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[00:00:00] **Speaker 1** We were walking up here, there was a high school. There was a high school band out in the rotunda playing. And I was like, I hope they're on the wrong, because that is Oh.

[00:00:10] **Speaker 2** Yes, that comes in in you know, sometimes that that'll occur when we're hearing arguments. And we got to kind of turn up the volume a little bit, lean in and be able to catch everything. Yeah, that sound comes in pretty easily.

[00:00:24] **Speaker 1** Yeah. Especially when they're playing pop tunes. You're like, What is that?

[00:00:27] **Speaker 2** Yeah, I know. You have to figure it out. All right.

[00:00:30] **Speaker 1** Well, thank you very much for your time today. We really appreciate this. Give me a sense of your judicial philosophy. That's a broad phrase, but what does that mean to you?

[00:00:38] **Speaker 2** Sure. And so so we'll get home about eight or 9:00 tonight after I get finished with the answer to that question. But I think the easiest way of looking at it, the shorthand is we call it constitutional conservatism. The basic idea is that this philosophy, it conserves the original public meaning of our Constitution and the commitment there is to applying the Constitution, the original public, meaning the statutes, their plain meaning and keeping out your personal preferences, your personal politics, setting all of that aside and just deciding cases based on the law. And that really follows from the constitutional construction that the people of Wisconsin have created and maintained. So, you know, they they loan their authority to us. It's all all that authority is just on loan, doesn't belong to the court, doesn't belong to the members of the court, belongs to the people. And and so we go to that to see what they have commanded us to do. And we find there in Article seven of our Constitution that they said we that they want us to exercise the judicial power on their behalf and the judicial powers. Really, it's not that complicated. It is applying the law as it already exists to the cases that come before us and using that and nothing but that to resolve the cases. If you if you bring in anything else, then you're breaking faith with the people of Wisconsin. You're breaking faith with the Constitution. And so constitutional conservatism is that commitment to the original public meaning of that document and faithfully following that in every single case that we decide.

[00:02:21] **Speaker 1** Does that ever run into challenges when you don't have specific legislation to follow, you don't have the specific history of court decisions to follow, and you kind of have to break new ground as the court is sometimes required to do.

[00:02:34] **Speaker 2** Yeah. So what we so what we do when we're breaking new ground, when we say that we're taking principles that already exist, texts that already exist, whether it's in the Constitution or in the statutes, and we're applying it to new situations. So in that sense, it might be breaking new ground, but we never break new ground in law. So we know from looking at the Constitution, Article four of our Wisconsin Constitution says that the legislative power is known to the Assembly and the Senate. And, you know, it doesn't say the Senate, So Assembly and also when Dan Kelley thinks he's got a great idea for a new law, right, it's only the legislature that gets to make our law. So even in novel circumstances, we're always going to go back to the text of the law, whether it's the statute or it's the Constitution. And we're going to apply that meaning to resolve the case by if we ever get in a position of importing our personal preferences or our personal politics, that's poison to the work of the court that destroys the constitutional order. And that's why it's so important to set that aside, set aside all those personal preferences and policies, and just decide cases based on the law.

[00:03:51] **Speaker 1** You mentioned the poison at the forum last week, and you talked about in reference to some of the comments you heard some of your opponents making. When you hear some of those public comments, how much of that comes across as virtue signaling to an audience, to voters as opposed to how someone may apply the law from the bench?

[00:04:11] **Speaker 2** Yeah, I mean, I it's conceivable that certain candidates might use that as virtue signaling and then others would use it, just as this is how I'm going to decide cases. Here's the problem with both of them. So if you are if you think as a candidate that you should be virtue signaling to attract the votes of certain bodies of Wisconsinites, what you're telling them is that you are not you're not committed to the constitutional order and you're telling them that the politics should have a role in the court, even if you don't intend to follow through on that. What you're telling the voters is that it should have a role. And I think that's extraordinarily problematic because when people come in to this room so that the court can hear their case. What people Wisconsin want to know with absolute certainty is that everyone on that bench is going to follow the law. They don't come in here and say, you know, to one of the justices, I want to know what your values are. I want to know what you think the law ought to be. They don't say that They follow the law. And and that is the commitment that we are to to make not only in fact, but in an appearance, too. So, you know, way back in the day, Alexander Hamilton said that the court has neither force nor will, but only judgment. And even with that, judgment is reliant on a different branch of government to carry it into effect. And so all we have is the people's confidence in the work that we do and the words that we say in the words that we write. And so and that is the entire power of the court is simply in the in the written and spoken word. And so our commitment has to be in every encounter with the people of Wisconsin. Every single time that we interact with them, we should be building confidence in them that we put aside our politics and we put aside our personal preferences when we do the work of the court. And when a candidate comes out and says, Let me talk to you about my politics and my personal preferences, it destroys all of that work.

