111 of the statutes to remove language specifying that the UW system has a public service mission to "extend knowledge and its application beyond the boundaries of its campus" and to "serve and stimulate society." He strikes language ensuring that the mission of the UW is to extend "training and public service designed to educate people and improve the human condition," as well as the language specifying that "the search for truth" is "basic to every purpose of the system."

During the Progressive Era, legislator Robert M. La Follette suggested that the Wisconsin Idea would help make Wisconsin a "laboratory for democracy," and it has been linked to a series of progressive reforms, such as workers' compensation, the direct election of United

States Senators, and the non-partisan Legislative Reference Bureau. The mission of "reaching every family in the state" is also closely linked to Wisconsin public radio and TV. The Walker budget slashes \$5 million in state funding from this important public service media.

In 1952, presidential candidate Adlai Stevenson gave a speech in Madison in which he reflected on the Wisconsin Idea of the university serving the public interest. To him, there was more to it than "a simple belief in the people." It also meant that: "the role of government was not to stumble along like a drunkard in the dark, but to light its way by the best torches of knowledge it could find."

The budget bill removes the text specifying that the UW System is created "in the public interest" from the statute. In the new wording, it is established out of "constitutional obligation."

\$300 Million Slashed From the UW System While Neighboring States Invest in Higher Education

Walker also cut state funding for the UW System by \$300 million. The unprecedented cut, which amounts to 13 percent of the state funding for the university system and 2.5 percent of the total budget, accompanied by a tuition freeze will result in the defunding of scores of departments and jeopardize the livelihood of faculty and graduate students. Walker attempts to sweeten the cuts by spinning off the system as a self-governing "public authority" similar to a port authority. The Board of Regents appointed by the governor would be the governing body and the legislature and the public would have less of a role in protecting academic freedom and other statutory rights.

The proposals come against the backdrop of four years of failed economic policies. The harsh prescription of tax breaks for the rich and cuts in services for the poor that Governor Walker promised would revitalize Wisconsin's economy and balance the budget have failed to do either. Wisconsin remains 32nd in the nation in new job growth and the state faces a \$2.2 billion dollar deficit.

In a grim irony, the cut also comes amid reports that other states in the Midwest, such as Minnesota (which recently reported [a \\$1.04 billion budget surplus](#)), Indiana, Iowa and Ohio, are ramping up funding for its state universities, the [Wisconsin State Journal reports](#).

Walker, who did not attend the UW system and failed to graduate from Marquette, seems to have little grasp of the role the state university system plays in the economy. In fact, a [2011 impact study](#) found that the UW System, including alumni startups, generate \$12.4 billion annually to the Wisconsin economy, "while supporting 128,146 Wisconsin jobs and generating \$614 million in state tax revenue."

Bipartisan Discontent as Walker Tries to Put an End to Public Higher Education

The cuts in Wisconsin higher education, and the apparent disregard for the fact that the UW System is a motor for innovation in the state, has drawn the ire of lawmakers from both sides of the aisle.

Senate Minority Leader Jennifer Shilling (D-La Crosse) deplored “[Walker’s cut-and-run policies](#)” that benefit the wealthy” while glancing at neighboring states “creating jobs, investing in their communities and seeing strong budget surpluses.”

Her Republican colleague [Jerry Petrowski \(R-Marathon\)](#) agreed, arguing that “The UW System is vital to our state and plays an important part in the development of technology and the establishment of new businesses, thereby increasing the amount of jobs available in Wisconsin.”

CMD later received [an open records response](#) from the Governor's office and a partial denial. The denial resulted [in a CMD lawsuit](#) and an effort by Walker [to gut the open records law](#) in the state budget.

EXHIBIT C

<http://www.politifact.com/wisconsin/statements/2015/feb/06/scott-walker/despite-deliberate-actions-scott-walker-calls-chan/>



Despite deliberate actions, Scott Walker calls change to university mission a "drafting error"

By [Tom Kertscher](#) on Friday, February 6th, 2015

Echoing other national media, U.S. News & World Report [declared](#) Feb. 3, 2015 that Gov. Scott Walker was having a better two-week run than any [2016 presidential hopeful](#).

The very next day, Walker got caught in a political firestorm back home.

News broke that language included in Walker's state budget proposal would fundamentally change something known as the ["Wisconsin Idea"](#) -- a mission statement for the University of Wisconsin System that had been in place, and held in some [esteem](#), for more than a century.

The Wisconsin Idea [doesn't have a precise meaning](#), but an [early definition](#) was: "The borders of the university are the borders of the state." In short, the Wisconsin Idea is a [notion](#) of public service, including the system's contributions to state government as well as "research directed at solving problems that are important" to citizens.

Today, the university system includes the flagship University of Wisconsin-Madison and 25 other campuses that comprise the \$6 billion-per-year [UW System](#).

The [backlash](#) to Walker's proposal, even from some [conservatives](#), was swift. So was Walker's response.

Using his official Twitter account, the governor [stated](#) on Feb. 4, 2015:

"The Wisconsin Idea will continue to thrive. The final version of budget will fix drafting error -- Mission statement will include WI Idea."

"Drafting error"?

Really?

Walker's budget changes

The day before his tweet, Walker had given his 2015-'17 state budget [address](#). It made no mention of the Wisconsin Idea.

The next day, the left-leaning Center for Media and Democracy, a Madison-based group, [reported](#) that the 1,800-page [budget bill](#) itself included language that, in effect, struck the Wisconsin Idea from the mission of the University of Wisconsin System. That mission is contained in a state statute.

As shown in a photo accompanying this story, Walker's budget deletes a number of phrases contained in the statute. Among the statements that are removed: "Extend knowledge and its application beyond the boundaries of its campuses"; and "Basic to every purpose of the system is the search for truth."

With some added language, the edits to the language emphasized the mission should be to "meet the state's workforce needs."

How changes occurred

Walker's "drafting-error" explanation suggests the rewriting of the UW System's mission was some kind of mistake -- changes made inadvertently.

Walker's spokeswoman told us the governor had learned shortly before sending his tweet that "there was a miscommunication during the back and forth of the budget process."

But the evidence indicates the changes to the Wisconsin Idea language were intentional.

As [revealed](#) by the Milwaukee Journal Sentinel, based on emails and other information gathered by the newspaper:

- As the budget was being prepared, Walker's administration insisted to UW System officials that the changes to the Wisconsin Idea language be made.
- In December 2014, a budget analyst in Walker's Department of Administration directed the nonpartisan budget-writing office to remove the phrase "Basic to every purpose of the system is the search for truth" from the state statute covering the UW System's mission.
- In January 2015, the same analyst told the budget-writing office to remove another phrase: "To extend knowledge and its application beyond the boundaries of its campuses."
- Five days before Walker introduced his budget, a UW System official sent an email to Walker's budget staff raising concerns about the changes, saying: "We strongly urge that stricken language is unique to depicting the character, mission and vision of the UW System."
- That UW official, John Yingling, later told the Journal Sentinel that Walker's budget staff responded by saying the changes would remain in the budget.

- Backtracking from earlier statements, Walker eventually admitted that UW System officials had thrown up red flags and been rebuffed -- although he also said there "was a confusion out there" and "it was a mistake that someone made."

Walker's office also issued a [statement](#) claiming that when his office told the budget staff to "keep it simple, they took that to mean that we only wanted workforce readiness language in the mission when we really wanted the language added to the existing mission statement.....It was a simple miscommunication during the natural back and forth of this process."

Our rating

Walker said fundamental changes to the language describing the Wisconsin Idea in the University of Wisconsin System's mission statement were the result of a "drafting error" in his state budget proposal.

But Walker's administration had insisted to UW System officials on making the changes, giving detailed instructions on passages to be removed from state law. And eventually Walker himself acknowledged that the UW System had objected to the changes before his budget was put into final form.

His original claim was not only inaccurate, but ridiculous. Pants on Fire.

This item was revised on Feb. 6, 2015, so that it refers to a budget analyst in Walker's Department of Administration, rather than a Walker administration official.

EXHIBIT D

<http://www.jsonline.com/news/education/scott-walkers-uw-mission-rewrite-could-end-the-wisconsin-idea-b99439020z1-290797681.html>



Walker proposes changing Wisconsin Idea — then backs away

Mission statement is reason UW System exists, president says

By [Karen Herzog](#) of the *Journal Sentinel*

Feb. 4, 2015

Stunned educators accused Gov. Scott Walker on Wednesday of trying to kill the Wisconsin Idea, which has guided the mission of the state's public higher education system for more than a century.

And although the governor backed away from his early position, both university officials and his own words seemed to contradict how the issue unfolded.

"The Wisconsin Idea is embedded in our DNA," University of Wisconsin System President Ray Cross. "It is so much more than words on a page. It is the reason the UW System exists. It defines us and forever will distinguish us as a great public university."

First articulated in 1904, the Wisconsin Idea states that the mission of the UW System is to solve problems and improve people's lives beyond the classroom. The core principle is that "the boundaries of the university are the boundaries of the state."

Walker hadn't alluded to changing the UW System's mission during his budget speech Tuesday night; it does not appear he had ever mentioned it publicly.

But in the proposed budget he released Tuesday, the governor made the UW System's mission to "meet the state's workforce needs." He also proposed striking language about public service and improving the human condition, and deleting the phrase: "Basic to every purpose of the system is the search for truth."

Late Wednesday afternoon — long after stories about the governor's effort lighted up social media and news websites — Walker backed away when confronted by Milwaukee Journal Sentinel columnist Daniel Bice. He said the new language was a drafting error and "kind of a nonissue because that's not a problem with us."

Walker implied at an event in Oconomowoc that UW System officials saw the language and "somehow overlooked" the changes. "We have no problem" reinserting the Wisconsin Idea, he said. "Our focus is on creating an authority that gives them full flexibility, and not on changing the mission." Cross immediately issued a one-sentence statement thanking the governor for his commitment to the Wisconsin Idea.

However, UW officials did raise objections before the budget proposal was released, according to Alex Hummel, associate vice president for communications.

Further, at a stop in De Pere earlier in the day, Walker made no mention of any drafting error.

"The focus would be honed in, in particular to look at making sure that we prepare individuals in this state, be they fresh out of high school or coming back later in life, for the jobs and opportunities available in the state," Walker said.

"Learning's important, but ultimately it's most important for people to get the chance to get the education that they need to succeed in the workforce and in life," he added, according to the Wisconsin Radio Network.

'I'm nearly speechless'

The controversy erupted as the governor is proposing \$300 million in cuts to the UW System in the next two years, while giving the schools new flexibility in how they operate. It also came just a week after Walker suggested faculty and staff on UW campuses should be teaching more classes and working harder.

Word of the governor's move, first reported by the Center for Media and Democracy, spread quickly across the UW System's 13 four-year and 13 two-year campuses.

"I'm nearly speechless," said Mark Schwartz, a UW-Milwaukee distinguished professor geography and chairman of the faculty University Committee. "The budget cuts are one thing. This aims at the heart of the Wisconsin Idea and smashes it."

Others saw the language on workforce training as reflecting a narrow understanding of why a university exists — similar to how his comments on faculty workload were seen as not fully appreciating what university educators do. Walker himself does not have a degree.

"It's a very materialistic definition of knowledge that's very off-putting to me," said James Baughman, a historian and Fetzer-Bascom professor at UW-Madison's School of Journalism and Mass Communication.

"We aren't just training people to be workers," Baughman said. "We're training them to be citizens, to be leaders. It's not that we don't have a responsibility to serve people to get training, but it's a lot more than that."

Some critics immediately compared Walker's action to the surprise introduction in 2011 of Act 10, which all but ended collective bargaining for most public employee unions.

A source of state pride

To this day some educators begin their courses by impressing the Wisconsin Idea on students, telling them that what they are learning does not exist in a vacuum, but is intended to help people.

UW–Madison has [an entire web page](#) devoted to the Wisconsin Idea, listing more than 1,000 recent examples of the flagship's service to the state. It spans teaching, research, outreach and public service.

