



Judicial Campaign Watch

Wisconsin
Judicial Campaign
Integrity Committee

WMC CONTINUES CAMPAIGN TO MISLEAD VOTERS

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SUMMARY: The Wisconsin Judicial Campaign Integrity Committee (WJCIC) finds that a new issue ad produced by Wisconsin Manufacturers and Commerce deceives voters regarding two cases recently decided by the Wisconsin Supreme Court. The ad misleads voters about key opinions in these cases and adds nothing constructive to the current campaign for the Wisconsin Supreme Court.

March 26, 2008 – Wisconsin Manufacturers and Commerce continued its expensive and misleading issue ad campaign with the release this week of a television ad entitled “Loophole Louie,” which makes several false claims that have already been thoroughly examined by the media and found to be seriously flawed.

For example, referring to a 2005 decision of the Wisconsin Supreme Court in *State v. Matthew Knapp*, the ad claims that incumbent Supreme Court Justice Louis Butler:

“ . . . uses a loophole, suppressing critical evidence.”

What WMC fails to reveal is that, in spite of the Supreme Court's ruling in this case excluding certain evidence against Matthew Knapp, Knapp was convicted in May 2006 after a jury trial and is currently serving a life sentence for murder. The ad's claim that the evidence was “critical” is, at best, highly questionable. The ad also falsely characterizes the court's ruling in this case, labeling as a “loophole” a lengthy decision based on the fact the police in this case had intentionally violated a fundamental Constitutional right guaranteed to all citizens.

This new television ad by WMC also attempts to mislead voters by telling them that in the case of *State v. Mark Jensen*:

“ . . . Butler cites a loophole, almost jeopardizing the prosecution.”

Regarding this claim, we quote with approval the analysis of the nonpartisan Annenberg Political Fact Check, as reported in Newsweek magazine on March 21: “ . . . it's hard to argue that [Butler] ‘almost jeopardized the prosecution of a murderer’ when the court's vote was 6-1, with Butler the only justice dissenting.” (We also note that Justice Butler concurred in the judgment of the Court, which left it to the circuit court to decide the admissibility of evidence in this case.)

Finally, we find the ad's use of the epithet “Loophole Louie” – a nickname given to Justice Butler when he was practicing law -- demeaning to the entire Wisconsin Supreme Court and our judicial system. Under the Wisconsin Rules of Professional Conduct and the Attorney's Oath, any attorney associated with or approving such an epithet directed at a sitting Supreme Court Justice could be subject to discipline. SCR 20.8.4

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