[00:06:21] **Speaker 1** How do voters distinguish between that which they would probably largely agree with and who you were appointed by, who campaigns on your behalf when you appear at a campaign rally and your personal behalf as opposed to representing the court. How can the public draw the distinctions between that and what they may see on their screens?

[00:06:42] **Speaker 2** Yeah. So I think the the best way that people can get a sense, because I talk to people in a in a variety of settings and there's hardly anyone that I won't talk to. I mean, you know, Cubs fans won't talk to them. Everybody else I'll talk to. And so, you know, that might occur in a in a political context. It might occur in a community context. It might occur in a community of faith. It could occur it could occur in a whole variety of circumstances. And I think it's important that the members of the court are committed to talking to people from a broad array of backgrounds. And so I'm committed to that. Now, the way they they that they become confident that I set aside my politics and my preferences is by reading my work. Right. So so I wrote every single opinion when I was on the court. I wrote it with an understanding that the authority I was using was borrowed from the people, and that each opinion I wrote was really a report to them on how I used their borrowed authority. And so I wrote it in each of those opinions in a way that it's accessible to anyone. You don't have to be a lawyer to read and understand the opinions that I wrote. And I think that was important because of this very question, because they need to be confident that the members of the court that they've loaned their authority to are just deciding the case is based on the law. And so when I write an opinion, here's the methodology I use. I start with the the law that is applicable to that case, whether it's constitutional text, statutory tax, administrative regulations, whatever it is. We start with that. Those are the premises. And then I use rigorous logic to move from those premises all the way down to the conclusion. And then when I'm done, you should be able to look back and see an unbroken chain of logic connecting the conclusion to the applicable law. And if you can see that if that chain is unbroken, that is your guarantee that the conclusion is commanded by the law and not by any personal politics or preferences. And so that's the way I wrote the opinions because of that very thing, because I want them to know and to understand and to be confident that when I decide a case, it is based on nothing but the law.

[00:09:05] **Speaker 1** You are an interesting case yourself in the sense that you have been on the court and you are now running for the game, but not as an incumbent. Why the desire to go back and return to the court?

[00:09:16] **Speaker 2** A couple of reasons. One, I you know, in my last campaign, I just fell in love with talking with folks all over the state of Wisconsin about the proper role and function of the court and the proper relationship between the people of Wisconsin and the people who served them in government. And and I kind of thought of it as a a tour of remembrance. It's important for people to remember who they are in relation to the government. They're the bosses and the people who serve in government. They are the servants. And that has and that relationship, I think, as a really powerful dynamic in the ability to live free and in a self-governing kind of society. And so as I went around. The state of Wisconsin. What I heard all over the state was when the next Supreme Court seat opens up. We don't want to gamble about who's going to be in that seat. We want someone that we know, someone that we can point to and say there is a proven record of constitutional conservatism. I see how you handle the Constitution. I see how you write the opinions. And we want to have confidence that the person that we send to the court has that kind of background in. And they told me, and that's you, you've already done it. You've been there. We can look at your opinions. We know the way that you decide cases. We know that you follow the law and nothing else and we want you back on the court. And so and so that was a that was a large part of the decision making process. And the other part of it was it was just the the honor of a lifetime to serve the people of Wisconsin in that capacity. And it was just a joy every single day. So. So they've asked me to to run to go back and and because I love serving them in that capacity. That's why I've decided to run again.

[00:11:13] **Speaker 1** The circumstances surrounding that election are also unusual. Do you think that has an impact on whether some voters may say, well, you know, we you asked for another term and we said no. They may look at it differently because of the circumstances during COVID.

