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## **Dane County Judge: Wisconsin's "Right to Work" law unconstitutional**

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In a decision issued April 8, 2016, Dane County Circuit Court Judge William Foust ruled that Wisconsin's "Right to Work" law violates the Wisconsin Constitution because it takes union property without just compensation (i.e., it is an unlawful taking).

According to the [Wisconsin Manufacturers & Commerce](#) (WMC), which played a leading role in seeking and attaining passage of the law, Judge Foust's decision "is an act of blatant judicial activism that will not withstand appellate review." [Wisconsin Attorney General Brad Schimel also issued a statement](#) expressing disappointment in the ruling and stating that he is "confident the law will be upheld on appeal."

Judge Foust ruled that the law unconstitutionally takes union property by forcing a union to represent workers who are not members of the union and do not pay dues to the union. Judge Foust found the State's argument that "neither federal law nor state law requires a union or other entity to become an exclusive bargaining representative" to be "disingenuous." According to Judge Foust, the unions have no choice in representing all employees because, by law, their existence depends upon being the exclusive bargaining agent for any particular bargaining unit.

A copy of Judge Foust's order is available [here](#).

Stay tuned for additional developments regarding this case.

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