Cross was chancellor of the UW Colleges and UW Extension before becoming UW System president a year ago. The Wisconsin Idea is central to the mission of UW Extension, which reaches all 72 counties of Wisconsin. In speeches to community groups across the state, Cross talks expansively about the merits of the Wisconsin Idea and how it drives quality.

"Wisconsin must not abandon this core principle and value," Cross said.

In his budget, Walker struck statutory language that says the UW System's mission is "to extend knowledge and its application beyond the boundaries of its campus" and to "serve and stimulate society..." He also struck language that the mission is "to extend training and public service designed to educate people and improve the human condition."

Walker's proposed mission statement instead says: "The mission of the system is to develop human resources to meet the state's workforce needs, to discover and disseminate knowledge, and to develop in students heightened intellectual, cultural, and humane sensitivities, scientific, professional and technological expertise, and a sense of purpose."

UW–Madison Chancellor Rebecca Blank is expected to voice strong concern about the governor's proposals when she speaks Thursday before the UW Board of Regents.

In the meantime, @BeckyBlank reassured her campus on Twitter: "The Wisconsin Idea is — and always will be — central to the mission of this university."

Leave it alone

In the hours after the news of Walker's changes broke, Assembly Speaker Robin Vos (R–Rochester) said he would prefer to leave it to the UW System as to whether changes should be made to its mission statement.

"I think every once in a while taking a look at our mission statement is important, but it probably shouldn't be done in the context of the million decisions we make in the budget," he said. "It should probably be the authority, the regents, the chancellor, the president of the system all taking an opportunity to work on it together."

Sen. Jon Erpenbach (D-Middleton), who sits on the budget-writing Joint Finance Committee, said the proposed change was absurd, calling the Wisconsin Idea a model for the country.

"I really believe the governor has lost his bearings as to who he is and what he does," he said. "His job is not to rewrite the Wisconsin Idea. It's to promote the Wisconsin Idea."

Walker said in a tweet late Wednesday that the final budget will include the Wisconsin Idea in the UW System's mission.

EXHIBIT E

<http://www.jsonline.com/news/statepolitics/documents-show-walker-administration-seeking-removal-of-uws-wisconsin-idea-b99439710z1-290927651.html>



Walker forced to admit UW objected to Wisconsin Idea changes

By [Jason Stein](#), [Patrick Marley](#) and [Karen Herzog](#) of the Journal Sentinel

Feb. 5, 2015

Madison — Gov. Scott Walker and aides scrambled Thursday to respond to revelations that his administration had insisted to University of Wisconsin officials on scrapping the Wisconsin Idea, the guiding principle for the state's universities for more than a century.

In a rapid revision to his own comments on Wednesday, the Republican governor acknowledged that UW System officials had raised objections about the proposal.

They had been told the changes were not open to debate.

While backtracking on earlier comments to reporters, Walker continued to insist in a statement that he hadn't known what his own administration was doing until after the proposal became public and caused a firestorm of criticism.

He said no one would be disciplined.

Update: PolitiFact Wisconsin rates Gov. Scott Walker's claim of a "drafting error" a "Pants on Fire"

First articulated in 1904, the Wisconsin Idea states that the mission of the UW System is to solve problems and improve people's lives beyond the classroom. That mission encompasses teaching, research, outreach and public service.

The governor's budget, released Tuesday evening, proposed spinning off the UW System as a separate entity, cutting its state funding by \$300 million over two years and making its mission to "meet the state's workforce needs." It proposed striking UW principles in state law about proving public service, improving the human condition, and searching for truth. It also eliminated the venerated concept that the boundaries of the university extend to the boundaries of the state.

On Jan. 29 — five days before Walker introduced his budget — the UW System's John Yingling sent an email to the state budget office flagging concerns about the proposed changes and then followed up by phone. Yingling is a special assistant to Ray Cross, the system's president.

"We strongly urge that stricken language is unique to depicting the character, mission, and vision of the UW System," Yingling wrote, according to an email released Thursday under the state's open records law.

On Wednesday, Walker initially expressed no concerns when questioned by a reporter about the proposed changes to the system's mission statements.

"Learning's important, but ultimately it's most important for people to get the chance to get the education they need to succeed in the workforce and in life," Walker said during a stop in De Pere, according to Wisconsin Radio Network.

But later that day, he backed away from the changes by saying they had been included because of a drafting error or oversight in his budget. He further implied that UW System officials saw the changes and "somehow overlooked" them.

On Thursday he acknowledged that, in fact, UW System officials had thrown up red flags and been rebuffed.

"To me, in the end it was a confusion out there," Walker said of the proposed changes. "It was a mistake that someone made. Someone assumed one thing when the idea was we weren't going to add anything more (to the budget), they assumed that that meant we were going to keep a blank, simple mission statement. That's why I immediately said yesterday in a tweet, 'It's no big deal.' "

Walker made his comments soon after the Milwaukee Journal Sentinel reported Thursday that the drafting file for the budget bill showed two instances — one in December and another in January — in which the Walker administration's budget shop requested the specific changes to the mission statement.

Later, he released the long statement attempting a further explanation.

In a separate statement, Walker's budget director, Michael Heifetz, said he was to blame for the proposed changes and the language would be removed in a routine budget follow-up that is always sent by administration officials to the Legislature to clean up the bill's language. Heifetz declined an interview request through an agency spokesman.

"In this specific case, there was clearly a misunderstanding and I take responsibility for this drafting error," Heifetz's statement said.

UW officials rebuffed

Yingling, the special assistant to the UW System president, sent his Jan. 29 email objecting to the changes to Nathan Schwanz, an analyst in the state budget office within the Department of Administration. Yingling said he gave Schwanz time to read it and to consult with others in his office before the two talked by phone.

Over two phone conversations, Yingling said Schwanz made it clear that he understood the email but would be sticking with the proposed changes to the Wisconsin Idea in state law.

"The response was, 'No, we're not going to make any changes (to Walker's budget proposal). If you want to re-create this in (Board of Regents) policy, you're free to do that,' " Yingling said Thursday.

Walker's legal counsel, Brian Hagedorn, said Thursday that Yingling's email had never been shared with anyone in the governor's office.

UW System spokesman Alex Hummel said in a terse statement that university officials are "glad the changes are not being sought."

"Our primary focus is on the impact of the (\$300 million) budget cut and the public authority proposals the governor has made for the UW System and its institutions," Hummel said.

Detailed instructions

For every piece of legislation — especially the massive state budget — drafting is a painstaking process in which a number of parties share successive versions of the specific language. The drafting file is essentially a history of those rewrites — all of them full of minute changes and revisions — made to the budget proposal as it wound its way toward the final version.

In the file, a Dec. 30 email from Schwanz to the Wisconsin Legislative Reference Bureau's Mark Kunkel, a nonpartisan bill drafter, directed a number of changes to the UW mission statement in state statutes.

The changes were part of a larger section in the budget that would transform the university from a state agency into a quasi-public authority with greater flexibility from the state and its rules.

An attachment to that Dec. 30 email proposed the changes such as deleting the phrase, "Basic to every purpose of the system is the search for truth." That electronic file, released through an open records request, showed that it was created by Schwanz about four hours before he emailed it to Kunkel.

On Jan. 12, Schwanz sent another email to Kunkel with more detailed instructions.

"To extend knowledge and its application beyond the boundaries of its campuses should be removed," Schwanz wrote.

Previously, Schwanz worked as a congressional staffer and campaign worker for U.S. Rep. Sean Duffy, a Republican from Weston. Schwanz didn't return a phone message Thursday seeking comment.

'There's no integrity'

The high-profile controversy comes as the governor rides a wave of positive press nationally for his all-but-certain presidential run.

Democrats called on Walker to take responsibility for what was in his budget.

"He blamed somebody else. To me, there's no integrity there. I'll leave it to somebody else to decide if there's a lie in there," Sen. Janet Bewley (D-Ashland) said of Walker.

Sen. Jon Erpenbach (D-Middleton) said he couldn't believe that the governor would not have known of changes to the Wisconsin Idea, which Erpenbach described as being "written in stone" on the university's foundation.

"This isn't something that would be an oversight. This is the governor directly aiming his arrow at the heart of the UW and what it's all about," Erpenbach said.

In Watertown Thursday, the governor said he thought the public debate should be focused on whether to give the university more flexibility and cut its state aid, not the flap over the proposed changes to the Wisconsin Idea.

Asked if there were other things in his budget he didn't know about, Walker said: "No, we knew about things overall. But I'm saying this was not a question of something we put in. This was the way that unfortunately somebody interpreted the direction of keeping it simple. We wanted to keep it simple and not making changes other than add the item we talked about in terms of workforce development."

EXHIBIT F



SCOTT WALKER
OFFICE OF THE GOVERNOR

Governor Scott Walker Releases Statement on the Proposed University of Wisconsin System Reforms

Thursday, February 5, 2015 – Press Release

Madison – Today, Governor Scott Walker released the following statement on the process of developing the proposed reforms in his budget proposal focused on creating a stronger University of Wisconsin System that is more efficient, more effective, and more accountable to taxpayers.

Please see the below statement from Governor Walker:

“We encourage a vigorous debate over the idea of an authority to govern the University of Wisconsin system or the status quo, as well as a debate about what is the real amount of savings that can be generated by an authority, which we believe is worth \$150 million a year. However, there is no debate over the principles contained within the Wisconsin Idea. We are, and have been, in agreement.

“So how did a change to the Wisconsin Idea get into the budget?

“While we had extensive discussions about the merits of an authority and about variations of how higher education is organized in other states, my staff, the state budget team, and I did not have much discussion about the mission statement. The only real mention was about adding something to existing language related to workforce development.

“Staff from the UW, the state budget office, and my office met several times to discuss the authority idea. In anticipation of these meetings, draft language was prepared by the state budget shop to serve as a starting point. At this initial meeting, my Chief of Staff directed the state budget office and the UW to continue working on statutory language changes and to elevate concerns or disagreements to his attention when agreement could not be reached. The guiding principle was to keep this process simple because the main focus was on providing the maximum amount of flexibility under the new authority.

"Staff from the UW System reviewed drafts of the budget language on various occasions, so I was surprised we had not heard concerns about the final version. Late on Wednesday, my Chief of Staff spoke again with UW System staff and found that they had raised a concern with the state budget office about the specific language. Unfortunately, when my office told the budget staff to keep it simple, they took that to mean that we only wanted workforce readiness language in the mission when we really wanted the language added to the existing mission statement. They also responded to UW staff that this change was not open for discussion because they were told to keep it simple and only add in workforce readiness language."

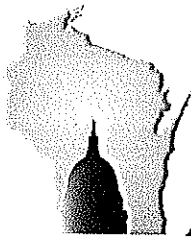
"Clearly, changing the Wisconsin Idea serves no purpose. That is why I made it clear on Wednesday that we would not change it in the budget. It is not a change of heart. It was a simple miscommunication during the natural back and forth of this process."

"The real debate should be about two things: 1) governance of the UW System and 2) how much an authority is worth in savings."

"In the 2003/05 state budget, former Governor Jim Doyle cut the UW by \$250 million. He did not give them reforms to make up for the lost state aid. They made up most of it with higher tuition."

"Our proposal gives new cost-saving reforms to the UW through an authority—while freezing tuition. We believe it is a good plan. Let the debate begin."

EXHIBIT G



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

SCOTT A. NEITZEL

SECRETARY

Office of the Secretary

Post Office Box 7864

Madison, WI 53707-7864

Voice (608) 266-1741

Fax (608) 267-3842

May 8, 2015

Jonas Persson
Center for Media and Democracy
jonas@prwatch.org

Via Email

Dear Mr. Persson:

This is in response to your public records request for emails to or from Megan Stritchko or Mike Huebsch containing the term "DPI" on January 5 or January 13, 2015.

We are providing the attached documents in response to your request. We have withheld or redacted the following information from the records we compiled.

We have removed drafts, notes, preliminary computations, and like materials that fall outside the definition of "record" as set forth in § 19.32(2), Wis. Stats.