[00:11:29] **Speaker 2** Yeah, I think the COVID was part of it. I think probably even more significant was the fact that there was a presidential primary on the same day as my election. And so, you know, I learned I learned two lessons from 2020. One was that Joe Biden and Bernie Sanders combined can turn out more votes than me. Now, it pains me to admit that, but it could hardly be otherwise, right? I mean, two presidential candidates combined are always going to turn out more votes than a Supreme Court candidate. The other thing I learned from 2020 was that we got nearly £700,000. And if you look at our history, if you set aside the years in which there is a presidential primary on the same day as the Supreme Court election, there's only one justice in the history of the state who got more votes than I did in 2020. And so so I look back on the lessons we learned from 2020 and, you know, the anomaly of competing against two presidential candidates. And then there's just this, the really strong turnout in favor of our campaign. Combine that with people around the state asking me to run again. It made sense from that perspective because, you know, with that number of votes that's more than are necessary to to win this year, because as I look at the calendar, I don't see any presidential primaries anywhere in sight.

[00:12:57] **Speaker 1** Are you running with the mindset that you are an incumbent?

[00:13:02] **Speaker 2** Well, I'm running with the the mindset that I that I've served the people in this capacity and that that is and that the mindset that I bring to the campaign and to the work that the court currently does and will be doing is that of someone who's already done it. And, you know, one of the reasons I love the work of the court and serving in that capacity, it's a very academic setting, and that's just kind of my mindset. So when I when I look at a case, it's an intellectual challenge trying to figure out, okay, what are the laws that are applicable and how does that fit together to resolve this case? And so, you know, there are those who said that I had the mindset of justice for a long time before I went to the court. And and I think that hasn't changed since. So so the mindset is the same, you know, whether that's the mindset of an incumbent or not, I'm not sure that would be the case.

[00:14:00] **Speaker 1** When it comes to your opponents. This is the first time we've seen two conservatives go head to head in a primary and in quite a while in a Supreme Court race. Are you worried about setting yourself, aside from her in the eyes of voters, or how do you assess the field?

[00:14:17] **Speaker 2** Yeah, so not particularly. You know, I think the people of Wisconsin, based on what they've been telling me over the last year and a half, when they tell me that they want someone who's been there and done it, who has a a long and public record of being a constitutional conservative, of privileging the original public meaning of the stature of the Constitution in the statutes above everything else. I don't think there's much of a comparison with my components, with my opponent. I, I have that record and none of my opponents do. So I think when Wisconsinites look at that, whether it's Jennifer, Janet or AB Red, they're going to see someone who's already. Done this and done it in a way that I believe they've approved of and has done it in the way they want it to be done in accordance with the Constitution's commands. So. So that's the thing I think that really sets me apart, not just from Jennifer, but from but from all of the candidates is having the record of having done it and being able to point people to that and say everything that you want to know about me is in my opinions. And there you will find the living heartbeat of a constitutional conservative, someone who privileges the Constitution above all else.

[00:15:38] **Speaker 1** Regardless of whether they're the best candidate. Do you believe that your opponents are all qualified to serve on the Supreme Court?

[00:15:44] **Speaker 2** Well, they're all qualified. You know, our our Constitution says that anyone with a Wisconsin bar license for five years is qualified to be on the Supreme Court, and they certainly meet at least that qualification.

[00:15:59] **Speaker 1** Let's talk a little bit about some of the decisions that you've been involved in, some of the ones that took place after you left the court. One of the last ones was the legislature versus Paul. You mentioned that on your website. That was obviously a significant case. After you left, we saw the balance of the court shift. And just as Hagedorn became more prominent and we saw court decisions with Trump versus Biden and Trump versus Evers. How do you think those cases might have been different if you had still been on the court?

