

Introduction

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INTRODUCTION

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GOVERNOR OF WISCONSIN

I am pleased to see an entire issue of the *Marquette Law Review* dedicated to legal issues unique to the State of Wisconsin. Our state's progressive tradition of pushing the boundaries and challenging the status quo on a variety of issues is one that continues today. Wisconsin is known across the nation as a state that uses creative, common sense solutions to resolve society's most challenging problems.

Wisconsin has been assertive in confronting accepted notions of public policy standards. As a result, we have seen many of our innovations challenged in court.

One example, featured in this issue, is the School Choice program. In partnership with parents from Milwaukee's Central City, this program was developed to allow low-income parents to choose where they send their children to school.¹ When challenged in court, this program was upheld.²

With Wisconsin leading the way, the issue of School Choice is being debated all over the country. Anthony Cardinal Bevilacqua, Archbishop of Philadelphia, offers his views on the debate in the *Constitutionality of Tuition Vouchers*.

Another issue that has been challenged on several occasions involves the partial veto power of the governor.³ The Wisconsin Constitution grants the governor a very powerful partial veto, unquestionably the strongest in the nation. I have used the partial veto over 1300 times—more than any other governor—in an effort to balance our state budgets, cut taxes, reduce spending, and keep Wisconsin economically strong.

The constitutionality of this partial veto power has been challenged on several different occasions. Several challenges focused on the language of

1. *Davis v. Grover*, 166 Wis. 2d 501, 511, 480 N.W.2d 460, 462 (1992).

2. *Id.* at 546, 480 N.W.2d at 477.

3. WIS. CONST. art. V, § 10.

the Wisconsin constitution, questioning the definition of a "part."⁴ Another challenge was that the partial veto power was a violation of the U.S. Constitution in that it placed too much power in the hands of the governor, thus violating the constitutional guarantee that each state will have a republican form of government.⁵ This challenge went to the United States Supreme Court, which denied certiorari.⁶ John Weitzer, a 1993 Marquette Law School graduate, presents his own views on the partial veto in *The Wisconsin Partial Veto: Where Are We and How Did We Get Here? The Definition of "Part" and the Test of Severability*.

While I have personally experienced these legal issues in my tenure as governor, other topics unique to Wisconsin also are examined in this issue of the *Marquette Law Review*:

Patrick Fiedler, former Secretary of the Wisconsin Department of Corrections, writes about budgetary concerns in *The Wisconsin Department of Corrections: An Expensive Proposition*.

Waukesha County Circuit Court Judge Willis Zick discusses facets of Wisconsin's divorce laws in *Divorce Law: Exclusions and Disproportionate Divisions of Marital Estate*.

Herbert Kritzer, a University of Wisconsin Professor of Political Science and Law, analyzes a compelling issue regarding the needs of our aging population in *Adult Guardianships in Wisconsin: How Is the System Working?*

Jack Stark offers his views on the origin and development of *The Uniformity Clause of the Wisconsin Constitution*.

Robin Lewis, a 1993 Marquette Law School graduate, writes about an issue that has received much attention over the past years in *Grandparents Retain Visitation Privileges After Adoption*.

These articles and essays comprise the first Wisconsin Issue of the *Marquette Law Review*. From this year forward, one issue of the *Marquette Law Review* will be devoted each year to issues of Wisconsin law. Such a commitment is an important and welcome addition to Wisconsin's strong tradition of legal and academic scholarship.

I hope you enjoy the first Wisconsin Issue of the *Marquette Law Review*.

4. The first of these challenges was in *State ex rel. Wisconsin Tel. Co. v. Henry*, 218 Wis. 302, 260 N.W. 486 (1935).

5. *Risser v. Thompson*, 930 F.2d 549, 552-53 (7th Cir. 1991).

6. 112 S. Ct. 180 (1991).