Also note, some of the materials that we are withholding consist of preliminary analysis and deliberations created and exchanged by and among DOA and Governor's office employees in preparation of the Governor's budget, before the budget legislation was introduced in the legislature. By law, the Governor is responsible for the state's biennial budget, and the Department of Administration is mandated to prepare the budget under the direction of the Governor. See Wis. Stats. §§ 16.42-16.47. A candid, complete, and creative evaluation of the state's finances within DOA and within the Governor's office is inherent to the development of the Governor's executive budget. Making these internal discussions just as open to disclosure as the final version of the budget would inhibit the free exchange of ideas, opinions, proposals, and recommendations among those involved in deciding what to include in the final legislation. Disclosure of this narrow category of records—limited to discussions within DOA, within the Governor's office, and between the two--would discourage frank internal discussion and harm the quality of the final executive decision. Further, it would disincentivize the free exchange of emails and written documentation necessary to hone the precise language and calculations that are key to proper budget development. Without a doubt, this would significantly inhibit the efficiency and efficacy of the employees who develop the detailed language and financial calculations for the budget. In addition, disclosure would risk public confusion as a result of publishing non-final proposals, which may not ultimately have been adopted.

The public interests supporting confidentiality have long been nationally recognized, including in federal law. See Freedom of Information Act (FOIA), 5 USC § 552(b)(5); *Bureau of National Affairs v. U.S. Department of Justice*, 742 F.2d 1484

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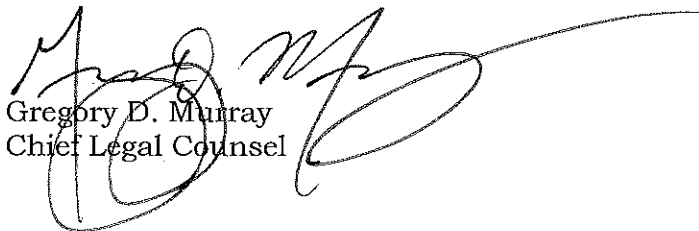
(D.C. Cir. 1984). Conversely, the public interest in accessing these particular records is limited. All legislation is publicly available once it is introduced, and numerous documents are produced and released to the public explaining and justifying the specifics of the executive budget. Thus, pursuant to the required balancing test, we have concluded that the public interest in protecting the quality of the executive decision-making process and maintaining the efficiency and efficacy of the budget writing process outweighs the public interest in the release of these materials.

Further, the public records law exempts from public disclosure drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working. Wis. Stats. § 19.32(2). These preliminary analyses and deliberations are "like materials" - similar to drafts, notes, and preliminary computations - prepared by individuals working for the Governor on creation of the Governor's biennial budget. Release of these preliminary materials would be contrary to the conduct of government business, running counter to § 19.32(2)'s exclusions and to the declaration of policy in § 19.31, Wis. Stats.

Note that we have not analyzed communications with representatives of the Legislative Reference Bureau under this reasoning. We are providing these communications because it is our understanding that they are already publicly available.

We are required to inform you that to the extent this amounts to a partial denial of a written request for records, it is subject to review by mandamus under § 19.37(1), Wis. Stats., or upon application to the Attorney General or a District Attorney.

Sincerely,



Gregory D. Murray
Chief Legal Counsel

Stritchko, Megan E - DOA

From: Knepp, Fern <Fern.Knepp@legis.wisconsin.gov>
Sent: Tuesday, January 13, 2015 8:45 AM
To: Stritchko, Megan E - DOA
Subject: RE: LRB 0633/P1

Sure. Sounds good.

Thanks,
Fern

From: Stritchko, Megan E - DOA [<mailto:MeganE.Stritchko@wisconsin.gov>]
Sent: Tuesday, January 13, 2015 8:42 AM
To: Knepp, Fern
Subject: LRB 0633/P1

Hi Fern,

We'd like to remove some of the provisions in this draft – could you redraft with the following edits:

- Remove requirement that private schools participating in the program be non-profit programs.
- Modify the date by which schools must annually register in the program from February 1 to January 10 (originally draft had date of December 1).
- Remove administrative rule provisions related to enrollment audit requirements from statute.
- Remove requirement that new private schools must have been in existence as of May 1, 2013 or by fully accredited to participate in choice programs.
- Remove changes to list of eligible accrediting agencies.
- Remove provision that allows parents to access DOR directly in online student applications to determine income eligibility for the program.
- Reinstate preaccreditation provisions and new school requirements.
- Reinstate provision that allow high schools to charge tuition to voucher students.
- Reinstate provision that requires DPI to certify districts eligible to participate in choice program.
- Reinstate requirement that 6.6% aid reduction to MPS be paid directly to the City of Milwaukee and the City pays the same amount to MPS.

I've attached DPI's original drafting request and crossed out the provisions that are no longer needed, but please do not discuss any of these changes with DPI. Feel free to call me if anything is unclear.

Thanks, Fern!!

Megan

Megan Stritchko
Executive Policy and Budget Analyst
Wisconsin Department of Administration
(608) 266-7329

DEPARTMENT OF PUBLIC INSTRUCTION

2015-17 BIENNIAL BUDGET

DRAFTING REQUEST TO THE LEGISLATIVE REFERENCE BUREAU

☒ Draft for Possible 2015-17 Budget Bill Introduction (*Agency Decision Item No. 7002*)

Subject: Choice Programs

Brief Description of Intent:

Under current law, the State Superintendent must pay a school participating in the Milwaukee, Racine or Wisconsin Parental Choice Programs, the lesser of an amount equal to the private school's operating and debt service cost per pupil that is related to educational programming or a set statutory amount. Under current law, a private school participating in any of the Parental Choice Programs is required to submit to the Department an independent financial audit of the school's per pupil cost conducted by an independent certified public accountant. The Department requests both that the set statutory amount be paid (instead of a private school being paid the lesser of the set statutory amount and the private school's operating and debt service cost per pupil) and that the private school be required to submit a GAAP audit that includes a schedule showing educational costs and the fund balance held in a segregated fund for future educational purposes.

~~Under current law, criteria is outlined for whether a school district is deemed eligible to participate in the Racine Parental Choice Program. Under current law, the Department is required to certify a list of districts eligible to participate on November 15 of the second year of the fiscal biennium. The Department requests these requirements (s. 118.60 (1) (am) and (1m), Wis. Stats.) be eliminated.~~

Under current law a private school participating in the Milwaukee and Racine Parental Choice Programs must accept pupils on a random basis except that the private school may give preference in accepting applications to pupils who attended the private school previously; siblings of those pupils; and pupils who attended a different school under the Parental Choice Programs. The Department requests specifying the following preferences: (1) continuing choice students applying to the same school; (2) siblings of continuing choice students that received a seat; (3) continuing choice students applying at a different school; (4) siblings of continuing choice students applying at a different school that receive a seat; and (5) siblings of students accepted to the school. The Department requests that these preferences be used in administering the Wisconsin Parental Choice Program random selection. Schools in the Milwaukee Parental Choice Program and Racine Parental Program may grant these preferences.

~~Under current law, there is no requirement for private schools in the Milwaukee, Racine, or Wisconsin Parental Choice Programs to be non-profit organizations. The Department requests that private schools participating in any of the three Parental Choice Programs be non-profit organizations.~~

Under current law, a private school must notify the State Superintendent of its intent to participate in any of the Parental Choice Programs by February 1 of the previous school year. The Department requests that the date by which schools must annually register to participate in the program be changed from February 1 to December 4. Use January 10 instead.

Under current law, a private school participating in any of the Parental Choice Programs must annually file with the Department a report stating its summer average daily membership equivalent and its summer choice average daily membership equivalent by October 15. The Department requests the due date for the summer school report be changed from October 15 to October 1, which is the same deadline for public schools. Additionally, some prior summer school provisions in ss. 119.23 and 118.60, Wis. Stats., are no longer applicable due to the prior budget changes to summer school funding. The Department requests these provisions be removed.

Under current law, a teacher must have a bachelor's degree from an accredited institution of higher education. An administrator must have at least a bachelor's degree. A copy of the bachelor's degree must be provided to the school. The Department requests the list of allowable teacher and administrator credentials be expanded to include a DPI issued educator license.

~~Currently under ss. 119.23 and 118.60, Wis. Stats., there are no audit requirements for the private school's enrollment report. The Department requests the requirements from PI 35.04 (9) (a), Wis. Adm. Code., be added in statute.~~

~~Under current law, the requirement to be in operation on May 1, 2013 sunsets after 2014-15 for the Wisconsin Parental Choice Program. The Department requests that new private schools have to be in existence as of May 1, 2013 or be fully accredited to participate in Parental Choice Programs in the future. If this request is accepted, the preaccreditation provisions in ss. 119.23 and 118.60, Wis. Stats. and the recently enacted new school requirements (ss. 119.23 (2) (ag) and 118.60 (2) (ag), Wis. Stats.) could be deleted.~~

~~Under ss. 119.23 (1) (ab) and 118.6 (1) (ab), Wis. Stats., accrediting agencies are listed for the Parental Choice Programs. The Department requests modification of the statutory list of eligible accrediting agencies to remove the National Council of Private School Accreditation and only list the following specific organizations that are members of NCPSA: Accrediting Association of Seventh Day Adventist Schools, Association of Waldorf Schools of North America, National Accreditation Board of Merkos L'Inyonei Chinuch and North American Christian School Accrediting Agency.~~

~~Under current law, a private school participating in any of the Parental Choice Programs may submit student information to determine student income eligibility for the Parental Choice Programs to the Department of Revenue. The Department requests that parents be allowed to access the Department of Revenue directly in the online student application to determine income eligibility for the program.~~

~~Under current law, private schools are required to provide continuing eligibility reports and grade promotion reports; submit test scores from additional tests not required under state law, and participate in Pupil Assignment Council Meetings. The Department requests these requirements be removed.~~

~~Under current law, high schools are allowed to charge tuition to voucher students. The Department requests this provision be eliminated.~~

~~Under current law, 6.6 percent of the aid reduction to Milwaukee Public Schools related to the Milwaukee Parental Choice Program is required to be paid directly to the City of Milwaukee and then the City is required to pay that same amount back to Milwaukee Public Schools. The Department requests this requirement (s. 121.137, Wis. Stats.) be eliminated.~~

Related Stat. Citations:

Modify ss. 118.60 and 119.23, Wis. Stats., accordingly.

Stritchko, Megan E - DOA

From: MeganE.Stritchko@wisconsin.gov
Sent: Tuesday, January 13, 2015 1:21 PM
To: Hanaman, Cathlene - LEGIS
Cc: Hynek, Sara - DOA; Stritchko, Megan E - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0440

Biennial Budget: 2015-17

DOA Tracking Code: BB0440

Topic: Full-Time Open Enrollment per Pupil Payment

SBO Team: EWD

SBO Analyst: Stritchko, Megan - DOA
Phone: (608) 266-7329
E-mail: MeganE.Stritchko@wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: High

Intent:

Set the state aid adjustment for full-time open enrollment per pupil payments under 118.51(16) to \$7,856 per pupil beginning in the 2015-16 school year.

Attachments: False

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

Stritchko, Megan E - DOA

From: MeganE.Stritchko@wisconsin.gov
Sent: Tuesday, January 13, 2015 4:16 PM
To: Hanaman, Cathlene - LEGIS
Cc: Hynek, Sara - DOA; Stritchko, Megan E - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0446

Biennial Budget: 2015-17

DOA Tracking Code: BB0446

Topic: Choice and Charter Per Pupil Payments

SBO Team: EWD

SBO Analyst: Stritchko, Megan - DOA
Phone: (608) 266-7329
E-mail: MeganE.Stritchko@wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: High

Intent:

Maintain the 2014-15 per pupil payments for the parental choice program under ss. 118.60(4)(bg)2 and 119.23(4)(bg)2 for the 2015-16 and 2016-17 school years. Delay the provision under ss. 118.60(4)(bg)3. and 119.23(4)(bg)3. until the 2017-18 school year.

Maintain the 2014-15 per pupil payments for independent charter schools under s. 118.40(2r)(e)2n. for the 2015-16 and 2016-17 school years. Delay the provision under s. 118.40(2r)(e)2p. until the 2017-18 school year.

