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[00:00:00] **Speaker 1** The the Warsaw Crime Lab that could be modeled recently.

[00:00:04] **Speaker 2** I'm not sure if it had or not. I mean, there have been some positions that have been added over the past couple budget cycles. So.

[00:00:12] **Speaker 1** Yeah, I was I started my career up in Warsaw and I remember that office. And then I came down here and Harry Hamlin became charge of corrections. And so then he spent a ton of money upgrading all the crime labs. Yeah.

[00:00:26] **Speaker 2** There's just I mean, you look at the technology and it's not just at the crime labs, but it even, you know, kind of all the way down to the local level. And I kind of joke. But someday when you go to a police academy, you're going to get trained on how to download a phone, probably just because that's going to be every single case, whether it's phone smartwatches. I mean, we're getting stuff where you'll if your car syncs up to it's Bluetooth in the vehicle, you're actually getting phone contacts, messages and things that we can find in the vehicle as well. And so data is just is everywhere.

[00:00:53] **Speaker 1** Yeah, well, how many cases have been you know, it seems like it's always the husband murdering the wife, but like it's the Apple Watch or.

[00:01:00] **Speaker 2** Well, we have it that's.

[00:01:01] **Speaker 1** Tracking where.

[00:01:02] **Speaker 2** They were kind of the reverse domestic where the wife murdered the husband back in 2013 was my first year as a D.A. and our first, you know, my first intentional homicide I had as a prosecutor. And just, you know, the very time intensive investigations, even when you start to have a pulse on who might be responsible, we still have to be able to prove it.

[00:01:21] **Speaker 1** Yeah, I we don't. We're good. All right. Well, let's let's start with there. You've been a prosecutor for a while. What were some of the things that you were thinking of when you decided to approach running for the statewide office?

[00:01:32] **Speaker 2** You know, I had never thought I'd be running for D.A. here in Fond du Lac County, and circumstances led to that. And I'm blessed to be in my 10th year as the final ag district attorney, where I kind of like to say I've had the misfortune of prosecuting almost every case you can think of and using the resources of our Department of Justice. And I loved Brad Schimel. I thought he did a fantastic job as our attorney general. Law enforcement feels that way or prosecutors feel that way. And what I saw now with Josh Kaul is an attorney general who has never used the resources of the Department of Justice in personally prosecuting cases here in Wisconsin. And we're seeing the consequences of that, whether it was marsy's law and the challenges that we had issues as COVID during the early stages. And what we really saw in the wake of the Jacob Blake shooting in Kenosha, our attorney general sat silently that Sunday night as Tony Evers condemned and convicted a police officer. And our attorney general should have spoken up because he was investigating that shooting with our Department of Justice. And he had to have known Jacob Blake was armed with a knife and he should have pushed back and said what the governor just told you is not true. There are more facts. We will protect the integrity of the investigation and remain calm. And I've done officer involved death investigations. I've done it in the worst possible circumstances. When State Trooper Trevor Kasper at 21 years old, was murdered here in Fond du Lac. But he ended the threat and saved the lives of so many people that he would have never met. And to have our top cop then in the aftermath of that effectively turn his back on our law enforcement. That's personal for me. My dad spent over 30 years as a police officer, literally when I was born. My dad was a cop until he retired in 2013 as a patrol sergeant with our sheriff's office. I've seen the sacrifices my dad has made throughout his career missing school events, sporting events, holidays, the challenges of working. Third shift the things that our law enforcement see day in and day out. And I've seen the ultimate sacrifice that two police officers have made. They were murdered in the line of duty since 2011 and final act. And to have an attorney general that's not standing with our law enforcement, I could not sit back and watch that continue. And that's what got me ultimately in this race for attorney general. But to have the overwhelming support of my colleagues in our sheriffs and police across Wisconsin, where I've received the endorsement of over 100 of our sheriffs, DA's and police chiefs from Wisconsin, and it's bipartisan Republican and Democrat sheriffs in DA's that recognize we need to turn the page on Josh Kaul and have an attorney general that is going to make law enforcement and public safety the number one priority here in Wisconsin.

[00:04:15] **Speaker 1** We've seen a shift nationally and in Wisconsin in terms of what the office of the attorney general is expected to do politically in the past. It won't be the state's top cop. It still has that title. It still works with all the locals. But at parties are pushing their people to be more political to fight. We've seen it. Republicans file lawsuits against a Democratic president. We've seen Democrats file lawsuits against Republican presidents. Where do you see yourself in that position when it comes to either resisting or working with the political party, the Republican Party, to help with the national agenda in this office?

