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[00:00:00] **Speaker 1** You ready? Yep. Thank you. And you get that hand clap on it. No, you do it. Sorry. Ready? Yep. That was actually Governor Walker's favorite thing to do was that once he learned the single thing.

[00:00:23] **Speaker 2** He wanted to do it.

[00:00:23] **Speaker 1** Yeah, he really thought that was fun. Like he got into TV. Yeah, I think that was his next sideline. Yeah. He was already heavily into radio. Yeah. Okay. Because he called. He like, he had the private number. So any time when he was Milwaukee County. Exactly. If he had something he wanted to say, just call up the studios and he would put them on. Yeah.

[00:00:42] **Speaker 2** Just like just put them right in there.

[00:00:44] **Speaker 1** Pretty much. He had the red line. The red line. Okay. We're good.

[00:00:49] **Speaker 2** Good. All right.

[00:00:51] **Speaker 1** Judge Crawford, thank you so much for giving us this time.

[00:00:54] **Speaker 2** Thank you. It's a pleasure to be here.

[00:00:56] **Speaker 1** Let's start with your judicial philosophy. How would you define it and what does it mean to you?

[00:01:02] **Speaker 2** Yeah. You know, I view myself as a really common sense judge. So I focus on, first of all, making sure that I know what the facts are in any case. I've listened to the evidence and just determine what the truth is. I think that's a really important first step for any judge. And then, of course, I make sure I get the law right after listening to the lawyers tell me what their positions are. And then I have to make a decision after I have those two things established. And I pay a lot of attention to how my decision is going to impact the people in a case. The decisions I make are not abstract principles. They are going to affect real people's lives. So I do pay close attention to the context of my decisions. And taking that up to the Wisconsin Supreme Court, I will also consider how the decisions that I'm involved in as a justice will be applied in future cases, because at the Supreme Court level, those cases are precedent and you have to think ahead to other applications.

[00:02:08] **Speaker 1** For the general public that doesn't have a lot of interaction with the legal system. They've kind of developed the the shorthand of judicial, conservative or judicial liberal. And that's how I think we defined the breakdown in the Supreme Court. How would you define the distinction between those two categories, if there is one?

[00:02:24] **Speaker 2** You know, I think that kind of shorthand is actually not that useful. What I do is just try to be fair and impartial in every case and apply the law to the facts that I've determined to be true in the way that does justice and protects the interests in the case. The people in the case law, the way the law was intended.

[00:02:48] **Speaker 1** So let's look at some history. Recent history in the Supreme Court. There's been a lot of overturning of precedent recently, both at the national and at the state level. What are the factors that you would look at when you decide to overturn case history?

[00:03:01] **Speaker 2** Yeah. Well, I have not been in a position to do that, of course, because I'm currently a circuit court judge. And on the circuit court. We are required to apply precedent. I think that as a justice on the Wisconsin Supreme Court, what I would do, first of all, if asked to overturn question precedent, is to consider what the attorneys arguments are in favor or against doing so. You know, typically, justices are not coming to that conclusion on their own. They're doing it because one of the parties in the case is asking them to overturn a prior precedent on grounds that it was wrongly decided. So the first thing I would do in a particular case is determine how I think the law ought to be applied in that case. And often there's not a need to actually overturn a precedent, but rather to distinguish it to say, well, there are some different facts in that case, and maybe it should be applied more narrowly or there is an exception that can be made in this new case. So I think it's a rare instance where a precedent actually has to be overturned. But, you know, I would do the same thing I just described. I would look at the facts of the case, listen to the legal arguments on the Wisconsin Supreme Court. I would certainly listen to what my fellow justices had to say and what their positions were before making an important decision like that to actually overturn a precedent.

[00:04:34] **Speaker 1** In a couple of recent cases regarding redistricting, at least with the least change factor. And also drop boxes there to overrule some recent precedent. Does it make a difference how long the precedents been there?

[00:04:48] **Speaker 2** Well, I don't think it does necessarily. I think it's a factor, but it is certainly not the only factor and probably not the most important one that I'd be looking at and making such a decision.

[00:04:59] **Speaker 1** And then how do you contrast that to something like the Dobbs decision, which obviously overturned a major long standing?