[00:16:26] **Speaker 2** Well, I think, you know, the Palm cases is a really good window on that. I think so. So, as you know, the opinion of the court was that the the safer at home order did not follow the rules for for promulgating a new rule. And as a result, it was an unlawful order. Justice Rebecca Bradley and I wrote separately to address the constitutionality problem. And so the way we look at is we saw an executive branch agency making the law. And that's something that our Constitution gives only to the legislature. And so so we both wrote opinions and said, you know, we agree with the with the court's opinion that it didn't follow the administrative procedure in being adopted. But in addition to that, it couldn't have because it was exercising legislative authority in the executive branch. All right. So that's Pong. I believe the. The Court And then that same issue comes back shortly after that board at the local level. But the issue is still the same. It is the separation of powers. Is that a legally enforceable concept in our constitutional jurisprudence? And so Palm was 4 to 3, striking down the order and came back in, I believe it was the Baca case, and it was four three. But the other way and one of the members wrote that the separation of powers, while that's, you know, that's more of a political matter rather than a binding constitutional command. And I just totally disagree with that. The separation of powers is the very heart of our Constitution. It cannot operate without that separation of powers. It is a command to everyone in government to respect that. And when a case comes before the court, the court has to decide cases in accordance with that constitutional command. And so I think that that's a great illustration of how the court has changed after I left.

[00:18:28] **Speaker 1** With Justice Hagedorn. There's a lot of evidence of footnotes and some conversations back and forth occurring within within the footnote as opposed to the actual body of the opinion. Should we read into that? What is your opinion of Justice Hagedorn in his more prominent role now that it is a33 in Hagedorn Court?

[00:18:47] **Speaker 2** Yeah. So. So Justice Hagedorn was elected by the people of Wisconsin. And and you know, when his term is up, he, you know, if he chooses to run again, he will need to make a report of his work to to the people of Wisconsin. I think it's no secret that he and I disagreed on some very significant constitutional questions. And so I think that kind of speaks for itself. I don't think there's anything further to read into that. You know, this is, like I said, every opinion that I write that is setting forth what I believe that the law requires. So it's not personal opinion. It's not preferences. It's this is what the law requires. And so we simply disagree on a profound level, on some significant issues.

[00:19:38] **Speaker 1** What what is interesting and ties into some of your campaign is I have heard and the public has heard from other conservatives saying we don't want another Hagedorn, we don't want someone else that we may not be sure of how they will rule. And you've talked about how voters can be very secure in how what what methodology you will use in determining your outcomes.

[00:19:59] **Speaker 2** That's right.

[00:20:00] **Speaker 1** Yeah, that's a fair read.

[00:20:01] **Speaker 2** I think that's a fair read. You know, and that's it's one of the things I hear frequently as we go around the state is, you know, when they say we want someone who will consistently in every single case apply the Constitution as it's written. I think that's what they're referring to. They're they're they're not confident that that's what he was doing.

[00:20:24] **Speaker 1** In the matter of Trump versus Evers and Trump versus Biden. Well, what can you say about how you may have ruled if you had still been on the court?

[00:20:31] **Speaker 2** Yeah, very little, actually, because, you know, I have not studied it at the level of that that I would if I were on the court. You know, I think there were a couple of important questions that were embedded in those cases. You know, things about a ballot drop boxes, ballot harvesting, they were subsequently answered in in follow on cases. But I don't I don't think there was any reason they shouldn't have been answered in those cases. I don't know that it would have changed the result at all. But but as as a question of law, you know, obviously, those questions we're going to have to get answered at some point.

[00:21:13] **Speaker 1** One of the things that I want to touch on is the idea of judicial activism, because there are a lot of people that say, well, that's just when someone else just writes it up and you don't agree with what is your definition, I guess in the shorthand of what judicial activism is. Sure.

[00:21:27] **Speaker 2** It's when someone brings in their personal preferences or personal politics into the decision of a case. So so, you know, I talked about that unbroken line of logic between the premises, the law and the conclusion. So judicial activism to me is when there's a break in the logic, because whenever there's a break, that's where someone's personal politics, their personal preferences start seeping in to the decision making process. So the only way of deciding cases that keep that out is to make sure there's that unbroken chain. So that's what judicial activism is to me. And, you know, it takes some in some circumstances. It's kind of a low key thing. In others, it's significantly more prominent. You know, I've written about this before United States Supreme Court in the Kilo decision, a takings case. There's a line of jurisprudence that has has essentially rewritten the Fifth Amendment as it relates to takings, because the Constitution says that property can be taken for public use. And the United States Supreme Court has over time, transmuted that into public purpose. Well, you can have a public purpose for something that's not a public use. And and that's that's activism. When you start changing the words of the of the controlling law, the controlling constitution. That's a that's more blatant form of judicial activism.