[00:04:50] **Speaker 2** Well, number one, I'm proud to be a Republican, but my mission and my as I've traveled the state, the attorney general, number one mission has to be. Law enforcement and public safety. If that's not your number one priority, you are running for the wrong office. On top of that, it has to be enforcing the rule of law and not just when it's politically popular. And that will be my priority at our Department of Justice. That's what I've done as a district attorney. That's what I will do as our attorney general, and that's what law enforcement wants. And that's even what the Republican grassroots want. When we had our state convention, we had 54% of the endorsement vote doubling up my nearest primary opponent, where they rejected the notion of having a top cop that has never used the resources of our Department of Justice, where our grassroots understand we're in a historic violent crime epidemic. Milwaukee is on pace to set its third straight murder record. The medical examiner released some data recently saying that they're on pace to have 115% homicide increase from 2019. And we are seeing children gunned down in Milwaukee like I think we've never seen before. And then you throw the drug deaths that we're seeing on top of it. I have had to sit across from too many parents that have had to bury their children from drug overdoses, especially from fentanyl. As since 2020, we have seen those drug deaths skyrocket. That pain is real across Wisconsin, and we need an attorney general that's going to be serious about addressing those issues, because Josh Kaul has shown that he is unserious. He has actually defunded the police at our Department of Justice, leaving 25 of our DCI positions unfilled. At some point this year, only 88 out of 113 positions were filled, according to Tina Virgil, who is in charge of DCI. He has defunded prosecutors from our Department of Justice, where they should have upwards to about 20 of these amazing frontline prosecutors that help DA's and law enforcement across the state. And they're probably been down to about 12 or 14 in the criminal litigation unit in the crime lab. That was Josh Paul's number one mission that he was going to fix our crime lab. And he's done the opposite. He's made it worse. And he's limiting the number of what we call items that prosecutors at law enforcement can send at one time in many cases. And he's taking in less items to test. He's testing less items and he's taking longer to do it. And most every category, including DNA and there's no excuse for that because since 2020, when the Wisconsin Supreme Court limited the ability to do jury trials here in Wisconsin, many counties, including our largest Milwaukee, took longer to get back to doing jury trials, and some of them weren't doing them at full capacity like they had been doing before. And the reason that matters is this our three crime labs, Wausau, Madison in Milwaukee. When those analysts do that forensic testing, when we have jury trials, they have to drive all over the state to testify. And if they're driving all over the state, they can't be in the lab doing their testing. Well, they weren't driving all over the state because of the Supreme Court's ruling and what we could do with trials and then how some counties responded in the aftermath of that. So they should have been in the lab. They should have been able to test more and get it done more quickly. But Josh Paul had them working from home. And when you're working from home, you can't do that testing. And we have amazing, amazing people that work at our crime lab. I've had them as witnesses in courtrooms just like this, convicting murderers, sexual assault, drunk driving with racketeering, you name it. I've used our analysts in these cases and it has helped contribute to a bottleneck in our criminal justice system, where you have defendants that are waiting for jury trials and you have victims that are waiting for justice. And, you know, we we may see a case in the news on one day, but it's not just one day for the victim. It's every day as they wait for justice, waiting for these cases to get in to finality, whether it's a jury trial or some type of agreement. And that must end. We need an attorney general that is going to be serious about these issues, that actually has the experience of using those resources, working with our law enforcement, working with our crime lab employees, DCI or prosecutors, to get this ship fixed because we can't afford to suffer another four years of the inexperience that Josh Kaul has brought to the Department of Justice and how he has politicized the office. You know, Madison dot com did a story earlier this year and they asked him kind of paraphrasing but when have you deviated from Tony Evers and all he could say is that when Tony Evers wanted him to withdraw from the Affordable Care Act, he didn't do it right away. And he didn't do it right away because he couldn't the law didn't let him. And then he said, well, the governor didn't put some things in his budget that I wanted. Josh Kaul has been lockstep with Tony Evers, where we need an attorney general that is going to stand with our law enforcement, public safety and the rule of law. And Josh Kaul has decided that's not going to be his top priority. Politics has been his top priority. And that's why we need a prosecutor and not. A politician is our top cop.

[00:10:01] **Speaker 1** So if a Republican becomes governor and you become attorney general, would you not be in lockstep with the with a Republican governor?

[00:10:07] **Speaker 2** I'm going to follow the rule of law. And the rule of law is not always popular. And when I travel across Wisconsin, oftentimes I'll ask a question here, who thinks we should only support the rule of law when we agree? I never see a hand go up. And that has been my commitment as I travel across Wisconsin that I'm going to enforce the rule of law just like I have and continue to do as a district attorney. And that doesn't always mean it's popular. We have to prosecute people that make a mistake. There have otherwise been a good person in our community. We've had legislators, people at the federal level that have gotten tickets for a variety of things. We've prosecuted them. We've convicted a fellow district attorney of drunk driving, and we've prosecuted current or former police officers. We've prosecuted prominent people in our community, business leaders. We don't play favorites. We treat everybody equally under the law with no special favors. That's what I got elected to do as a district attorney, and that's what I will do at our Department of Justice in enforcing the rule of law, not just when it's popular.

