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FOR IMMEDIATE RELEASE

December 2, 2009

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Justice Louis Butler Beholden to Liberal Interests, Not the Law

Butler disregards law and will of the people; should not be rewarded with federal judgeship

Madison--“Justice Louis Butler’s ties to liberal interests make him, at best, questionable, to serve as a judge on a US District Court in our state,” said Julaine Appling, president of Wisconsin Family Action.

Originally recommended by Wisconsin US Senators Herb Kohl and Russ Feingold, former Wisconsin Supreme Court justice Louis Butler earlier this year was nominated by President Obama to serve as a judge on the US District Court, Western District of Wisconsin. Tomorrow, Thursday, December 3, the US Senate Judiciary Committee is holding a hearing on Butler’s nomination. Butler has twice been rejected by Wisconsin voters as a Supreme Court justice, getting the job only when Governor Jim Doyle appointed him to fill a vacancy.

“Thanks to Justice Butler’s vote on a critical case involving the expansion of gambling, the will of Wisconsin voter’s was basically dismissed,” noted Appling. “Gambling addiction destroys marriages, tears apart families, and hurts communities. This is precisely why the people of Wisconsin voted to place strict limits on gambling by passing an amendment to the state constitution in 1998. “

After the passage of that amendment, the Indian tribes and moneyed interests were disappointed by the restrictions and went to work undermining the amendment soon after its enactment. In the 2002 election for governor, the tribes poured \$1 million into Democrat candidate Jim Doyle’s campaign. Previously, as Wisconsin’s Attorney General, Doyle had opposed expansion of gambling. After the tribes’ huge cash infusion in his campaign, he changed his tune and negotiated compacts that vastly expanded gambling in this state, beyond the parameters of the constitutional amendment.

In 2004, the Wisconsin Supreme Court considered *Panzer v. Doyle*, a dispute between Republican leaders of the state legislature and the Democrat governor. The Court decided the case in favor of the legislative leadership, stopping the expansion of gambling.

Later that same year, Governor Doyle appointed Louis Butler to replace Justice Diane Sykes, who was elevated by President Bush to the Seventh Circuit. Sure enough, another gambling related case soon came before the Court, *Dairyland Greyhound Park v. Doyle*. This case again asked the Court to gut the 1998 amendment and allow the massive expansion of gambling in Wisconsin. This time, in an opinion written by Justice Butler, the Court took the invitation. The 4-3 decision was a total reversal from *Panzer*, decided just a year earlier. It permitted perpetual compacts between the State and the tribes covering a wide range of games. The people of Wisconsin are still paying the price for that decision.

Appling commented, “We trust the Senate Judiciary Committee will pay close attention to these types of decisions that are characteristic of Louis Butler before they reward him with a lifetime federal judicial position. We are concerned that he will be beholden to these same liberal interests if confirmed, and will continue to make decisions that match the political agenda of his sponsors rather than the law. “