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**Can Butler Remain Impartial on the Bench?
*Butler Accepts Money from Fair Wisconsin &
Wisconsin Lesbian, Gay, Transgender PAC Endorsement***

MADISON — “Wisconsin citizens have reason to be concerned about State Supreme Court Justice Louis Butler’s ability to remain impartial in cases involving traditional marriage and family,” said Julaine Appling, president of Wisconsin Family Action. “On more than one occasion, he has demonstrated questionable judgment and violated his own self-imposed [standard](#) for conduct regarding political contributions.”

Last year, Justice Louis Butler announced that while he would not accept campaign contributions from parties to cases before the court, he would accept contributions from attorneys representing parties in cases, but that he would disclose those contributions.

In a pending case, *James R. Donohoo v. Action Wisconsin*, Butler delayed for almost five months disclosure of Madison Attorney Lester Pines’ contribution to his campaign. Pines represents the pro-same-sex marriage group Action Wisconsin in the case.

Media accounts show that Butler also failed to disclose contributions from board members of Fair Wisconsin—formerly Action Wisconsin. Fair Wisconsin was the political campaign that Action Wisconsin formed for its failed effort to defeat Wisconsin’s Marriage Protection Amendment in the 2006 election. According to State Election Board records, after the amendment was adopted with an almost 60% majority, Fair Wisconsin transferred \$27,000 and all of its remaining debt to Action Wisconsin. Media accounts confirm that early last year, Action Wisconsin changed its name to Fair Wisconsin.

Fair Wisconsin Board member Peter Boch donated \$125 to Butler on June 30, 2007, the day after Pines filed a notice of appeal with the Supreme Court in the *Donohoo* case. Pines gave Butler \$300 just 10 days after he filed his first brief with the Supreme Court on July 23, 2007. On December 7, 2007, Fair Wisconsin Board member Ruth Irvings contributed \$100 to Butler, and she gave another \$1,000 to Butler on January 28, 2008, less than two weeks after the oral arguments were presented in the case.

In February of this year, Fair Wisconsin [publicly](#) announced an extensive effort to register absentee ballot voters to help elect Justice Butler. The group’s spokesperson Glenn Carlson told the *Capitol Times* that “*the upcoming Supreme Court race between Justice Louis Butler and challenger Michael Gableman is particularly important. The outcome could change the balance on the court between liberals and conservatives, and several cases important to Fair Wisconsin will likely make the docket in the next several years.*”

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Carlson noted that a challenge to the state's marriage amendment and another case involving domestic partner benefits for same-sex state employees were likely to come before the Supreme Court in the future, but failed to mention the *Donohoo* case.

Fair Wisconsin has good reason to believe that Butler will side against traditional marriage as Butler spoke at the Wisconsin LGBT PAC [Garden Party](#) in August of 2007. This group subsequently endorsed Butler, noting on its web site that he "spoke in support of LGBT equality."

"It's hard to believe a sitting Supreme Court Justice would put himself in the position of addressing a group that is advocating highly controversial issues, knowing he will be asked to address those issues on the court," said Appling. "I also find it puzzling that the media has chosen to ignore Butler's questionable judgment entirely. Certainly if a more conservative judge addressed a pro family or pro life rally in this manner, his or her impartiality would be called into question."

"Butler's lack of judgment in these situations is disturbing," Appling continues. "Based on his actions, it appears that Justice Butler is willing to embrace and advocate a liberal social agenda, and to openly accept money and campaign assistance from groups who have an anti-traditional marriage and family social agenda. How can we trust him to make impartial decisions based on the constitution when he has so obviously compromised his neutrality and violated his own policies with regard to potential conflicts of interest?"

Wisconsin Family Action, the legislative action arm of Wisconsin Family Council, advocates on behalf of marriage, family, life and liberty in Wisconsin. For more information, visit www.wisconsinfamilyaction.org or call 1-866-849-2536.