[00:11:05] **Speaker 1** So there are a lot of questions about election security. How would you see the office of the attorney general being involved, specifically the next presidential election, which is obviously there's going to be a lot of attention. The former president has brought in a lot of conspiracy theories and brought a lot of questions into people's minds that it's difficult to convince them otherwise. What would that role be in terms of making sure people are confident in the results?

[00:11:28] **Speaker 2** Well, elections are the cornerstone of our democracy, and we must defend it at every turn. So people do have confidence in the electoral process. And that means we follow the law, not just when we agree with the law. And unfortunately, part of what has eroded some of that confidence has been the actions of the Wisconsin Election Commission, where they ignored special voting deputy laws and directed clerks to not send out special voting deputies. And it's an important understanding where they actually directed clerks to not do that. In Chapter five, work has the authority to give out formal or informal guidance, not directives, and when exceeded their lawful authority and directing these clerks to effectively break Wisconsin law. And so the clerks, when they're following the guidance of work in good faith, they're immune from prosecution. And that's there for a reason. But we have to make sure the Wisconsin Election Commission is committed to following the rule of law. Otherwise, we need to look at another avenue of how we're going to administer our elections. Many states use an elected secretary of state to do that, and that's a discussion we're going to have to have here in Wisconsin, because at the end of the day, we want people to vote. We want them to be able to do it lawfully. And we want to make sure every ballot in Wisconsin is treated and counted the same, regardless of which county you live in.

[00:12:43] **Speaker 1** There are a lot of legitimate questions about some of the process of the elections from 2020 and prior, because those weren't all new. Some of those were longstanding. They're only came into question. And then there's the vast conspiracy theories which have no basis in reality. What is the role of Republicans, especially Republicans running for office, to actually push back against some of those some of their own voters who are repeating those election conspiracies and not helping with confidence?

[00:13:10] **Speaker 2** You know, one of the things I've done, you know, I've seen and I've had conversation with Representative Grantham about this. I've read his PowerPoint, I've read the legal opinions that have been attached to it. I've even listen to some of the podcasts where certain legal scholars have advocated for decertifying the election. And this comes up as I travel across Wisconsin. And one of the challenges I've seen, some people are working one or two jobs. They're trying to raise a family, they're trying to enjoy life, and they're trying to figure out what information can I trust and who can I trust with that information? Because they want the truth. They want to know what's going on. And one of the examples I give any time we've seen some type of fraud in an election that's had an impact on the actual results, it's been a court that has made that determination. We have not seen any court here in Wisconsin make a determination of fraud to some level that could have had an impact on the 2020 presidential election here in Wisconsin. And we have a separation of powers, and that is crucial to our republic and our democracy, where the courts make those decisions. And what I tell people is we don't want an activist judiciary. We can't have our legislature exceeding their authority and violating that separation of powers. And if the legislature for any reason could just say, we want to decertify or recall our electors, what I like to tell folks as I traveled the state is think about 2016 when President Trump won Wisconsin and there was all of this smoke and mirrors about Russia that we've largely seen fall flat. Well, there would have been nothing to stop a Democrat legislature here in Wisconsin if we had one from decertifying or recalling those electors. And that's why we follow the rule of law, not just when we agree with it. I mean, we understand and I know laws weren't followed in the 2020 election, and we've seen what a lot of those issues are. Our legislature has worked hard on. Some of those issues. We don't have a governor that will sign some of those reforms that are needed into law to make sure we have a level playing field across Wisconsin. But we cannot decertify the election. There is no way to do it. And I have talked about this all across Wisconsin. I have these discussions. I have this dialog, and that's where the Republican Party is at. That's why I received the overwhelming endorsement vote at our state convention, because I'm willing, willing to be upfront and tell people the truth, not just when it's popular. And I've had discussions with people on this issue where they've come up to me afterwards and said, I'm voting for you because people want the truth and we need leaders that are willing to tell them the truth, even if it might cost them votes.

[00:15:40] **Speaker 1** So what do you think or what do you have to say about some of the Republicans running for office right now that are playing footsie with some of the conspiracy people who are not willing to be honest with them because they don't want to potentially lose that vote?

[00:15:52] **Speaker 2** Well, you know, it's hard to say because I don't see all of the comments that all of these other candidates are. I mean, we have how many people are running for lieutenant governor? A lot of different gubernatorial candidates, where I'm focused on the attorney general's race and making sure that we have an attorney general that's going to stand with our cops public safety and enforce the rule of law.