[00:22:59] **Speaker 1** One of the the the the cases that I've heard a lot about is the redistricting decisions by the the Supreme Court, first, in agreeing to take the case into the Wisconsin Supreme Court as opposed to letting go to federal court as usual. And then the least changed methodology. And some people have said at least change is the definition of conservative judicial activism, because there's no reference to that in the legislative history or in prior decisions. And having that kind of come up whole cloth because the court had never dealt with it. Is the court manufacturing this methodology for which we would do redistricting?

[00:23:35] **Speaker 2** Yeah. So let's take a look at that. And that's there's two different dimensions there. So one is the state court versus federal court. And interestingly enough, the the preference is for state courts to address this. Federal courts will only get involved if the state courts failed to. But they look to the state courts and they say this is a state question to address. You deal with it and we're only going to get into it as a federal court if you fail to address it. So so it is something that it really should be addressed within the state. Now, these changes, the other dimension, these changes is kind of a it's a phrase that's meant to encompass this idea. The Court is there only to to address legal issues, not political issues. Right. So a redistricting map is an entirely political exercise, and that's why the legislature draws them. Right. It's the it's the political branch. And so so what happens when when the legislature and the governor can't agree on a new map? Well, it becomes unconstitutional because it's done every once, every ten years and because of just the dynamics of population. You know, we we meet new Wisconsinites every day. We lose Wisconsinites every day. They move either around the state or out of state. People move in. So population is not constant. And and therefore, the the distribution of population amongst the districts becomes uneven. Now, there is a constitutional requirement that the districts have equal population. All right. So after ten years, if the if the legislature and the governor can't agree on a new map, what you have is a map that is now unconstitutional because of that population divergence. So so what does the court do? Well, it should it should look to that map and say there are legal questions that have to be resolved. We're not a legislative branch of government. We're not a political branch of government. So the only thing that we can do is look at the legal problems. So. So the the equal population is one one dimension of constitutional requirement. Our state constitution also requires that they be compact and contiguous. So you have to those are legal requirements that the maps have to satisfy. And then you have the Voting Rights Act. So those are legal requirements the maps have to satisfy. And so the phrase lease change is meant to encompass the idea that we take the maps as they're written, and then we look for the legal errors and we fix the legal errors and we leave everything else the same. And so, you know, I think in that sense, that's the only thing that the court can do, because if you go beyond fixing legal errors, then you immediately move into the political realm and the court has no business there. So so I think the court has to be really careful in it when it addresses a district may have to stay within its constitutional boundaries, understanding that the members of this court have not been entrusted with making political decisions, only legal decisions. And so their job is just to address those legal imperfections in that map. And when they're done addressing those, it is to step aside and then wait for the people of Wisconsin to work on their legislature and their governor to get to a map that is politically acceptable to the state.

[00:27:21] **Speaker 1** When you look at the the people talking about what the next court will address, there are a lot of people framing this election around a redistricting court coming back or redistricting coming back or the abortion 1849 law coming to this court. What do you think of the idea that some people will be going to vote based on whether they want to see certain outcomes in certain decisions and that's how they're going to choose their justice?