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov

Stritchko, Megan E - DOA

From: Kohout, Denise E. DPI <Denise.Kohout@dpi.wi.gov>
Sent: Tuesday, January 13, 2015 4:24 PM
To: Kohout, Denise E. DPI; Tetting, Laura A - DPI; Barbarick, Elizabeth S. DPI; Briggs, Sheila J - DPI; Christiansen, Mary Jo J - DPI; Cordell, Sheryl R - DPI; Evers, Anthony S DPI; Giebink, David DPI; Greiber, Karen M - DPI; Hannah, Rebecca A. DPI; Hansen, Carol M. DPI; Jones, Burton S - DPI; Kiefer, Kurt J - DPI; Linton, Suzanne DPI; Maly, Virginia M - DPI; Nowakowski, Karen DPI; Pahnke, Brian D. DPI; Butters, Maria L - DPI; Russell, Lynette K DPI; Stanford Taylor, Carolyn DPI; Stritchko, Megan E - DOA; Thompson, Michael DPI; Wise, Roslyn M DPI; Zitske, Wendi M - DPI; Prem, Andrea M - DPI; Ulrich, Amy K - DPI; Kirsch, Lynn S - DPI; Fath, Erin K - DPI; Schumann, Joanna I - DPI; Slappey, Alex H - DPI; Guell, Kirsten R. DPI; Schaaf, Brittany R. DPI; Dally, Pete - WCBVI; Van Haren, Barbara A - DPI; McGaffin, Michele G - DPI
Subject: DPI Vacancy List 01/12/15

The January 12, 2015 vacancy list is attached.



011215 Vacancy
List.docx

Denise Kohout Human Resources Director

Department of Public Instruction · denise.kohout@dpi.wi.gov · (608)266-0282

Learn More: [Facebook](#), [Twitter](#), [DPI-Connect-Ed](#)

DIVISION FOR FINANCE AND MANAGEMENT

Classification
Pos. no., former inc., vac. date
Currently Available

Accountant - Journey
(337899-Chhetri 06-28-14, SMS) LK

Accountant - Sr.
(029042-Heinrichs 10-18-14, MS) LT

Accountant - Sr.
(337468-Prem 01-10-15, MS) LT

Auditor (School Finance)
(302566-Gundrum, 11-15-14, SFS) LT

Budget & Policy Analyst Agency
(020840-Smith, 08-02-14, Policy & Budget) LK

Contracts Specialist - Advanced
(039556-Bucaida 1-14-15, MS) LT

Financial Specialist 4
(022733-Christianson 02-07-14, MS) LT

Payroll & Benefits Specialist - Advanced
(016960-Stubbe, 01-10-15, HR)

School Administration Consultant-Online Learning
(332032-Schmitz, 02-07-14, SMS) DK

Under Review

Accountant - Journey
(019030-Magnuson last day on payroll 1-10-15, SMS)

Research Analyst-Adv
(026966-Calverley, 06-28-14, Policy & Budget)

School Administration Consultant
(325316-McMurray, 09-20-14, SMS)

VACANCIES

Pay Range	Funding Source	Status
07-03	.40 FED-Indirect .60 FED-IDEA Admin	Announced on Wisc.Jobs Application Deadline Extended: 01-12-15 Rating Panel: 01-15-15 Job Announcement Code: 1405450 Promoted Andrea Prem 01-11-15
07-03	.25 FED-Indirect .75 FED-Gear Up	To be posted for transfer
07-03	.55 FED-Indirect .45 GPR	Rating Panel: 01-12-15 Job Announcement Code: 1405479 Names certified: 12-19-14 Job Announcement Code: 1405072 Announced on Wisc.Jobs Application Deadline: 01-20-15 Job Announcement Code: 1405824 Appointed Audrey Fischer 01-26-15
07-02	GPR	Posted for statewide transfer Job Announcement Code: 1405853
81-04	.75 FED-Indirect .25 GPR	Reannounced on Wisc.Jobs Application Deadline: 01-12-15 Rating Panel: 01-15-15 Job Announcement Code: 1403200
07-03	GPR	Request to fill and PD not received in HR
02-13	PR-Voc Ed	Request to fill and PD not received in HR
81-04	.50 FED-Indirect .30 GPR .20 FED-IDEA Admin	Request to fill and PD not received in HR
13-02	FED-Indirect	Request to fill and PD not received in HR
07-03	.15 FED-IDEA Admin .35 FED-Indirect .50 FED- Title I	
08-03	.60 GPR .40 FED-Indirect	
13-02	FED-Charter Schools	

DIVISION FOR LIBRARIES AND TECHNOLOGY

Classification
Pos. no., former inc., vac. date

Currently Available

Contracts Specialist
(327245-French 07-25-14, IMT) LK

IS Business Automation Specialist
(339109-New 07-01-14, Apps Development) LT

IS Business Automation Senior
(322306-McHugh 09-06-14, RLL) LT

IS Supervisor 2
(300196-L. Gardner 10-19-13) LT

IS Systems Development Services Specialist
(334610-Post 12-14-13, Data Warehouse) DK

IS Technical Services Specialist
(307968-Roy 07-12-14, ISS) LK

Office Operations Associate (.50)
(339107-New 07-01-14, Customer Service) GM

Under Review

Pay
Range

07-05
.50
.25
.25

07-33

07-34

70-02

07-33

07-33

02-10

FED-Indirect
FED-LSTA
GPR

PR-IT

FED-LSTA

.70 PR-IT
.15 FED-Title I
.15 FED-IDEA Adm

PR-IT

PR-IT

PR-IT

Status

Posted for transfer

Additional names certified: 12-18-14
Job Announcement Code: 1403053

Recommendation for appointment submitted
Job Announcement Code: 1404833

Reannounced on Wisc.Jobs
Application Deadline: 01-20-15
Job Announcement Code: 1402994

Names Certified: 12-12-14
Job Announcement Code: 1400094

Transferred Gary Schultz 01-25-15

Recruitment to begin
Awaiting information from division

DIVISION FOR LEARNING SUPPORT

Classification Pos. no., former Inc., vac. date	Pay Range	Funding Source	Status
<u>Currently Available</u>			
Education Consultant - CD (308649-Faasuamalie 5-18-14, Special Ed) LT	13-02	.50 FED-IDEA Admin .40 FED-IDEA Disc .10 FED-IDEA Presch	Additional names certified: 12-10-14 Job Announcement Code: 1403744
Education Consultant (314879-Dawson 09-19-14, Special Ed) LT	13-02	.60 FED-IDEA Adm .40 FED-IDEA Disc	Announced on Wisc.Jobs Application Deadline: 01-05-15 Rating panel: 01-08-15 Job Announcement Code: 1405487
Office Operations Associate (032457-Guilliani 09-06-14, Special Ed) GM	02-10	.85 FED-IDEA Disc .15 FED-IDEA Preschool	Recommendation for appointment submitted Job Announcement Code: 1404776
Office Operations Associate (321550-Wortman 11-15-14, SSPW) GM	02-10	.50 FED-CDC .30 FED-31 st Century .20 FED-Teen Parents	Names certified: 01-08-15 Job Announcement Code: 1405374
Operations Program Associate (041825-Guell 09-20-14, Special Ed) GM	02-11	.15 FED-IDEA Presch .75 FED-IDEA Adm .10 FED-IDEA Disc	Promoted Sherri Honaker 01-25-15
School Administration Consultant -Disproportionality (031314-Warthen 5-3-14, Special Ed) LT	13-02	.725 FED-IDEA Disc .20 FED-IDEA Disprop .075 FED-IDEA Presch	Appointed Vaunce Ashby 01-26-15 Job Announcement Code: 1403944
School Administration Consultant (029216-Markoski 07-25-14, Special Ed) LT	13-02	FED-IDEA Admin	Recommendation for appointment submitted Job Announcement Code: 1403766
School Administration Consultant-Fiscal Monitoring (308643-Guralski 08-11-14, Special Ed) LT	13-02	FED-IDEA Disc	Announced on Wisc.Jobs Application Deadline: 01-05-15 Job Announcement Code: 1405519
<u>Under Review</u>			
IS Business Automation Specialist (.40) (334506-Kretzmann 04-19-14, SSPW)	07-33	.25 PR-Tobacco .15 PR-AODA	Request to fill and PD not received in HR
Office Operations Associate (332043-Honaker 01-24-15, Special Ed)	02-10	.50 FED-IDEA Adm .45 FED-IDEA Disc .05 FED-IDEA Presch	Request to fill and PD not received in HR

DIVISION FOR STUDENT AND SCHOOL SUCCESS

Classification Pos. no., former inc., vac. date	Pay Range	Funding Source	Status
Currently Available Education Administrative Director (333851-Greller 1-2-15, Title I) LT	81-01	FED-Title I	Announced on Wisc.Jobs Application deadline: 01-12-15 Job Announcement Code: 1405822
Education Administrative Director (037020-Ingram 1-11-15, WEOP) LK	81-01	GPR	Rating panel: 01-09-15 Job Announcement Code: 1405743
Education Specialist (327503-Whisnant 1-2-15, WEOP) LK	13-04	GPR	Appointed Sarah Buechel 01-26-15
Education Specialist (Project) (339241-New 10/15/14, WEOP) LK	13-04	FED-Gear Up	Recruitment to begin
Education Specialist (Project) (339242-New 10/15/14, WEOP) LK	13-04	FED-Gear Up	Recruitment to begin
Executive Staff Assistant (033901-Blasdel, On payroll until 1/27/15) LK	81-04	FED-Indirect FED-Title I FED-Title VI	Names certified: 12-29-14 Job Announcement Code: 1405468
Office Associate (.50) (327507-Barlar 03-08-14, WEOP) GM	02-09	FED-Gear Up	Appointed Larissa High 01-05-15
Office Associate (.50) (327510-Wheatley 06-05-14, WEOP) GM	02-10	FED-Gear Up	Appointed Sherry Drown 01-12-15
Office Associate (.50) (327506-Rhodes 11-14-14, WEOP) GM	02-09	FED-Gear Up	Names certified: 01-07-15 Job Announcement Code: 1405704
Office Operations Associate (302426-Torgerson 8-23-14, Title I) GM	02-10	FED-Title I FED-Migrant	Names certified: 11-5-14 Job Announcement Code: 1404791
Office Operations Associate (036270-Knutson 11-29-14, WEOP) GM	02-10	GPR FED-Gear Up	Names certified: 01-07-15
Operations Program Associate (301195-Curtis 08-08-14, Title I) GM	02-11	FED-ARRA School Imp	Additional names certified: 01-06-15
<u>Under Review</u>			
Education Consultant (306457-Toney office 12-19-14, payroll 6-30-15 Title I) LT	13-04	FED-Title I Admin FED-Title I	Request to fill and PD not received in HR
Grants Specialist (333850-Bartelt 11-1-14, Title I)	07-04	FED-Title I	Request to fill and PD not received in HR

WISCONSIN EDUCATIONAL SERVICES PROGRAM FOR THE DEAF AND HARD OF HEARING

Classification Pos. no., former inc., vac. date <u>Currently Available</u>	Pay Range	Funding Source	Status
Buildings/Grounds Superintendent (007355-Berry 07-27-14) LT	81-03	GPR	Recruitment to begin
IS Technical Services Professional (311609-Erikson 06-12-14) LK	07-35	GPR	Recommendation for appointment submitted Job announcement code: 1404263
Psychological Services Assistant (.80) (303823-Dan Natalie 08-09-13) DK	12-06	GPR	Additional names certified: 12-5-14 Job Announcement Code: 1403382
Sign Language Interpreter (.80) (020957-Fugate 12-13-11) LK	07-03	.40 GPR .40 FED-IDEA Disc	Posted for transfer
Social Worker (.88) (020272-Butts 09-03-14) LK	12-06	GPR	Names certified: 12-09-14 Job announcement code: 1404329
Teacher (.88) (323258-Tomasino 06-17-14) LK	13-04	GPR	Recruitment on hold Job announcement code: 1403238
Teacher (.88) (017560-LaFreniere 09-06-13) LK	13-04	GPR	Posted for transfer
<u>Under Review</u>			
Child Care Counselor 3 (.07) (311627-Jeff Rawlings 03-22-14)	06-13	GPR	Request to fill and PD not received in HR
Office Associate (007754-Jansen, last day in office 11/14, on until payroll 3/6)	02-09	GPR	Request to fill and PD not received in HR
Teacher (.55) (315250-S. Williams 09-02-14)	13-04	GPR	Request to fill and PD not received in HR
Teacher (.88) (035832-Pohl-Markowitz 08-01-14)	13-04	GPR	Request to fill and PD not received in HR