[00:16:09] **Speaker 1** One of the other big issues that's obviously come up is about abortion and abortion laws. What would you do as attorney general in that area? Would you be? I guess there's a lot of different scenarios because a Republican governor comes in and obviously there's going to be clarity and new laws passed. But if there's not, then what would your role be in making sure that prosecutors and doctors and people know what is the ground rules?

[00:16:33] **Speaker 2** So I've been very clear as a DEA and as attorney general, I'm going to enforce the law. And right now, that means we have an abortion ban on the books here in Wisconsin. And I will enforce that as a DEA and I will enforce and defend that as our attorney general, because that's our obligation.

[00:16:49] **Speaker 1** To.

[00:16:51] **Speaker 2** Remove it.

[00:16:52] **Speaker 1** The irony is we were talking about how we couldn't get the lights off because there was a motion and then we were sitting still over here.

[00:16:58] **Speaker 2** I want to try that again.

[00:16:59] **Speaker 1** Yeah. So please pick up where you were about where the law stands.

[00:17:02] **Speaker 2** So. So as district attorney or as your attorney general, I'm going to enforce the law. And right now here in Wisconsin, we have an abortion ban on the books. And we don't pick and choose which laws we follow in which laws we don't follow. And so now we have an attorney general who said effectively that he is going to pick and choose when he is going to follow the law, depending on if it fits with his political ideology. And he's filed what's a borderline frivolous lawsuit trying to overturn that 1849 abortion ban here in Wisconsin. And if he thought he was right on the law, he would have requested an injunction or some type of restraining order to prevent or enjoin that abortion ban from being enforced. But he didn't do that. And he didn't do that because he knows the Wisconsin Supreme Court will tell him he's wrong on the law again, just like they did when they told him he was wrong on the law when he tried to remove a DNR board member. And we need an attorney general that's going to enforce the rule of law, not pick and choose just because they don't like what the law is. And unfortunately, Josh Kaul is failing at the core missions of our Department of Justice, public safety, law enforcement and the rule of law.

[00:18:10] **Speaker 1** We have had examples in counties across Wisconsin of prosecutors saying, I'm not going to prosecute for certain levels of marijuana offenses or possession or you're prioritizing which issues they are going to focus on. And that has happened under social questions. Does abortion fit in that same category? Can you legitimize or quantify that is the same as like under a announced possession of marijuana and deciding we're not going to prosecute that?

[00:18:36] **Speaker 2** I think it is egregious to try and compare marijuana possession to abortion. We're talking about life and I understand some of my colleagues have taken that approach on marijuana. We have a different approach here in final accounting where we will prosecute people for marijuana possession. And what I'd like to see is if we have ideas, maybe law enforcement that just say, you know, we're not going to be investigating or enforcing this. We need to give our attorney general the authority to prosecute. They already would have the technical authority to investigate it. And I think another approach would be allowing for adjoining counties to be able to investigate and enforce that abortion ban in Wisconsin to make sure that we have a level playing field across the state of Wisconsin, and we have some statutory framework for that already where there is some framework within the elections code and the ethics code where a joining county DA's can enforce that if another D.A. decides that they're not going to. And that makes sure that we have a level playing field that gives clarity for the people of Wisconsin, the medical community, and make sure that we enforce the rule of law.

[00:19:39] **Speaker 1** What kind of clarity do you think needs to be issued for doctors? Because there is an exception for the health of a mother in the case of abortion under the 1849 law. And there's doctors right now saying, well, we don't know what level of of risk there needs to be ectopic pregnancy. Does she need to be on her deathbed in order to do this? Because obviously there is. Be clarity there for people, for a doctor to be actually, you know, risk their own medical license. But in the health of a mother.

[00:20:04] **Speaker 2** One of the things we see whenever the Supreme Court makes a ruling, it's not always bright line clear. And that's where we'll see other cases, other circumstances. It will make their way through the courts. That will give us the clarity on those issues. But as a prosecutor, we're not going to say, well, okay, this is what that threshold might be. And doctors are in a difficult position right now as they may try to figure that out. But at the end of the day, we have an abortion ban on the books here in Wisconsin and just say, well, we're just not going to enforce it because we don't like it or it doesn't fit our political agenda. That's not the responsibility of the attorney general, frankly. Josh Kaul appears to be running for the wrong office because he wants to act as a legislator, not as our attorney general.

[00:20:47] **Speaker 1** A couple more questions that have come up, because obviously there's a lot of people focused on this issue right now and what what is the law? Because there is a lot of lack of clarity, I guess, in this territory. Abortion pills mailed to a woman at her home. It seems like the law allows that because then it's not a doctor who's doing it. And the law does not allow for women themselves to be prosecuted. Does that still seem safe or does there need to be language clarifying whether that is legal or not legal?

