



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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October 7, 2002

Governor Scott McCallum
Office of the Governor
115 East, State Capitol
Madison, Wisconsin 53702

Dear Governor McCallum:

I write to renew my request for approval to file a lawsuit to stop the payment of legislative caucus legal fees, pursuant to section 165.25(1), Statutes.

After you refused to authorize my office to file a lawsuit last November, Common Cause filed its own lawsuit in Dane County Circuit Court to challenge the payment of these attorney fees on constitutional grounds. A judge's ruling today dismissed Common Cause's lawsuit.

This development makes it abundantly clear that the Attorney General's office should be permitted to go to court to fight this battle on behalf of Wisconsin's citizens. The Attorney General is uniquely situated to represent the interests of the taxpayers and citizens of the state.

The grounds on which Common Cause based its legal challenge are different from the legal arguments my office would have made. My office has analyzed the legal issues involved, and has determined that the payment of caucus employees' legal fees violates state statutes. The Common Cause case deals with a constitutional analysis, but does not reach the direct issue of whether state statutes permit these payments. As I communicated to you a year ago, the issue of whether state law is being violated deserves to be fully addressed by the courts.

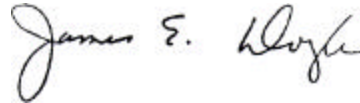
When I first requested approval to file such an action last November, I indicated that taxpayer dollars were being paid out at an alarming rate and would most certainly continue unless and until the legality of the payments was resolved. At that time, the total amount of attorneys fees paid to date was \$155,600. Today, the amount of attorneys fees paid has reached \$590,924, according to published news reports. The numbers continue to climb.

The public interest in this matter is too great not to have a full airing of the arguments in court. Common Cause ultimately will have to make a difficult decision as to whether can afford to commit its scarce resources to appeal today's ruling. However, Common Cause would not find itself in this position if you had authorized me to bring this lawsuit almost one year ago.

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My office stands ready to bring the action now, but your approval is necessary under 165.25(1). I am once again asking you to allow me to fight this battle in court to ensure that everything possible has been done to stop this needless waste of taxpayer money.

Sincerely,

A handwritten signature in black ink that reads "James E. Doyle". The signature is written in a cursive style with a large, looped initial "J".

James E. Doyle
Attorney General