WISCONSIN CENTER FOR THE BLIND AND VISUALLY IMPAIRED

Classification Pos. no., former inc., vac. date	Pay Range	Funding Source	Status
<u>Currently Available</u>			
Child Care Counselor 1 (.80) (021352-Sanchez 01-10-15) GM	06-10	GPR	Posted for transfer
Teacher (.88) (013056-Homulos 08-05-14) LT	13-04	GPR	Announced on Wisc.Jobs Job Announcement Code: 1405516 Deadline: Open; First review after: 1-05-15
Teacher (.88) (001131-Knapton 08-23-14) LK	13-04	FED – IDEA Discretionary	Recommendation for appointment submitted Job announcement code: 1404712
Teacher – Math (.88) (038474-Tyrell 08-23-14) LK	13-04	GPR	Appointed Tim Fahlberg 01-12-15 Job announcement code: 1403588
Teacher (.88) CD (331875-Charlton 09-19-14) LT	13-04	FED – IDEA Discretionary	Announced on Wisc.Jobs Job Announcement Code: 1405863 Deadline: Open; First review after: 1-20-15
Teacher Supervisor (332995-Byrnes 08-22-14) LK	81-03	GPR	Recommendation for appointment submitted Job announcement code: 1404954
Therapies Consultant – VI (1.0) (039654-Telferson 06-02-14) LT	11-03	FED-IDEA Discretionary	Recommendation for appointment submitted Job announcement code: 1404830
<u>Under Review</u>			
Financial Specialist 3 (1.0) (007284-Wolters 11-28-14)	02-12	GPR	Request to fill and PD not received in HR
Power Plant Operator – Senior (000281-Dary 01-02-15)	03-15	GPR	Request to fill and PD not received in HR

DIVISION FOR ACADEMIC EXCELLENCE

Classification Pos. no., former inc., vac. date	Pay Range	Funding Source	Status
<u>Currently Available</u>			
Education Administrative Director (051683-Underly 7-23-14, TEPDL) LT	81-01 .80 .20	PR-Teacher Cert FED- Title II	Additional names certified: 12-17-14 Job Announcement Code: 1403496
Education Consultant (317783-Joannes 09-02-14, EE) LT	13-02	PR-Teacher Cert	Recruitment to begin
Education Consultant (project) (337178-Seligman 07-31-14, EE) LT	13-02	FED-Title II	Recommendation for appointment submitted Job Announcement Code: 1404612
Education Specialist (307219-Yang 07-12-14, TEPDL) LT	13-04	PR-Teacher Cert	Applications to be rated Job Announcement Code: 1405646
Education Consultant (301347-Ruckert 11-29-14, EE) LT	13-02	PR-Teacher Cert	Recruitment to begin
IS Technical Services Professional (041871-Radke 08-09-14, TEPDL) LT	07-35	PR-Teacher Cert	Applications to be rated Job Announcement Code: 1405645
<u>Under Review</u>			
Education Consultant (005934-Toll-01-28-15, TEPDL)	13-02	PR-Teacher Cert	Request to fill and PD not received in HR
Office Operations Associate (.60) (001476-Siefert Raw 05-09-13, TEPDL)	02-10 .50 .10	FED-Transition to Teaching FED-Title II	Request to fill and PD not received in HR
Office Operations Associate (310330-Trotta 01-10-14, CTE)	02-10	PR-Voc Ed	Request to fill and PD not received in HR

UNFUNDED POSITIONS

Classification Pos. no., former inc., vac. date	Pay Range	Funding Source	Status
Education Consultant (.05) (334514-Caro-Bruce 06-03-13, Applications Dev)	02-11	FED-LSTA	Position Held
Librarian (.25) (017299-Otteson 12-30-12)	13-04	PR-Portal Project	Position Held
Sign Language Interpreter (.20) (321380-Lopez 10-21-14)	07-03	PR-Portal Project	Position Held

EXHIBIT H

<http://www.jsonline.com/news/statepolitics/robin-vos-pushed-for-open-records-overhaul-records-show-b99543456z1-318294111.html>



Scott Walker says public has no right to some records on key issues

By [Patrick Marley](#) and [Mary Spicuzza](#) of the Journal Sentinel

July 23, 2015

Madison— State documents show Gov. Scott Walker's administration contends it doesn't have to release some internal discussions on four key issues even though the White House hopeful has said trying to rewrite the open records law to allow holding back documents in such cases was a "huge mistake."

According to newly released documents, the Republican governor's office and his Department of Administration in May issued a dozen letters to news organizations and others denying access to records because they claimed doing so could inhibit the free exchange of ideas. State law does not explicitly recognize that as a reason for withholding records.

In the following weeks, aides to Walker — who is now running for president — worked with GOP lawmakers to try to rewrite the law so they could use that rationale for keeping the public from learning about internal deliberations.

At the same time, Republican legislators were drafting a measure that would keep the open records law from applying to them in the vast majority of cases. Those provisions were requested by Assembly Speaker Robin Vos (R-Rochester), files released this week show.

Administration records have been withheld because they included internal deliberations 12 times, according to newly released records. Most of them related to a provision of the state budget that would have removed from the mission statement of the state university system the Wisconsin Idea, the venerable notion that says the university's aim is to improve the lives of people in all corners of the state.

But three other sets of records are being held back on the same grounds. One deals with emails to or from then-Administration Secretary Mike Huebsch regarding the state Department of Public Instruction. Another deals with a proposal to change how property assessments are done. And the last relates to the Walker administration's attempt to make

changes to the long-term care program known as IRIS, which stands for Include, Respect, I Self-Direct.

Walker said the change to the Wisconsin Idea was included in his original version of the state budget because of a miscommunication within his office. He dropped the proposal soon after it became public.

State officials released hundreds of pages of records related to that matter to the Milwaukee Journal Sentinel and others, but held back some documents that "consist of preliminary analysis and deliberations" regarding the state budget.

"Making these internal discussions just as open to disclosure as the final version of the budget would inhibit the free exchange of ideas, opinions, proposals and recommendations among those involved in deciding what to include in the final legislation," administration counsel Gregory Murray wrote in a letter to the Journal Sentinel.

Identical language was used in letters sent to others denying them access to records. Among those receiving the letters were the Wisconsin State Journal, The Associated Press and George Zaske, a River Falls attorney who sought records about the long-term care program because his son has a disability.

In all cases, the administration released some — often many — records while withholding others. Zaske said he was frustrated because in his case he received only a few emails and got no real understanding of why the governor wanted to restructure the IRIS program.

Two months after they denied access to the records, Walker and GOP lawmakers tried to gut the open records law. They gave up the idea within two days of the Legislature's budget committee approving it, and Walker soon afterward said the move was a "huge mistake."

But his office and administration are continuing to withhold records by claiming they don't have to release documents that are deliberative in nature. The Department of Administration has withheld records this year eight times for that reason and the governor's office has done so four times, according to a review of denial letters by the Milwaukee Journal Sentinel.

The liberal Center for Media and Democracy and the Progressive magazine have sued Walker, arguing that's not a valid reason for keeping records from the public.

In a statement Thursday, Walker spokeswoman Laurel Patrick said state law allowed the administration to withhold the records. Administration lawyers have not yet filed responses to the lawsuit spelling out their legal arguments, she noted.

"We have been and will continue fulfilling open records requests pursuant to current law, as we always have," her statement said.

Eleven of the 12 record denials were made on May 8, the new documents show. The 12th was issued a week later, on May 14.

Administration spokesman Cullen Werwie didn't say why so many were issued the same day, other than to say the administration responds to records requests as soon as possible.

Brendan Fischer, counsel for the Center for Media and Democracy, said the timing was "telling."

"It seems it was a well-considered strategy to avoid scrutiny of the way the Walker administration came up with the budget," Fischer said.

'Draft requester'

Vos asked for a major portion of the failed overhaul of open records law. He is called the "draft requester" of the budget amendment in a June 29 email from Legislative Reference Bureau attorney Michael Gallagher.

The Vos email directly links the Assembly speaker to the so-called legislative privilege portion of the open records changes. The GOP plan would have dramatically limited public records requests for lawmakers' communications with their staffs and for drafting records of legislation after it's been introduced. The measure also would have given lawmakers a broad legal privilege allowing them to refrain from releasing records when they were sued and bar their current and former staff from disclosing information legislators wanted kept private.

No other state provides such an expansive legal privilege for lawmakers, according to the Legislative Reference Bureau.

The email was released by Senate Majority Leader Scott Fitzgerald (R-Juneau) in response to open records requests from the Milwaukee Journal Sentinel and other media organizations.

But Fitzgerald on Thursday didn't lay responsibility on Vos. He repeated that his office was involved in and backed the proposal, which was supported by all 12 Republicans on the Legislature's Joint Finance Committee.

"In the budget, everything is collaborative," Fitzgerald said, noting that without leaders in both houses agreeing, nothing gets done. "We knew what they were doing."

Vos was traveling Thursday and unavailable. His spokeswoman, Kit Beyer, issued a statement saying at the time of the email, GOP lawmakers were focused on "returning legislative powers ceded to the executive branch, and the idea that the Legislature should be able to set its own common sense policies on open records and retention of drafting files."

Other provisions were later added and the end result was "a collaborative effort by the Senate, the Assembly, and the governor's office," her statement said. Walker's office and Fitzgerald have agreed with that assessment.

Republican leaders quickly backed away from the changes in the wake of public outrage. Many of the documents released recently by legislators are from people around the state expressing anger over the attempted changes the records law on July 2.

"I am not a liberal by any stretch of the imagination," Jim Stroschein of Mineral Point wrote to Fitzgerald in an email sent on July 4. "I voted for Ronald Reagan twice and Tommy Thompson four times. Your attempts to limit access to public records are deeply disappointing and the Joint Finance Committee's vote ... qualifies as the most disturbing action I have ever seen in Wisconsin politics."

Tom Varney wrote Rep. Amy Loudenbeck (R-Clinton) on July 4 to express his frustration that she had voted for the measure in committee in the middle of the night just before the holiday.

"You don't deserve to celebrate our freedom when you're working hard to take it away," he wrote.

EXHIBIT I



No 'executive privilege' for records

By Christa Westerberg

June 2, 2015

The office of Gov. Scott Walker has crafted a new interpretation of the state's open records law, claiming it can exempt records used in developing a final decision from disclosure. In this case, "new" is not "improved."

Earlier this year, records requesters asked the office for its communications with the Department of Administration, after the governor's proposed budget called for removing the "Wisconsin Idea" from the University of Wisconsin System's mission statement.

The governor's office, in response to these requests, refused to provide records containing "preliminary analysis and deliberations created and exchanged by and among employees of DOA and employees of the governor's office," before the budget was introduced.

Why? It said releasing these records would "discourage frank internal discussions" among budget-writing staff and "risk public confusion as a result of publishing non-final proposals," which might not be adopted.

Wisconsin's open records law creates a broad presumption of openness, and courts have held that exceptions must be "extremely narrow and well-defined." The federal government and some states have recognized a "deliberative process" or "executive privilege" exemption to disclosure. But Wisconsin has not, and for good reason.

The public has the right to see what information the government used to reach a decision, and what alternatives were considered. Other bill-drafting records are routinely made public after legislation is introduced. These records also reveal who took part in decision-making — a critical issue in the "Wisconsin Idea" budget snafu, after some documents showed DOA specifically requested that change.

When records are withheld, people inevitably wonder: What are they trying to hide? Public confidence in government is stronger when people can see the process as well as the result.

The governor's records denials also suggest the public cannot be trusted with decision-making information, or lacks the capability to distinguish between final and non-final

decisions. Yet Wisconsin has gone decades without recognizing an executive privilege to disclosure. Pandemonium has not ensued.