[00:21:13] **Speaker 2** So, you know, as you said, women, the mom cannot be prosecuted for it, but a medical provider, someone else could be prosecuted for that. And what we're going to find out is there will be just like we do every time that we may need some legislative clarity on some of these issues. And that's something, as attorney general, that I will work with our legislature on to make sure that if we are passing laws to clarify that, that it can pass constitutional muster, that's an obligation of the attorney general, because the attorney general is a constitutional officer, but it's the authority comes from the legislature, from the statutes, and that's where the funding comes from. So the attorney general needs to have a partnership with the legislature, because if you don't, you're not going to be able to accomplish the key mission of the attorney general's office with public safety, supporting our law enforcement as well as the rule of law.

[00:22:01] **Speaker 1** How important is electability for the question of Republicans in this primary? Because obviously your opponent doesn't have the same track record you do in a lot of the areas that people consider important. So how much of this should that matter when voters come to think about that?

[00:22:15] **Speaker 2** Well, at the end of the day, for our Republican voters in this Republican primary, it is so important that we take back our attorney general's office because we have seen Josh Kaul fail time after time in ways that have had such a significant negative impact on Wisconsinites. And we have not elected an attorney general in Wisconsin that has never prosecuted a case since, I think it was 1963. And I think he had military experience. And the last time it was tried was 2006, when the Democrats tried it, when there was a blue wave across Wisconsin in America. And I think it was maybe about four statewide offices across the entire country, that Republican one that had been previously held by a Democrat. And one of them was right here in Wisconsin when J.B. Van Hollen, the former district attorney, Republican, beat Democrat Kathleen Falco, had never prosecuted a case. And we've even seen under Republican Governor Tommy Thompson, the Democrat, Jim Doyle, was his attorney general for a couple of terms. And so voters will look at our top cop and they want someone that has that experience prosecuting, being in the trenches with our law enforcement. And I'm the only candidate that has actually done that.

[00:23:22] **Speaker 1** All right. Anything else that you'd like to add?

[00:23:23] **Speaker 2** You know, and when you talk about electability and you mentioned my opponent, he lost a state Senate race in a district that President Trump carried by 17 points and he lost it by 11 to a Democrat that a Republican won in the next election by over 20 points. And if you can't win that seat, you cannot win Wisconsin. And even at the state convention, his own county voted to support me. The people that know him best rejected him. And we you know, you talk to law enforcement, we understand the dangers that marijuana has. And he's advocated for legalizing marijuana here in Wisconsin, which would be the wrong direction for Wisconsin. And people talk about medical marijuana use and that has to start at the federal level because we've heard for the past two years follow the science. And so if people are serious about medicinal marijuana, the federal government needs to actually allow meaningful scientific studies to see what, if any, benefit there is so that the medical community understands it. And then we can go from there to see if there are those medicinal purposes that can be beneficial.

[00:24:24] **Speaker 1** All right. That's all we have for you in this. I really appreciate your time. Assuming you make it through, then we'll be looking to try and find another sit down interview in the fall to focus more.

[00:24:35] **Speaker 2** On fantastic head.

[00:24:36] **Speaker 1** To head election. Just curious, are you going to be in the parades in Oconomowoc or Grafton tomorrow?

[00:24:42] **Speaker 2** I haven't finalized my plan kind of. When you try to do your day job, prosecute, it's you know, it's it's probably figure it out sometime later this afternoon because I know I've got a pretty aggressive schedule again.

[00:24:53] **Speaker 1** Yeah, he's going to be at the parades, getting candidates coming through. Oh.

[00:24:57] **Speaker 2** Yeah. You know, now that you say that, I think. Carlton had mentioned you guys were going to be there. I didn't quite put it together until you just said that.

[00:25:03] **Speaker 1** So we're just trying to give him a heads up to know, obviously, if anyone comes through, we're going to grab that. But if he knows you're going to be there, then we'll get a couple of shots of that.

[00:25:11] **Speaker 2** But you don't. Actually, I do want to point out one other thing, if we can.

[00:25:15] **Speaker 1** Yep. So we're good.

[00:25:17] **Speaker 2** And we talk about electability. You know, my primary opponent, he has leveled one of the most negative campaigns we've seen in recent Wisconsin history, according to one of our sheriffs that called it a gutter campaign. And they said he would be unfit to be a police officer here in Wisconsin. And we need an attorney general that is going to strike fair, not foul, just like we do as prosecutors and debate the issues in Wisconsin that can help keep us safe. And unfortunately, he is failing at that right now in our law enforcement. That's a pretty strong statement from a group of sheriffs from all across Wisconsin.