[00:27:45] **Speaker 2** I think that would be really unfortunate. If I could encourage our fellow Wisconsinites, just one thing in this race is to make a decision on who you believe will be the most faithful to the law, not to the not to the results that you want, but to the law. And just if I could just address this as a practical matter just for a moment, there might be an issue or two issues that you're really passionate about and you really wanted to come out in a particular way. And so you say, I'm going to go and find a justice who will promise me that he'll vote or she'll vote in this particular way on this issue. I think that's a dangerous place to go, because if you find a candidate who'll promise you that they will vote in a particular way on your favored issue, that that kind of justice is also going to be taking politics into account in voting on every other issue, because judicial activism versus constitutional conservatism, it's an all or nothing thing. You either believe that you can bring your politics into the court and make decisions based on that or you don't. Constitutional conservatism is that you don't. The dad has no business in the court. And I think that most Wisconsinites look at that and they go, That's what we want. If we wanted the court to be making political decisions, we'd amend our Constitution to give them that authority. They know the separation of powers that they've set up, and they've not asked us as the court to be making political decisions. So so I would just remind our fellow Wisconsinites that the wisdom of of that separation of powers, you know, when we worked with our Constitution got constructed, when the United States Constitution got constructed, the idea there was that the separation of powers was the primary guarantor of our individual liberties. So, you know, at the time it wasn't even the Bill of Rights. Bill of Rights was several years down the road. The idea was in separating those powers that there would be the possibility of self-governance, of freedom, of the preservation of liberties in a, you know, Alexander Hamlet. Dan wrote that if you ever start combining those powers amongst the branches, that becomes the very different definition of tyranny. So to anyone who would look to the court to resolve political questions for them, please, please, please remember the wisdom of the separation of powers and why that so essential to the preservation of our liberties.

[00:30:24] **Speaker 1** It's fascinating. You mentioned looking to the courts to solve a political problem because there's a lot of people who say, well, that's just what the Dobbs decision was with the US Supreme Court, that that was conservatives looking to a conservative court to solve a political issue. What is your opinion of the Dobbs decision?

[00:30:42] **Speaker 2** So so I don't want to speak directly to it. You know that the issue of abortion is is very likely to come to court, to this court. I understand there's already a lawsuit that challenges an early version of the statute. And interestingly enough, the the claim they're fine. You know, it's been a while since I've looked at the pleadings, so you never know. It might have been amended. But when I originally looked at them, there was no claim of unconstitutionality. They simply said that there was a subsequent statute that that overrules the the prior statute. And so really, the the constitutional element of the question is, is not coming to the court any time soon, although that is certainly a possibility down the road. So so Dobbs simply opened up the possibility for this to be addressed at the state level. And I think that's all it did.

[00:31:40] **Speaker 1** I want to get your opinion on something else that happened in the process of DOBBS. It's come to light. There's been a lot of attention paid to some of the US Supreme Court justices in their Senate hearings talking about Roe and how they believed that precedent was solid and then subsequently writing and agreeing with the Dobbs decision. And there are some people that say that they actually that meant that they had lied under oath because they had said one thing under oath and then eventually came to a different decision. Constitutionally, from a justice point of view. Can you explain how they did or did not violate their oath when they testified one way and then made a decision the other?

[00:32:16] **Speaker 2** Yeah. So I think what they I think their test my and forgive me, it's been a while since I've seen it. I don't think that they were promising that they would never overturn any particular case. I think what they were explaining was the importance of stare decisis, this idea that that when something is decided, unless there are significant reasons to change, you should continue deciding cases in that same way it promotes the stability of the law. It recognizes that the work that we do on the court, we oftentimes we are standing on the shoulders of giants. There are people who have done, you know, a great deal of spadework in the past and in, you know, certainly they were intelligent and qualified and entitled to their voice in the process. So. So stare decisis says we're not going to re decide every single question every time it comes to the court. However, it's also important to recognize that a Supreme Court's opinion does not have the same dignity as the constitutional text. And if the two should ever come into conflict, the job and the duty and the commitment of the court has to be has to be to privilege the constitutional text. It is entirely beyond the authority of any court to modify what a constitution actually says. That's actually the document from which we get our authority to act. And so we simply have no ability to change what it says. So. So sometimes over a period of time, we figure out, you know what, we made a mistake before Plessy versus Ferguson and Brown versus Board of Education, perfect example of that. So nothing changed in the law. And between Plessy and Brown, Brown comes along and they they look at Plessy and they say that was a horrible mistake. No, Brown was not changing the Constitution. Plessy had simply misread it. It Plessy was mistake the day it was decided. It continued to be a mistake every day after that until Brown overruled it. So that's the the interplay, I think, with the constitutional text and stare decisis, you you should have respect for opinions that have come before. But if that opinion conflicts with the constitutional requirements, you have to follow the constitutional requirement.