If anything, the need for transparency has grown stronger as the budget is increasingly used to make policy. People want to know the basis for changes that affect key areas of their lives, such as long-term care, schools and transportation. They also deserve that information on a meaningful time line, while there's still an opportunity to weigh in on changes before they are final.

Two of the denied records requesters have since filed lawsuits. The Center for Media and Democracy was the first. "(B)lowing a new hole in the public records law to keep (the Wisconsin Idea change a) secret would do grave damage to Wisconsin's traditions of clean and open government," said general counsel Brendan Fischer.

Katy and Jud Lounsbury and The Progressive magazine challenged the denial of a February request. Their complaint says the withheld records "are quintessentially the kinds of records that the public records law requires to be made available to the public and the press in response to records requests."

Opposition to an "executive privilege" exemption is shared across the ideological spectrum. Rick Esenberg, executive director and general counsel of the conservative Wisconsin Institute for Law and Liberty, recently blogged that the CMD denial was "wrong under our state law." He said the idea that records can be withheld "because it might be awkward to expose the government's deliberative processes ...is one that our state Legislature, in enacting the law, has rejected."

Let's hope their view wins out. Otherwise, custodians will have a dangerous new tool to deny access to decision-making that affects us all.

Your Right to Know is a monthly column distributed by the Wisconsin Freedom of Information Council (www.wisfoic.org), a nonprofit group dedicated to open government. Christa Westerberg, a council member, is an attorney with of McGillivray Westerberg & Bender LLC.

EXHIBIT J

<http://www.jsonline.com/news/statepolitics/republicans-mum-on-who-wanted-open-records-changes-b99531607z1-311570811.html>



Bipartisan spectrum blasts proposed changes to open records law

By [Patrick Marley](#), [Jason Stein](#) and [Ellen Gabler](#) of the *Journal Sentinel*

July 3, 2015

Madison— A broad and bipartisan spectrum of lawmakers, public officials and advocacy groups blasted changes to the state's open records law, advanced by a dozen Republican lawmakers late Thursday, saying the move would lead to a secretive government hidden from public oversight.

"I will not support a budget that includes this assault on democracy," state Sen. Robert Cowles (R-Green Bay) said in a statement Friday.

Cowles said he was "shocked and appalled to see the attack on open and transparent government."

In response to the widespread criticism, Gov. Scott Walker and Republican leaders indicated Friday that they would back off the proposal, but wouldn't specify how or to what degree.

The Legislature's Joint Finance Committee tucked the changes to the open records law into the version of the state budget proposal it passed Thursday night. The changes are sweeping, essentially allowing public officials to keep secret records that reveal how they do their jobs.

The full Assembly and Senate, as well as Walker, would have to approve the changes before they become law.

Reacting within hours to the blowback, Walker's spokeswoman, Laurel Patrick, said the governor would "work with legislative leaders to make changes to the provisions" before the budget goes before the full Legislature.

Patrick did not respond to questions about whether Walker would veto the provision if lawmakers do not make whatever changes he wants.

Republican sources said that at least some lawmakers were told by backers of the motion before the vote that Walker's office had given an assurance that the governor would not veto

the public records provision. But those same sources emphasized they were unsure of whether such assurances had been made by the governor or by his aides.

The sources said they believed a veto was in fact possible.

All four Democrats on the committee voted against the proposal, while all 12 Republican committee members voted in favor of it. The Republicans wouldn't say who was the prime force behind the motion.

The motion was put forward by the committee's co-chairs, state Rep. John Nygren (R–Marinette) and state Sen. Alberta Darling (R–River Hills), and was supported by Assembly Speaker Robin Vos (R–Rochester) and Senate Majority Leader Scott Fitzgerald (R–Juneau).

After the committee's actions were publicized, criticism poured in from across the state, including second thoughts and disagreement from many Republicans. Some lawmakers said they would continue to comply with the current, less-restrictive laws, regardless of whether the new measure passes.

State Rep. Dale Kooyenga (R–Brookfield), who voted for the motion, said he is now concerned about its impact.

"The scope of the provision appears to go beyond what I was briefed on, and further consideration of the matter is warranted and welcome," Kooyenga said. "I'll be listening to feedback."

He said his office will continue to respond to record requests using the criteria of current law.

State Rep. Joel Kleefisch (R–Oconomowoc) said he, too, would adhere to open records law as it has stood for years.

After criticism about the motion started rolling in Friday, Vos indicated lawmakers would likely alter the plan, at least in part.

"Members have contacted me wanting more information on the proposal," he said Friday. "We'll discuss it in caucus on Tuesday and see what changes need to be made."

The chief author of Wisconsin's open records law, U.S. District Judge Lynn Adelman, said in an interview that the proposed changes appear to be a "devastating assault on open government in Wisconsin."

"It would be really harmful to the public, so I hope they take it out of the budget," said Adelman, a former Democratic lawmaker.

Schimmel opposes changes

Attorney General Brad Schimmel, a Republican, also spoke out against the changes.

"Transparency is the cornerstone of democracy and the provisions in the Budget Bill limiting access to public records move Wisconsin in the wrong direction," he said in a statement. Schimel is the state's lead elected official responsible for handling open records issues.

The open records law is used routinely by journalists, activist groups from the left and right, and ordinary citizens who want to know more about what their government is doing. Both Republicans and Democrats have faced lawsuits that have required them to turn over documents they initially kept from the public.

The proposed GOP plan would limit public records requests for lawmakers' communications with their staffs and for drafting records of legislation after it's been introduced. It would also exempt a host of records created by Walker's administration, state agencies and local governments and put new limits on public access to information about dismissed criminal charges in some instances.

The measure would also give lawmakers a broad legal privilege that would allow them to refrain from releasing records when they are sued and bar their current and former staff from disclosing information legislators wanted kept private.

No other state provides such an expansive legal privilege for lawmakers, according to the Wisconsin Legislative Reference Bureau.

The proposed changes come as Walker is being sued for refusing to release such records related to his proposal to alter the University of Wisconsin System's mission statement to eliminate the Wisconsin Idea. The Wisconsin Idea says the system is committed to improving people's lives in all corners of the state.

Walker backed off on rewriting the Wisconsin Idea after the issue came to light.

Other records related to the decision on the Wisconsin Idea have been released, but they wouldn't be in the future because of the open records changes Republicans folded into the budget.

Republicans mum on who wanted changes

Thursday's changes were introduced by the Joint Finance Committee's co-chairs, Nygren and Darling, who said they introduced the provision at the request of "multiple" people but declined to name any of them.

Multiple Republican sources familiar with the budget process and this particular proposal confirmed that Vos, the Assembly speaker, and Fitzgerald, the Senate majority leader, played a key role in bringing together the public records changes and the rest of the motion, known as a 999.

That's not unexpected. It's the usual practice for that type of motion.

First, rank-and-file lawmakers and outside groups bring requests to the offices of the speaker and majority leader. Then those requests become legislative language that, in time, is shared with the budget committee co-chairs and the other members of the committee.

"The 999 motion always has final approval from the majority leader and the speaker's office," said Sen. Luther Olsen (R-Ripon), a member of the committee who voted for the proposal. "Nothing in there is there unless those two say it is."

Committee member Sen. Jon Erpenbach (D-Middleton) asked to strip the open records changes from the wide-ranging motion before the committee vote Thursday, but Nygren refused.

All 12 Republicans on the committee voted for the motion. Joining Nygren, Darling, Kooyenga and Olsen in voting for the motion were eight other Republicans: Sen. Sheila Harsdorf of River Falls; Sen. Howard Marklein of Spring Green; Sen. Tom Tiffany of Hazelhurst; Sen. Leah Vukmir of Wauwatosa; Rep. Mary Czaja of Irma; Rep. Dean Knudson of Hudson; Rep. Amy Loudenberg of Clinton; and Rep. Michael Schraa of Oshkosh.

Nygren said he thought the exemptions to the open records law would serve the public well over the long term. Knudson said he thought it clarified the law and would help officials "stay on the right side of the law."

But few others championed it.

"No comment," Tiffany said when asked if he supported the open records changes shortly before he voted for them.

Similarly, moments before he sat down for debate on the provisions, Schraa demurred on whether he would back them.

"I have to read through it more," he said before casting his yes vote.

Just before voting for the measure, Marklein said he had no idea who sought the change and didn't know if he could support it.

"I don't know yet," he said. "I'll know when I vote."

People's right to know vs. possible chilling effect

Erpenbach, who voted against the open records changes, said that making the changes "in the dark of the night is the biggest mistake Republicans could ever make."

"People have the right to know what their government is doing," he said in a statement.

Last year, Erpenbach was forced to reveal the names of people who had emailed him in 2011 regarding Act 10, which all but eliminated collective bargaining for most public workers.

A lawsuit also prompted Vukmir to release records last year about her work with the conservative American Legislative Exchange Council. Vukmir, who voted in favor of the changes to open records law, declined to comment.

In an interview, Assembly Majority Leader Jim Steineke (R-Kaukauna) said he believed the changes would allow public officials to have a freer exchange of ideas.

"Having everything scrutinized can lead to a chilling effect of people being willing to get their work product done," he said.

The Wisconsin Freedom of Information Council said the proposal was "cowardly" and called out Walker, who has said in the past that the state Legislature needs to be more transparent.

In a joint statement, the conservative John K. MacIver Institute for Public Policy and the Wisconsin Institute for Law & Liberty said the proposed changes are "incredibly broad" and give lawmakers a "near-blanket exemption from the open records law."

The groups routinely use open records law and lawsuits to hold accountable governments and government officials.

"Transparency in government is not a liberal or conservative issue, it is a good government issue," MacIver Institute President Brett Healy said in a statement. "Taxpayers deserve access to government records, so they can keep politicians all across this great state honest and accountable."

EXHIBIT K

<http://wisconsinwatch.org/2015/07/gov-scott-walker-vows-changes-to-open-records-rewrite-but-is-mum-on-his-role/>

WisconsinWatch.org

Update: Gov. Scott Walker backs away from changes to open records law but is mum on his role

Budget measure's wording similar to recent documents from governor and DOA

By Dee J. Hall

July 3, 2015

Editor's note: This story, originally published on July 3, was updated on July 6 to include new developments.

Hit with an avalanche of criticism from across Wisconsin, Gov. Scott Walker and Republican legislative leaders have agreed to remove language from the state budget that would have gutted the state's open records law.

In a joint statement, Walker and the GOP leaders on Saturday said they had decided to remove the controversial measure "in its entirety" after "substantive discussion."

But the question remains: Who is responsible for putting it in the budget in the first place?

It is a question that legislative leaders and Walker — who is set to announce his run for the presidency next week — have repeatedly dodged since the proposal was slipped into the 2015–17 spending plan late Thursday as residents headed out to begin celebrating Independence Day weekend.

A review by the Wisconsin Center for Investigative Journalism shows similarities between recent records request denials from the governor's office and the state Department of Administration and changes inserted in the budget by Republicans on the Joint Finance Committee — similarities that raise questions about whether Walker himself was involved in the budget proposal.

Critics from the left and right agree the measure would have allowed state and local officials to craft laws and policies largely in secret.

The governor's spokeswoman, Laurel Patrick, declined to respond to questions about whether the governor was behind the effort to limit the state open records law. Walker also ducked reporters' questions about his role on Saturday. On Monday morning, Assembly Speaker Robin Vos, R-Rochester, declined during an interview on Wisconsin Public Radio to discuss the governor's involvement.

The turnaround came soon after Wisconsin's Republican attorney general and conservative and liberal groups dedicated to government transparency all decried the last-minute changes approved on a 12-4 party-line vote by the budget committee with no public input.

Republican legislative leaders have refused to say who is behind the measure, which opponents argue would have invited corruption by largely shielding the inner workings of state and local government in Wisconsin from public view.

Under the measure, documents used during the "deliberative process" by the governor, lawmakers and other state and local government officials would be exempt from public disclosure. Those would include opinions, analyses, briefings, background information, recommendations, suggestions, drafts, correspondence about drafts, as well as "notes created or prepared in the process of reaching a decision concerning a policy or course of action."