[00:25:52] **Speaker 1** Especially for a primary.

[00:25:54] **Speaker 2** Exactly. And, you know, we have I've had people that have threatened to shoot me. I've had people that have threatened to cut my head off and mail my head to the media for doing my job as a prosecutor. And I will not back down and standing up for public safety and the rule of law here in Wisconsin and with our law enforcement. But it's not a blank check. You know, I we have such amazing law enforcement, the overwhelming majority here in Wisconsin. But I've had to send a letter to one of my police chiefs to say I will never prosecute a case from this officer because of the issues. BRADY Giglio issues that we had in that case, where even our law enforcement wants to make sure that we are holding them accountable because they're held to such a high standard. But the overwhelming majority of our cops are so amazing and they would lay down their life for us and they just have such a higher standard than most of the rest of the public has.

[00:26:46] **Speaker 1** When you talk about threats like that with those recent of those, due to some of the stuff that's been out or is that long standing due to other cases you prosecuted.

[00:26:55] **Speaker 2** Other cases that I've prosecuted, you know, and when you when you enforce the rule of law, it's not always popular. You know, my primary opponent has attacked me relentlessly for COVID, where my job is to follow the rule of law. And even when President Trump was supporting those safe at home efforts during the first 13 days, we had filed a small number of cases, but I use my discretion to dismiss all of them because it was the right thing to do. And then when that illegal, extended stay at home order came out in April, we didn't enforce it at all here in Fond du Lac County. And I also started the task force in that month, April, to reopen and keep open our community, where I don't think you'd find a task force or a group that formed anywhere that early here in Wisconsin. And then when the mask mandate came down, I looked at the law and I sent a letter to my local officials saying this is an unlawful extension of the governor's emergency authority and we will not enforce it. And we never enforced it once. Here in Fond du Lac County, and this is the problem when we have a governor who has decided to try and go it alone without working with the legislature, and the court has shown him how he cannot do that. And we need to have leaders that are going to work together. Unfortunately, Tony Evers has failed at that and Josh Kaul has failed at that. And my primary opponent has been outright lying and attacking me over my COVID record. And what he doesn't talk about is his own record. In April of 2020, when he was proposing requirements and rules for people to wear gloves and masks, as well as social distancing and capacity limits. And I've been open and upfront about my record as I travel the state, and that's what we expect from our candidates to be willing to stand on our record. But what we see people do when they don't have a record to stand on, they try to tear down others and lie about their record, where we just saw a push poll come out that, well, the poll hasn't been released, but some of the content where they falsely claimed that I had prosecuted Kyle Rittenhouse and all somebody has to do is look at a map of Wisconsin and see the find. A Lake County D.A. is not the D.A. of Kenosha County, but that's the type of garbage and gutter campaigning from that campaign and some of those supporters that we've seen.

[00:28:57] **Speaker 1** Would you have prosecuted Kyle Rittenhouse?

[00:28:59] **Speaker 2** No, I had a chance to look at the a good chunk of the jury trial. And one of the things I refrained from doing was commenting on that case until I actually got a chance to see the evidence, because I think it would have been improper for me as a district attorney to be commenting on that case without knowing the considerations that they were making in that prosecution. But I've prosecuted cases involving self-defense, complex cold case homicides. And when you look at the the evidence that you have to prove beyond a reasonable doubt, it seemed clear to me that that was not going to happen in that case and it shouldn't have been prosecuted. I think an alternative could have been to do an inquest in front.

[00:29:38] **Speaker 1** Of.

[00:29:41] **Speaker 2** I think an alternative could have been to do an inquest in front of a jury where witnesses could have been brought in. We could have had transparency, where the public could have seen the witnesses and the evidence. And that would have been, I think, an appropriate way to handle that situation. But, you know, it's one thing to be able to look at something, not having to make the decisions to be. The prosecutor that is making those type of decisions. And, you know, I don't know. They may have gotten more evidence as the case went on, but I would have not filed a prosecutor that case.

[00:30:09] **Speaker 1** You bring that up. I'm curious about the charges that came out of Racine under the attempted recommendations for charges for the members of the WEC. Would you have prosecuted them if one of those have been from work?