[00:34:44] **Speaker 1** Do you think that there's certain philosophy of the Constitution that talks about the living, breathing document that says, as society change their perspective, the view will actually impact how they read the Constitution and how it. Mm hmm. Do you think that's what's happening in some of these cases, Either Plessy and Board versus Roe and Dobbs?

[00:35:05] **Speaker 2** I. I won't comment on whether that's at work in in Dobbs or even in Plessy. I don't think in Brown. I don't think it was it was simply a recognition that we got it wrong. And the distinction there, I think, is really important because living constitutionalism, this idea that the document lives and breathes and changes with society, that is the that's the intellectual construct of judicial activists. That's how they bring in their politics and their preferences into the work of the court. So so our constitutions do change over time. Both the Wisconsin Constitution and the United States Constitution, but they change according to their own terms. Right? Both of our constitutions have provisions that control. When that happens, it tells us this is how you change the document, you amend it. And that is done, unsurprisingly, by the people who own that document, the people in Wisconsin, the people of the United States. And so our our constitutions can change when society requires it to change, but only when the documents owners say so and go through the procedure that is provided for by those documents to change it. You know, I've I've looked at those provisions really carefully. And nowhere in the amendment process do I see any glimmer of a suggestion that the court has any role to play in changing those documents. It is the owners is the people of Wisconsin, the people in the United States who get to decide that. And then and then the courts job is the same as it is in every single case that it takes. What is the state of the law? And the people have commanded me to use that law to decide this case and nothing else. And they have never come to us to ask us what our thoughts are on what the law ought to be. And so we shouldn't be asked answering questions that we've not been asked.

[00:37:11] **Speaker 1** I want to get your perspective on how.

[00:37:13] **Unidentified** But just this morning, we have 4 minutes on the court. Okay. Well.

[00:37:19] **Speaker 1** We'll be okay, I think. How much is this race change versus the 2020 race in terms of national attention, state attention, people's awareness of what the court means in their lives?

[00:37:30] **Speaker 2** Yeah, I mean, I think it has gotten a higher profile. And and that in and of itself, I find somewhat regrettable. The Court Well, the court was described 200 and almost 236 years ago as the least dangerous branch of government. And the reason for that is because the authority of the court is so limited. It is simply to apply the law as it exists, not to make it up, not even to carry it into effect. That belongs to all the branches, the least dangerous, and it was least dangerous in the context of protection of our liberties. Right. It just had no ability. If it does, its job has no ability to affect that. So so I read that and they say, you know, least dangerous kind of goes along with being most boring. The Supreme Court should be the most boring branch of government that there is. Because if anyone wants to know, well, what is the Supreme Court doing today? What's the same thing they did yesterday? They're following the law. What are they going to do tomorrow? Well, same thing then, too. They're just going to follow the law and every single day they're going to follow the law. There should be no drama in that. There should be no excitement in that. And there should be and there should be no concern for the gaining or losing of rights or liberties or or protections, because it should be what the people have decided that it will be, that we are doing so. So when the when the court gets a higher profile, what that suggests to me is that there are forces that are trying to elevate its position in the constitutional order to be in a position that it's not supposed to be in. And so, you know, a lot of what I hear is that there are issue advocacy groups that are going to spend a lot of money in this race because they want frankly, one of my one of my opponents, maybe two of my opponents who are talking about their values and what they're going to bring to the court as rules of decision. And these and these interest groups are latching on to that and saying, yes, that's what we want. We want someone on the bench who's going to bring these particular politics to the work of the court to import that poison into the judicial process. We want that. And and what I've heard is there's going to be a lot of money that is going to come in to support that.

[00:40:03] **Speaker 1** All right. Thank you so much for your time. I appreciate it.

[00:40:05] **Speaker 2** Is my pleasure. Thanks. Much. This has been the most pleasant conversation. I've enjoyed.

[00:40:10] **Speaker 1** This. Thank you. I'd really appreciate the time and the insight. So we're good here. Just made it under the the limit on the cards.

[00:40:18] **Speaker 2** We will be running out of memory or something.

[00:40:21] **Speaker 1** Back in the day, we used to have to change tapes in the of the interviews. Now they have the memory cards, but they will we shoot on a higher resolution so everything looks nicer.

[00:40:30] **Speaker 2** Right. So they.