

This rebuttal was submitted to the Washington Post editorial board on August 21, 2009. I do not believe that it will be printed; but, I feel that it is important for everyone to have all of the facts in this case. The County would have everyone think that their woes are the result of the union's reluctance to negotiate. However, in reality, the unions have tried to work openly and honestly with the County every step of the way. It has been difficult to do so, however, when the County refuses to provide consistent and accurate numbers; and, even more difficult when the County takes a "my way or no way at all" approach to negotiating something of this magnitude. I hope that people will take an opportunity to read all of the facts before coming to any conclusions.

Vince Canales, President, FOP Lodge 89

Dear Editors:

Your lead editorial on Friday ("A Court Oversteps") showed a complete misunderstanding of the Court ruling that last year's furloughs in Prince George's County were unconstitutional, and even worse suggests that the County should be praised for mismanaging its fiscal affairs.

The U.S. Constitution allows a local government to abrogate its contracts, but only if such action is reasonable and necessary to an important public purpose. In Prince George's County, the Court found that the County Executive and the Budget Director affirmatively misled the County's employees about the budget situation, and when the unions refused to cave in to that lie, retaliated against the employees by cutting their pay more than even the County believed was necessary. In particular, the County told the bond rating agencies that the government had between \$35.8 and \$70 million in undesignated funds that could be expended for any purpose, and at the same time told the unions that only \$16 million was available. In fact, the audit report released shortly after the furloughs were adopted showed that \$65 million was available. Given these facts, it was eminently reasonable for the unions to refuse a wage cut equal to \$13 million, and it was equally unreasonable and unnecessary for the County to cut wages unilaterally by \$20 million in retaliation for the unions' common sense reaction. This unlawful action of the County Executive and his budget officials is made clear by the Budget Director's sworn testimony – it is public record, and the editors should take the time to read it before offering comments on such an important topic.

Even worse, for many years the *Post* has investigated and reported on unjustified and potentially unlawful expenditures and contracts by the Prince George's County Government – e.g., no-bid contracts with campaign supporters, trips to Africa, misuse of credit cards; indeed, the County's mismanagement of its fiscal affairs is legendary. Perhaps the editors should read the news reported in their own paper before issuing unwarranted diatribes against a Federal Judge who ruled the only way that he could, given the facts and the record that was presented to the Court. The Court's discussion of other cuts in spending was to add emphasis, because the Constitution prohibits a County from abrogating its legally binding contracts when alternatives are available. Judge Williams should be applauded for his independence and his well-reasoned opinion, not condemned.

When there is no rational basis for a County's decision to furlough employees, and the employees have a contract that was negotiated in good faith and is protected by law, the U.S. Constitution requires a Federal Court to invalidate the irrational actions of the County government. That is all that happened here.

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