[00:30:20] **Speaker 2** Yeah. And so the Racine County sheriff did an investigation and we kind of alluded to this before, where the WEC directed that no special voting deputies be sent out in Wisconsin and WEC does not have the authority to direct clerks, but they said shall not dispatch. They have the authority. What could have done was said this, you know, Chapter 5.01 talks about the will of the elector and despite some informality or irregularity, if you can determine the will of the electorate, effectively says that vote should be counted and then we go through a mandatory and directory analysis, but they don't have the authority to direct. And so what we could have said was if special voting deputies are not dispatched, you're likely able to still count those ballots in the nursing homes because if you can ascertain the will of the elector and there's no fraud, that's able to be determined, that would have been, I think, acceptable guidance to the clerks. But instead we took the position based on CDC guidance from the August and November elections because there was no public health emergency, there was no say for at home that they could somehow even have a scintilla of legal analysis to say, this is how we can do this, because Chapter five also requires WEC to provide the legal basis for their decision. And there is no legal basis to say, because of the guidance from the CDC, we're going to break Wisconsin law, but that's exactly what WEC did. And so they should be held accountable. And the Racine D.A. did not have authority to do it because of two state statutes in the 2010 Wisconsin Supreme Court case that said that if somebody breaks an election law, campaign finance or lobbying, they have to be prosecuted in the county of their residence, not where the crime is committed. So it's a little different than most of the other criminal statutes that we have. So what I did was tried to get some of those WEC board members removed because of the violations of law and submitted a verified complaint with the governor's office. And I never received a response from the governor explaining why he didn't think that should happen. And if he thought they were right on the law, he should have responded and said that. But Tony Evers chose not to, and I think he didn't respond because he knows they were wrong on the law because WEC asked him to suspend special voting deputies and it appeared the governor didn't even think he had the authority to do that, despite the governor previously trying to unilaterally move a Wisconsin election. And we need leaders that are serious about following the rule of law, not just when you agree, not just when it's politically popular. And we need Wisconsin election commission board members that are going to follow the law. And unfortunately, we saw some of those commissioners choose not to do that.

[00:32:54] **Speaker 1** So if one of those commissioners had been from Fond du Lac, you would have prosecuted them with a felony?

[00:32:59] **Speaker 2** Well, you know, I had a chance to review the Racine sheriff's investigation. Ultimately, I don't have jurisdiction over that. And I know that the Saint Croix County D.A. and the Sheboygan County D.A. are still reviewing those cases. And so, you know, I don't know what they're going to choose to do, but I know that they're working very diligently in the legal analysis that they're choosing to do. And I want to respect the process that they're going through right now.

[00:33:20] **Speaker 1** In terms of that those commissioners are relying on guidance from lawyers and staff from WEC. It wasn't them make I mean, obviously, they voted for it. They were appointed to those positions are serving in that voluntary capacity. Is it appropriate to prosecute them when they're relying on legal guidance from a state agency?

[00:33:38] **Speaker 2** They're responsible for the votes that they take. They know what their statutory authority is. One of those commissioners is a lawyer himself. Some of them are clerks or former clerks. And so they have, I think, a strong command of the issues. And it's pretty clear that they don't have guidance to suspend state law. And one of the challenges, and I think this is part of the confusion that people have as I travel the state is it's pretty evident that Wecht didn't follow the law. Well, how can we count these ballots? Well, that's the beginning of the Wisconsin election code. And that's the same reason we you know, largely Tim Michaels is on the ballot because you could ascertain the will of the elector with those signatures. And I found it kind of ironic that Democrats were then trying to say, well, Tim Michaels shouldn't be able to be on the ballot, but these votes should be counted where they pick and choose when they want to follow the law. And we need leaders that are serious about the rule of law not picking and choosing.

[00:34:28] **Speaker 1** I mean, it's pretty common, though, for parties to file petty charges in both ethics and elections commissions and then have them thrown out. I mean, we've seen that from both parties repeatedly.

[00:34:37] **Speaker 2** Well, whether whether it's common or not, that's what we saw the Democrats try to do. And that's magnified on the issue of elections, given the stance that we've seen them take. Because elect I mean, we've talked about elections are the cornerstone of our democracy and people need to have confidence in those elections. And it's pretty shameful if they didn't realize they were wrong under law in that circumstance because the. Democrat Party took a almost like a victory lap, I think it was that Sunday when they did their press conference over that. And it was a bipartisan, I think, unanimous vote by the election commission in that circumstance, where they followed the law to say he's on the ballot.

[00:35:13] **Speaker 1** Speaking of elections and following the law, have you seen anything out of Michael Gabelman special office that warrants anything, frankly, other than mockery? And at this point is there's been a lot of evidence of him bungling. He's been now being charged with contempt in court and it was added to the witness stand. I don't know if you would have approved of that if he'd been in your courtroom, but what do you think of his prosecution?

