

February: Legislature oversteps with new rules

Written by By Bill Lueders



Let's start with a stipulation: Not all of the inappropriate behavior that takes place in the Wisconsin state Legislature is committed by lawmakers. Some spectators, especially in the last two years, have also shown poor manners and bad form.

People who shout "Liar!" from the gallery as the governor gives a State of the State address are being not just disrespectful but disruptive, and deserve to be kicked out.

But new rules recently [passed](#) by the state Assembly and state Senate go beyond preserving decorum and ensuring order. They impede the ability of citizens to participate in their democracy and offer fresh proof, if any were needed, that the Legislature feels no need to follow the rules it has put in place for others.

A [provision](#) in the [Open Meetings Law](#) passed by the Legislature in 1977 directs all state and local governmental bodies in Wisconsin to "make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting," so long as this does not cause disruption.

Last month, after closed-door meetings involving leaders of both parties, the Assembly and Senate unveiled new rules of conduct, which majority Republicans passed over nearly unanimous Democratic opposition. The Assembly [rules](#) formalized what had been posted guidelines, barring visitors from using "audio or video devices to record, photograph, film, videotape, or in any way depict the proceedings on or about the Assembly floor."

The Senate also [passed](#) new rules for spectators in the gallery and meeting rooms.

Taking a photo from the gallery to document the grade school field trip? Forbidden.

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Unobtrusively recording a legislative session of particular interest? Yer outta here! Taking notes on a laptop? What do you think this is, a classroom?

The rules, which also include a ban on reading newspapers “or other printed materials,” eating food, displaying signs or wearing hats, are so sweeping that legislative spokespeople are stressing that exceptions can be made and discretion will be exercised.

No, a Muslim woman with a veil or Sikh man wearing a turban are not necessarily going to be tossed out on their well-covered ears. A mother feeding Cheerios to her hungry two-year-old may be able to avoid the long arm of the law. An old man with a hearing aid probably won't be asked to turn that electronic device off.

But a citizen who turns on a tape recorder or video camera to make a record of what his elected representatives are doing — rights the Legislature says citizens may exercise before every other public body in the state — is clearly in violation.

This isn't the first time the Legislature has set itself apart from the rules it has created for others.

A special exemption lets members of the same political party meet in secret, even if they constitute a majority and can determine legislative outcomes. Lawmakers have also [exempted](#) themselves from the records retention rules in place for all other governmental officials. Village department heads must retain their official correspondence for years, but lawmakers can legally delete emails and shred letters whenever they feel like it.

Such exclusions breed distrust and erode confidence in government, just as bans on taking photos or using recording devices convey fear and insecurity.

And what makes it especially ironic is that, for the most part, these devices would capture lawmakers behaving professionally and honorably, as is usually the case — at least when they are meeting in public.

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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. Bill Lueders, a reporter with the Wisconsin Center for Investigative Journalism, is the group's president.