**8Gruenke\_2101.mp3**

[00:00:50] **Speaker 1** Shortly after the high court overturned Roe v Wade, Governor Evers announced he would grant clemency to anyone charged under the abortion ban and would not appoint state prosecutors who agreed to enforce the law. Our next guest is a sitting district attorney. What will he do? Democrat Tim Grinchy is the D.A. in La Crosse County. He joins us now. And thanks very much for being here.

[00:01:13] **Speaker 2** Glad to be here.

[00:01:14] **Speaker 1** So you have said that you don't agree with the overturning of Roe v Wade, but would be obliged to prosecute abortion cases under the law. Why?

[00:01:25] **Speaker 2** I think that in the executive branch, our function is to enforce the laws. And there are many laws that the legislature passes that I might have a disagreement with or I think are unwise or sometimes might be actually more harmful than good. I can prioritize my cases. I can de-emphasize some of the laws. We come up with creative solutions like diversion agreements or ordinance violations. But I've never said of any law that I would never prosecute a law. I think our job is to enforce laws. Prosecutors. So if the law were passed, if the law were held valid by the courts, I have prosecuted just like any other case, I would say look at the facts or determine if it's a good case. I would determine if we could prove it. Would a jury convict and questions like that? But I would never say about any crime that I would never prosecuted or they would always prosecute it.

[00:02:17] **Speaker 1** What do you think about DA's who outright state they will or will not charge certain types of cases like the Dane County D.A. who pledges not to prosecute abortion cases?

[00:02:29] **Speaker 2** I understand the sentiment. I also think that women should have the right to control their own bodies. And I'm upset that Roe versus Wade was overturned. But my personal feeling is just don't plan to it. When the legislature passed a law that's supposed to reflect the will of the people. As a de la Crosse County, I'm supposed to represent all the people across county and not just take my personal views into it, just like I don't agree with. Prosecutors say they won't enforce gun restrictions because our Second Amendment fans or prosecutors say they won't enforce certain domestic violence or sexual assault cases because they have a different view of the law. I think it's the same thing. I don't think the D.A. should be in the business of not prosecuting laws passed by the legislature.

[00:03:14] **Speaker 1** As a district attorney, who would have the discretion to prosecute abortion cases? Would you practically, though, right now be able to take a case to court?

[00:03:25] **Speaker 2** Practically. I don't know that it's possible. Right now in Wisconsin is actually two abortion statutes that somewhat conflict with each other. There's one that's been passed in 1849 and then one in 1985. They have different penalties, they have different exceptions. They have different definitions. And so at this point, I'm not sure which one the legislature intends us to follow. So it'll be difficult for me to try to get a case, figure out which law would apply, and then practically the go forward to prosecute that case until the courts make a ruling or the attorney general's lawsuit is successful, or the legislature passes a law that will clearer and reflects the intent of Wisconsin people. I think it would be hard practically to enforce the laws that are on the books now.

[00:04:08] **Speaker 1** And so you effectively are with Josh Collins saying it's unenforceable at this time. So at the same thing.

[00:04:16] **Speaker 2** I think it's practically unenforceable. You never know when a case comes in. The facts may be such that it's different, but at this point, I'm not sure how district attorneys are supposed to understand which of two laws are supposed to be enforced when they are prohibiting the same conduct, but a different definitions and different penalties and seem to have different legislative intents.

[00:04:37] **Speaker 1** If the courts as a result, of course, lawsuit uphold the near complete ban on abortions in Wisconsin. How do those cases even come in to you for charging? Who refers them? What does that look like?

[00:04:51] **Speaker 2** That's another question that practically I'm not sure that this would even become an issue because we don't have the ability to go into doctor's offices. Health care is obviously confidential. We certainly don't send our investigators to hospitals. And even if we did, I don't think they would give us any information. So I'm not clear on how a case would even come to us. And then if it did come to us, I'm not sure what information we would be able to gather. And so I think it's practically very difficult to enforce this ban, even though a lot of people think that it's a kind of a change. I'm not sure that much is really going to change in most counties in Wisconsin.

[00:05:23] **Speaker 1** That's interesting. Have you ever prosecuted an abortion case under Wisconsin's laws that limit them and place other restrictions on them?

[00:05:33] **Speaker 2** No, because of Roe versus Wade, we haven't had even referral, so I'm not sure lacrosse, we would have a clinic that performs abortions. And so for some of this, it's probably a moot point anyways. But no, we've never received anything like an abortion case before.

[00:05:48] **Speaker 1** And so you are standing by to find some clarity around these laws.

[00:05:55] **Speaker 2** I would urge the legislature to do what I think a lot of people wanted when Roe versus Wade was overturned was return the ballot to the states. And I think they should have that discussion to find out what does Wisconsin really want? Do we want exceptions? Do we want a certain time period? How are we defining health of the mother as a physical health, mental health, financial health, emotional health? There's a lot of things in the statute that right now need to be fixed. And I would think the legislature would want to welcome that and have that discussion and give us some clarity on what exactly it is we're supposed to be prosecuting.

[00:06:27] **Speaker 1** All right. Tim Green, Kate, D.A., Lacrosse County, thanks very much.

[00:06:31] **Speaker 2** Thank you.

[00:06:38] **Speaker 1** Nice. Thank you, sir.

[00:06:42] **Speaker 2** What you're looking.

[00:06:42] **Speaker 1** For. Really interesting. Super interesting. Yeah, very, very good information. So it's on tonight at 730 on your local PBS station and it will be on our news page at PBS Wisconsin dot org as well.

[00:06:58] **Speaker 2** Sounds good.

[00:06:59] **Speaker 1** Thank you.

[00:07:00] **Speaker 2** Good luck with the rest of the interviews.

[00:07:01] **Speaker 1** Thank you very much. Appreciate it. Have a good holiday weekend.

[00:07:05] **Speaker 2** You, too.

[00:07:06] **Speaker 1** Thank you.