A Center review shows that on May 8, DOA used a similar rationale in denying a River Falls man access to records about Walker's controversial proposal to eliminate IRIS, a program that allows disabled individuals to use state money to pay for self-directed care. Lawmakers have since altered the program, but disability advocates remain opposed to the changes.

"Making these internal discussions just as open to disclosure as the final version of the budget would inhibit the free exchange of ideas, opinions, proposals, and recommendations among those involved in deciding what to include in the final legislation," according to the letter signed by Gregory Murray, DOA's chief legal counsel.

In fact, in their joint statement Saturday, Walker, Vos, Senate Majority Leader Scott Fitzgerald, R-Juneau, and joint finance co-chairs Sen. Alberta Darling, R-River Hills, and Rep. John Nygren, R-Marinette, made the same argument, saying the goal was to "encourage a deliberative process between elected officials and their staff in developing policy."

The Center also found Walker and DOA invoked a deliberative process argument in denying requests for records documenting the proposed removal of the Wisconsin Idea and the "search for truth" from the University of Wisconsin's mission statement.

Two parties that sued Walker for records over that issue say they detect the governor's fingerprints in the now-defunct budget proposal.

Among them is Jud Lounsbury, a columnist for The Progressive magazine and his wife, Katy, a labor attorney. The couple filed suit to get records after the liberal-leaning

Center for Media and Democracy discovered that the Walker administration proposed changing the university's core mission statement in the state budget.

Although Walker initially denied any involvement, the Wisconsin State Journal and the Milwaukee Journal Sentinel and other outlets used the state open records law to confirm that the governor's office was behind the effort to rewrite the mission statement.

"Governor Walker's office acted outside Wisconsin's open records law in denying our basic request to see communications that were behind removing the 'Wisconsin Idea' from our statutes," Jud Lounsbury said in an email. "So we took them to court. Instead of following the law, they've decided to change the law."

Christa Westerberg, vice president of the Wisconsin Freedom of Information Council, noted similarities between Walker's invocation of a deliberative process exemption in recent months and the proposal in the "Motion 999" amendment to the state budget passed Thursday. The measure would have been a "vast rollback of the public's right to know," Westerberg said.

"It's strangely coincidental that we're seeing the deliberative process exemption in the budget within months of the Governor's office and Department of Administration attempting a similar exemption in recent (open records) responses," said Westerberg, a Madison attorney who also is legal counsel for the Wisconsin Center for Investigative Journalism.

"When the administration attempted this exemption this spring, it was really an unprecedented attempt to conceal decisionmaking documents about important issues in the budget.

"It's fair to ask, did the governor request this language in Motion 999? And if so, why?"

Brendan Fischer, general counsel for the Center for Media and Democracy, noted the similarities between Walker's denial of his organization's request for records related to the UW's mission statement and the controversial open records changes.

After Walker's office denied the organization access to the records, citing a "deliberative process privilege," the Center for Media and Democracy sued in May. That suit has been consolidated with the legal challenge filed by Jud and Katy Lounsbury and is pending in Dane County Circuit Court.

Fischer said that the budget proposal, which would have done "grave damage to the state and the public's ability to know why changes are being made," surfaced as the Walker administration is battling in court to keep such records secret.

“The similarities between their claims in our lawsuit and the appearance of this in the (budget) proposal seem like more than coincidence,” he said.

Fischer added that if the proposal had been enacted, it would have helped shield Wisconsin’s governor from requests for state records that are sure to mount after Walker’s intention to run for president becomes official on July 13.

“His office and legislators probably already are receiving a lot of requests,” Fischer said, “and that’s going to continue as he runs for president.... (This) would certainly make life easier for the governor and legislators.”

The issue is not over. Walker and GOP leaders said they plan to convene a Legislative Council committee to study possible changes to the open records law — this time allowing other lawmakers and the public a chance to debate them.

EXHIBIT L

<http://www.jsonline.com/news/opinion/a-declaration-of-secrecy-that-runs-counter-to-american-values-b99531765z1-311591891.html>



EDITORIAL | BUDGET BILL

A declaration of secrecy that runs counter to American values

Mark Hoffman

Hiding documents from the public may be useful for powerful politicians but it's a plague on the public.

July 3, 2015

As Americans prepared to celebrate the hard-won freedoms embodied in the Declaration of Independence, 12 Republicans issued their own declaration on Thursday:

A declaration of secrecy.

In one of their final acts before sending the state budget to the full Legislature, Republican members of the powerful Joint Finance Committee forced provisions into the budget that would sharply limit public records requests for lawmakers' communications with staff and for drafting records of legislation.

The proposals would hide from public view a slew of records created by the Walker administration and other state agencies.

This eyes-wide-open attempt to blind the public was, of course, never discussed in open session. And state Rep. John Nygren (R-Marquette), co-chair of the powerful budget-writing committee, wouldn't say who inserted the changes into the bill.

Nygren assures us, though, that the changes will be good for the public.

Just who does he think he's kidding?

Secrecy may be good for powerful legislators such as Nygren or for his co-chair, state Sen. Alberta Darling (R-River Hills). And secrecy may be just fine for legislators who don't want the public to know what they are doing or with whom they are working.

But secrecy is a plague on citizens. These proposals would set back by decades the cause of open government in Wisconsin. Any representative who votes to approve a budget containing such broad limits on the public's right to know is not fit to hold office.

Conservatives and liberals alike blasted the proposals.

"This is really self-serving," said Democratic state Sen. Jon Erpenbach of Middleton.

"Somebody's being protected from something. Of course if this passes we're never going to know what it is."

Republican Attorney General Brad Schimel was equally as tough.

"Transparency is the cornerstone of democracy, and the provisions in the budget bill limiting access to public records move Wisconsin in the wrong direction," Schimel said in a statement.

Wisconsin voters should ask themselves: What's the motive? Why now? Why the secrecy? And just what are these legislators trying to hide?

The proposals would drop requirements for preserving any and all records and communications of legislative staff and the Legislature's nonpartisan budget office, audit bureau and legal advisers. It would give lawmakers the right to prevent their current and former staff from disclosing records involving their work.

The proposals would draw a dark veil over state government.

Records involving draft legislation are routinely examined by journalists and citizen groups to understand how and why laws are created. Earlier this year, Journal Sentinel reporters learned from the drafting file for the state budget that the Walker administration had insisted on changes to the decades-old mission statement of the University of Wisconsin System — the Wisconsin Idea. After the story was published, Gov. Scott Walker quickly backed off.

Scrutiny holds lawmakers accountable. But if these proposals are enacted, that kind of accountability will be nearly impossible.

"The taxpayers who are paying for all of this are being told, 'It's none of your damn business,'" Bill Lueders, president of the Wisconsin Freedom of Information Council, said. "Our state's tradition of open government is on the line."

The rank-and-file of the Legislature, regardless of party, should have the common sense to reject these provisions. Members should show better judgment than some in leadership have shown. But if the provisions remain, Walker should veto them. He should not accept such a brazen retreat from transparency as he embarks on a campaign to win the hearts and minds of a much larger public.

Public servants do the public's business. This is not some private company run by private managers. This is your government.

These records belong to the public. They belong to you.

And these are your public servants. You can act to restrain them.

Please, call and write the legislative leaders who want to decrease your power by increasing their own. Tell them to stop trying to hide their secret deals and special favors from you.

Insist that your government be conducted in the light of day.

Insist on accountability.

Insist on the Wisconsin way.

EXHIBIT M

The New York Times

Gov. Walker and Wisconsin GOP Retreat on Open Records Limits

By THE ASSOCIATED PRESS JULY 4, 2015, 5:22 P.M. E.D.T.

MADISON, Wis. — In a sudden reversal amid a stinging backlash, Wisconsin Gov. Scott Walker and GOP legislative leaders said they agreed Saturday to completely remove a part of the proposed state budget that would severely roll back open records laws.

Walker announced the decision in a joint statement Saturday with Senate Majority Leader Scott Fitzgerald, Assembly Speaker Robin Vos, and the co-chairs of the joint budget committee. They said that they're committed to open and accountable government.

"After substantive discussion over the last day, we have agreed that the provisions relating to any changes in the state's open records law will be removed from the budget in its entirety," the statement said. "... The intended policy goal of these changes was to provide a reasonable solution to protect constituents' privacy and to encourage a deliberative process between elected officials and their staff in developing policy. It was never intended to inhibit transparent government in any way."

The restrictions, which Republicans on the Legislature's Joint Finance Committee slipped into the proposed budget late Thursday, would shield nearly everything created by state and local government officials from Wisconsin's open records law, including drafts of legislation and staff communications. The proposal drew heavy criticism from liberals and conservatives alike, and was the subject of a withering front-page editorial in Saturday's Milwaukee Journal Sentinel.

The sudden furor had become a serious distraction for Walker as he prepares to formally announce his candidacy for the GOP presidential nomination on July 13. He told reporters before an Independence Day parade in the Milwaukee suburb of Wauwatosa on Saturday morning that he planned to discuss the matter with legislative leaders after the weekend, the Journal Sentinel reported.

"My hope is, that after talking with them on Monday, we get to the point where it's either out completely or there's significant changes to it," he said.

The joint statement, issued at mid-afternoon on Saturday, made it clear that they didn't wait. The statement said the Legislature will form a committee to study the issue and allow for public discussion and input outside of the budget process.

Walker didn't specifically say in Wauwatosa whether he and his office were involved in crafting the proposed changes, whether he objected to them in advance, or specifically say who proposed the overhaul. The joint statement didn't address those points either.

Among the issues that have dogged Walker recently is the performance of a job creation agency he championed. The Wisconsin State Journal used the open records law that Republicans wanted to tighten to report in May that the Wisconsin Economic Development Corporation made a loan to one of Walker's top donors. That report led other media organizations, including The Associated Press, to look into the matter, and the agency also came under scrutiny from the Legislature.

Walker's pre-parade comments were echoed by some Republican legislators Saturday, including two who voted for the changes just two days earlier.

Sen. Alberta Darling, co-chairwoman of the powerful budget committee, said they are now "working to eliminate" the open records limits.

"We are going to get rid of that," Darling said at Fox Point's Fourth of July parade.

And Rep. Dale Kooyenga said at Wauwatosa's parade that lawmakers were working on changes.

EXHIBIT N



EDITORIAL | OPEN GOVERNMENT

Public deserves answers on assault on open records

John Klein

Gov. Scott Walker marches in the Wauwatosa Independence Day parade followed by his two sons Saturday.

July 7, 2015

Facing a hurricane of criticism, Gov. Scott Walker and state legislators have scrapped — at least for now — a brazen attempt to limit access to state public records. But that by no means is an end to the issue; there are still questions that need to be answered.

The measure that was slipped into the state budget Thursday by 12 Republicans on the Legislature's Joint Finance Committee would have set new exemptions to the open records law, including one that would explicitly create an exception for "deliberative materials." Such an exception would make it impossible for the public to see how state, local and school officials made their decisions. The measure also would have made a number of records from lawmakers' offices inaccessible to the public.

The public reaction was quick and virtually unanimous, with groups from all sides condemning the attempt to shut off these records from public view, and Republicans quickly backed off. On Tuesday, the Journal Sentinel reported that the exemptions had been removed.

The legislators need to make sure it stays that way; not even a hint of these changes can be allowed to stand. But the legislators need to do more than that. They need to answer some troubling questions.

Where did the idea for these exemptions come from? Who first proposed them? Who pushed them? Legislators have remained silent on that issue; at one point, when asked, state Sen. Alberta Darling said the request had come from multiple sources and then turned and walked away from the reporter asking the question, according to the Wisconsin State Journal. That borders on cowardice. But no one else has been any braver. Republicans remain silent on the specific author or authors of the proposal. That silence should end. The public deserves to know where these proposals came from.

To borrow a phrase: What did Gov. Scott Walker know and when did he know it? Senate Majority Leader Scott Fitzgerald said Tuesday that Walker's office was involved with creating the exemptions, and Walker's spokeswoman confirmed that. But before participating in Wauwatosa's Independence Day parade Saturday, Walker told reporters that he had "a lot of concerns" about the proposals.