[00:35:36] **Speaker 2** Well, number one, I did not see the court testimony. I didn't get a chance to see that myself. So I'm not going to comment on that. As far as the investigation goes, what I can tell you is within the last two, two and a half months, my office received a criminal referral from work from the November 2020 election where WEC is still looking at the November election. I don't have a problem with anybody that wants to look at work or our elections and determine what happened, who did what and how can we make sure these things don't happen again? And how can we make sure we have a level playing field and it's up to the legislature to determine how they're going to spend that money. And if the voters don't like it, they have the opportunity to address that at the ballot box. But when we're talking about our elections, it's important to understand what happened. But we also have to look forward to 2022 because we understand a lot of the issues are some granular detail that we still don't know. When we see the Zukor box that came into the elections, you know, drop boxes have been determined, illegal, at least for our April election. We're still waiting to see what the Supreme Court will do moving forward. My my suspicion from kind of reading the tea leaves of the decisions is that we're going to see drop boxes won't be allowed. But one thing that's important with elections, we see lawsuits filed where somebody doesn't have standing or latches and they filed their lawsuit too late. Does we have the statutory authority to intervene in elections with injunctions or mandamus in Chapter 5.07? And so if somebody sees somebody violating an election law, it's important to get that to their local district attorney because they can take action. We have the lawful authority in the standing to do it. And if they don't do it, the attorney general could take action as well. But we've seen our attorney general has decided that he's not going to take any action on our election laws. And it's not surprising considering when he was in private practice, he was challenging our election laws in federal court. So it seems apparent he doesn't agree or like our election laws. So he's not doing anything to help with it now. And we need an attorney general that will do that, but to enforce the rule of law and be willing to be evenhanded about it, because that's what the rule of law is following the law, not picking and choosing. And Josh Kaul has shown a track record of simply following the law when he agrees with it or it aligns with his liberal allies.

[00:37:48] **Speaker 1** You mentioned the drop boxes. Those are we're still waiting for that decision. Absentee ballots are already out for the August primary. I actually got mine today in the mail. Drop boxes are still legal in I think 70 counties are still enforcing it because the the question of whether that county court was actually valid for the whole state or just in that particular county is still out there. So, I mean, there's people that could be voting for you today that are putting their ballot in the drop box.

[00:38:17] **Speaker 2** So what I would encourage people to do is to be dropping those ballots off at the clerk's office or putting it in the mail like the law says, not putting it in drop boxes because the court may come down and say, sorry, but drop boxes are not legal. And if you had a ballot in there, it may not count. And so it's important, I think, for people to do the best to make sure that their votes do count because and this is part of the problem, because we might have one county that says, yep, we're going to do a drop box in another county that says, no, we're not going to do a drop box. And then you have situations in some larger communities where they could say, we're going to do 24, seven, you know, keeping our polls open or early voting, that type of thing. And a small township doesn't have the ability to do that. And that's you know, we want to make it easy for people to vote, but we want to make sure that it's a level playing field across Wisconsin. And so the best guidance I could give somebody would be to make sure they're doing their best to follow the law, putting it in the mail, getting it to their clerk's office, not a drop box.

[00:39:09] **Speaker 1** How closely did you watch the Supreme Court oral hearings for the drop box case?

[00:39:14] **Speaker 2** I have, as you can imagine, doing my day job as a day and campaigning. I don't have a lot of time to watch. All of the ruling or oral rulings are usually what I focus on is when the decision comes out to be able to read that, because some things that we see in those hearings are not something that makes it into that final decision.

[00:39:31] **Speaker 1** I'm curious because one of the questions that came up at that testimony was the assertion by Republicans suing the to validate the drop box. Was that you as a voter, only you can put your ballot in the mailbox or return it? And the question came up of, could you hand it to your spouse? Could you hand it to your child? Could they put it in the mailbox and therefore, could they be prosecuted for putting it in the mailbox or invalidate the ballot if they were the one actually doing. And I'm curious, as a prosecutor, if you find it laughable that you would prosecute a spouse for being the one to physically place in a mailbox their spouses?

[00:40:07] **Speaker 2** You know, we haven't I haven't seen any allegations like that come through here and find all that county. And, you know, and this is why it's so important, though, that we have clarity on these issues. And the attorney general could address this. He could give out an attorney general's opinion to give clarity on these issues, at least until the court decides. But instead, he's been absent on these issues other than attacking the process. And we needed an attorney general that's willing to stand up and lead. But unfortunately, when Josh Call tries to lead, he's been wrong on the law. And that's a sad reality. When we have our top cop who's continuously wrong on the law trying to push a political agenda at our Department of Justice, where we need a prosecutor and not a politician that can fix this mess.

[00:40:48] **Speaker 1** All right. Anything else?

[00:40:50] **Speaker 2** I'm sure we could talk all day, but I do want to keep you guys here.

[00:40:54] **Speaker 1** I appreciate your time. It was a fun conversation. Thank you. And we'll look forward to catching up with you. Excellent.