If he had concerns, what was the extent of his involvement? And if he had concerns why, as Journal Sentinel reporter Patrick Marley noted in a Tuesday article, had his office been behaving as if one of the exemptions already applies to the governor? Two months ago, Marley reported, Walker declined to release records related to his proposal to rewrite the University of Wisconsin System's mission statement and erase the Wisconsin Idea from state law. He argued he didn't have to provide those records to the Milwaukee Journal Sentinel and others because they were part of his office's internal deliberations.

A more detailed explanation of the governor's involvement in making these changes is certainly warranted.

Finally: When will legislators stop slipping things into this budget that have no business being there? The records changes were a terrible idea that alert watchdogs were able to catch. But this and other items never should have been put in the budget to begin with, a practice that Republicans and others such as the Journal Sentinel rightly criticized when Democrats were doing it. It's time to end this gamesmanship.

EXHIBIT O

http://host.madison.com/news/local/govt-and-politics/scott-walker-open-records-changes-a-huge-mistake-that-didn/article_1f25802b-535a-52e7-9111-ab6602c2beab.html

Madison.com

Scott Walker: Open records changes 'a huge mistake' that 'didn't come from us'

MARK SOMMERHAUSER msommerhauser@madison.com, 608-252-6122

Jul 11, 2015

Gov. Scott Walker pointed the finger at Republican lawmakers Friday on a widely criticized proposal to curtail Wisconsin's open records laws, calling it "a huge mistake" that didn't originate in his office.

"I think it was a mistake to even think about it in the budget, even though it didn't come from us," Walker told radio host Charlie Sykes on Friday.

Walker's office earlier this week acknowledged it helped draft the changes, which were stripped from the 2015-17 budget after a fierce outcry from conservatives and liberals alike, including a broad array of lawmakers, open government advocates and media organizations.

The proposed changes, unveiled publicly hours before they were added to the budget in the Legislature's Joint Finance Committee last week, would have made secret nearly all communications and records that help the public understand how lawmakers and other public officials do their jobs. The changes would have kept secret "deliberative materials" documenting how public officials make decisions, communications and records made by lawmakers and files kept by nonpartisan lawyers who write legislation.

Senate Majority Leader Scott Fitzgerald, R-Juneau, said Tuesday that Walker's office collaborated with Assembly and Senate leaders to draft the changes.

Sykes, while interviewing Walker on his radio show, asked the governor to clarify his role in the process.

"That was brought to us by the Legislature and they said they wanted to look at it and wanted our input," Walker told Sykes, according to the website Right Wisconsin. "We brought up some things that we still think are legitimate in terms of records that involve things like having our staff giving you options on briefings and things like that. Not anything that's external in that regard."

A spokeswoman for Fitzgerald said in an email Friday that he has nothing to add to his previous public remarks about the open records changes.

There was no immediate response Friday to inquiries to the offices of Assembly Speaker Robin Vos, R-Rochester, and the co-chairs of Joint Finance, Rep. John Nygren, R-Marinette, and Sen. Alberta Darling, R-River Hills.

Vos and Nygren have said the proposed changes stemmed from a desire to protect the privacy of constituents who contact their lawmakers.

On Thursday, the Wisconsin Assembly voted 96-1 to adopt a resolution aimed at reinforcing lawmakers' commitment to open government. Lawmakers now plan to form a Legislative Council committee to study possible changes to the open records law.

"I think the whole thing was a huge mistake, and I think it's right to send it to the Legislative Council," Walker told Sykes Friday.

Meanwhile, Democratic lawmakers on Friday linked the proposed open records changes to Republicans' calls for change at the Government Accountability Board, which oversees the state's campaign finance, elections, ethics and lobbying laws.

Vos and Rep. Dean Knudson, R-Hudson, called Friday for an overhaul of the agency. Nygren and Darling called for its director, Kevin Kennedy, to step down after the Wall Street Journal editorial page reported the board, while looking into the activities of conservative groups in Wisconsin, was in contact with the Internal Revenue Service.

The Journal said Kennedy's emails show he's friends with Lois Lerner, the former IRS supervisor who was a central figure in that agency's review of conservative political groups seeking tax-exempt status.

"We have repeatedly seen unethical behavior from the very agency that is supposed to be the state authority on ethics and elections," Vos said in a news release.

Democratic Assembly Leader Peter Barca of Kenosha said those efforts by GOP lawmakers, coupled with the attempt to roll back open records laws, show they want to curtail transparency at the Capitol.

"It is deeply disturbing that a week after trying to dismantle our state's open records laws and a day after Assembly Republicans refused to pledge not to degrade Wisconsin's open records law in the future, Republicans are again attacking our state's nonpartisan government oversight agency," Barca said.

EXHIBIT P



Scott Walker's office pushed for language to gut open records law

By [Patrick Marley](#) and [Mary Spicuzza](#) of the Journal Sentinel

July 29, 2015

Madison— Gov. Scott Walker's office pushed to add language into the attempted overhaul of Wisconsin's open records law that would have shielded briefings, discussions about policy drafts and other "deliberative" documents, newly released documents show.

The records, described as "deliberative process materials," would have also made unavailable to the public opinions, analyses, recommendations, suggestions and notes that preceded a final decision.

The documents showing the GOP White House hopeful's role in trying to change the open records law came as Republican Attorney General Brad Schimel held a summit Wednesday on open government and said such laws should not be weakened.

Republicans on the Legislature's budget committee [advanced a measure to gut the open records law](#) July 2, but quickly backed off amid a public outcry.

Walker has acknowledged his office had a role in developing the plan, but he also has tried to distance himself from it, [saying this month](#) the overall proposal "didn't come from us."

Early versions of the sweeping open records limits did not include language preventing the release of deliberative materials. But limits to "deliberative process materials" were in place by June 15, a review of newly available records shows.

That was the same day Michael Gallagher, an attorney with the Legislative Reference Bureau, wrote to an aide to Assembly Speaker Robin Vos (R-Rochester) indicating he had spoken to Walker assistant legal counsel David Rabe about the changes.

Gallagher's June 15 email had a subject line of "Governor's request."

"In the interest of expediency, I am going to enter this as a separate Speaker Vos request and copy David Rabe from the governor's office on it. I just talked to David. He is fine with proceeding that way," Gallagher wrote in the email. "Let me know if you want to do it differently."

The drafts after that day included exceptions for deliberative records, which would have made a wide swath of documents from public officials at the state and local level unavailable to the public.

Another portion of the proposal — this one put together by GOP lawmakers — would have given legislators a broad privilege they could invoke to withhold most legislative documents and bar their staff from discussing such matters.

Two weeks later, Republicans on the Legislature's Joint Finance Committee unveiled the package of changes and abruptly approved it. They abandoned it within 48 hours as they heard from angry constituents by email and at Fourth of July parades.

Vos, Senate Majority Leader Scott Fitzgerald (R-Juneau) and Walker have said they were part of the discussions over the changes but have not specified who pushed for which parts of the plan.

Thousands of pages of emails and other documents released under the open records law in recent weeks shed some light on the origins of the proposal. The batch of records revealing the contact with Rabe came from Vos' office.

Previously released records [showed Vos made the request](#) to the Legislative Reference Bureau to rewrite the law on legislative privilege.

The latest records don't show precisely when the governor's office became involved in the matter, but suggest he or his aides knew about it at least a month in advance. A June 3 email from Vos chief of staff Jenny Toftness to another legislative aide had a subject line of "governor meeting" and said, "We will likely talk about the open records thing today."

ADVERTISING

Asked about the governor's involvement, Walker spokeswoman Laurel Patrick referred reporters to a statement she issued July 7 that said, "Our intent with these changes was to encourage a deliberative process with state agencies in developing policy and legislation. This allows for robust debate with state agencies and public employees over the merit of policies and proposed initiatives as they are being formed, while ensuring materials related to final proposals, as well as information related to external stakeholders seeking to influence public policy, would remain fully transparent."

Walker since May has [held back some records](#) because they are deliberative, even though state law does not explicitly allow him to do so.

Walker officials have contended they can withhold the records under a balancing test that allows them to weigh the value of releasing records against the value of withholding them. In these matters, they have said they need to protect the free exchange of ideas.

Walker and his administration are [being sued](#) by the Progressive magazine and the liberal Center for Media and Democracy over the issue in Dane County Circuit Court.

The attorney general is not representing Walker and the state Department of Administration in that matter, as would typically be the case. Schimel told reporters Wednesday he couldn't discuss why he wasn't representing them because attorney-client conversations are confidential.

Asked if he believed deliberative records could be withheld, Schimel said, "I don't have a direct answer to that."

"I do think the law should address permitting people within an agency to exchange ideas before that becomes the final public document, but ultimately that's going to be up to the Legislature to decide how to craft that and right now there is, as I said, litigation as to what the boundaries of that are," Schimel said.

Schimel spoke to reporters during a break at his open government summit at the Concourse Hotel near the state Capitol. There, he told the audience of nearly 200 that officials could learn from the attempt to change the open records law.

"Messing with open government laws is like touching the third rail," Schimel said. "I think that lesson has been learned recently."

Panelists at the summit expressed doubt at the notion that records could be withheld because they were deliberative, as Walker's administration has claimed in a dozen instances this year.

"My own view is that there isn't a deliberative process privilege that's available," said Raymond Taffora, the vice chancellor for legal affairs at the University of Wisconsin-Madison.

Taffora was formerly the top deputy to Republican Attorney General J.B. Van Hollen and chief counsel to GOP Gov. Tommy Thompson.

Rick Esenberg, president of the conservative Wisconsin Institute for Law & Liberty, said he did not favor withholding deliberative records because the move appeared to be an attempt to prevent "political embarrassment."

Gallagher, the attorney for the Legislative Reference Bureau, performed an extensive review of legislative privilege in September 2014 — two months before the fall elections and four months before the legislative session started. In emails to a Vos aide, he said he did the work for continuing legal education credit.

"This office had nothing to do with the study that the LRB did," Vos spokeswoman Kit Beyer said Wednesday.

EXHIBIT Q

http://host.madison.com/news/local/govt-and-politics/article_67ee3888-1dcc-5dbe-b645-c5c951dff0ef.html

Madison.com

Email links Scott Walker to open records changes

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Jul 30, 2015

Gov. Scott Walker's office was a key player in drafting legislation that would have exempted from public scrutiny government materials considered part of a "deliberative process," newly released documents suggest.

Walker's staff worked on the language that would have amended the state's open records law through the office of Assembly Speaker Robin Vos, R-Rochester, according to an email released to the State Journal through an open records request to Vos.

In a June 15 email to Vos aide Andrew Hanus with the subject line "Governor's request," Michael Gallagher of the Legislative Reference Bureau wrote:

"In the interest of expediency, I am going to enter this as a Speaker Vos request and copy David Rabe from the Governor's office on it. I just talked to David. He is fine with proceeding that way. Let me know if you want to do it differently. It should go out tomorrow morning."

The next morning the LRB's legal department emailed draft legislative language that would have exempted drafts and notes, personal property and a series of other materials from being public records.

The draft language also would have exempted from disclosure "deliberative process" materials, which would have included communications such as opinions, analyses, briefings, recommendations, suggestions, drafts, correspondence about drafts or materials related to the drafting of a legislative proposal.

Earlier documents released to the State Journal from Senate Majority Leader Scott Fitzgerald's office show that, as of June 15, the draft language included exemptions for lawmakers' communication and drafting files but did not include the provisions about deliberative materials.

Even though it currently is not a part of the record law, Walker's office is citing "deliberative process" to deny records to requesters, including the State Journal. The Progressive magazine and the Center for Media and Democracy are suing Walker over such denials.

When asked on Tuesday if Walker requested the deliberative materials exemption, Walker spokeswoman Laurel Patrick referred to a statement released by the office on June 7, which said the governor's staff "provided input" after legislative leaders let them know they were interested in making changes to the open records law.

"Our intent with these changes was to encourage a deliberative process with state agencies in developing policy and legislation," Patrick wrote.

The State Journal reported last week that Vos was named as the draft requester for the proposed open records changes.

Vos and Fitzgerald have said the measures were a collaborative effort, and each office was aware and approved of each proposal included.

Lawmakers removed the measures from the state budget before approving it amid massive public outcry.