[00:05:04] **Speaker 2** Right. Right. Well, you know, I think the Dobbs case was wrongly decided, and it represents the first time, to my knowledge, that the United States Supreme Court has. However undone a long standing, constitutionally vested right recognized under our US Constitution. And I think that the case was poorly reasoned by the majority on the Supreme Court, and that's very well laid out in the dissent to that case.

[00:05:34] **Speaker 1** Obviously, abortion rights, access to abortion in Wisconsin, going through the court systems before Wisconsin Supreme Court now. But when voters are thinking of this race, should be they thinking of individual cases like Rowe v Wade or Dobbs or or issues when they're deciding their justice or should they be looking more broadly?

[00:05:55] **Speaker 2** I think that voters should be paying attention to both. I think they should be looking at the candidates and what they bring to the race. So, you know, I'm somebody who has a history as first working as a prosecutor, then in private practice, working in our courts to represent ordinary Wisconsinites, when often when the government had taken rights away from them, standing up for them. And now as a circuit court judge. So I have very broad experience, both handling the toughest felony cases in front of our Wisconsin Supreme Court and standing up for Wisconsinites to protect their rights in our circuit courts and again, all the way to the Wisconsin Supreme Court. So I think it's important for voters to know that and contrast that with my opponent, who has a career as a partizan politician, has run for Partizan Office something like five times and is running his campaign for this office very much as if it were a Partizan campaign, taking positions on cases pending before the Wisconsin Supreme Court, which show that he's biased and not impartial. I've pledged to be fair and impartial as a justice on the Supreme Court. I am not saying how I would decide any case that's currently pending before that court or on the way potentially to the Supreme Court. So I do encourage voters to look at what I'm bringing to the race overall. And there are also voters who care very much about specific issues and reproductive health care. Abortion rights is one of those issues. And I you know, I have talked openly about the fact that I think that Dobbs was wrongly decided. And that's why we now have all these cases coming to the Wisconsin Supreme Court. It's required that we relitigate those issues. And I have worked in the past to protect women's reproductive health care rights as a lawyer in our courtrooms. Contrast that with my opponent, Brad Schimel, who has been a long time opponent in a very extreme way to abortion rights, has openly said while campaigning for this office that he supports an 1849 law that he thinks should be enforced as a criminal ban on just about all abortions in Wisconsin. So for voters who care about that issue, I think they should be considering what each candidate brings and what their experiences and they've had to say about it.

[00:08:25] **Speaker 1** Bradshaw Mills Partizan history as a candidate is well documented right next to his name on every election. But you've worked in Democratic administrations, both the attorney general and the governor's office. And in private practice, you have argued cases on behalf of issues that align with the Democratic Party. And he argues that you are just as partizan, Leo. How do you respond to that?

[00:08:47] **Speaker 2** Well, I think he's wrong. He I have never been involved in Partizan Politics either as a candidate or with any involvement personally at either the county or state or national level in Partizan Politics. That's Brad Jamal's whole career. And again, he you know, he betrays his partizan roots by taking positions on every case that is pending just about in front of the Wisconsin Supreme Court, telling folks how he would decide them in a way that is, you know, he's prejudging those cases. That's very prejudicial to the parties in those cases, particularly when he, I believe, is making those decisions based on what he reads in the newspaper and not on the evidence in those cases or the legal arguments of the parties or any deliberations, obviously, with other justices on the Wisconsin Supreme Court. So there's a very sharp contrast in how we are approaching this race. I'm approaching it as a judge, and I want to be a good, fair, impartial, common sense justice for the people of Wisconsin. Brad Schimmel is approaching it as if it was a partizan race and says he wants to get on the Supreme Court to help conservatives win elections in 2023.

[00:10:07] **Speaker 1** Janet policy, which talked about her values when she was running and that brought a new attention and a new approach to. As opposed to prior candidates in that race. Do you think it was appropriate for her to talk about her values? Are you wanting to talk about your values? How does that reframe the public's expectation of a candidate for this office?

[00:10:28] **Speaker 2** Yeah. Well, I think, first of all, that Janet, proud to say with it's is a real asset to the Supreme Court. I think she is doing a great job. And I think that she also handled herself well in her campaign. You know, this is a different race. And I, I want voters to get to know me and get to know who I am and what kind of justice they can expect me to be. On the Wisconsin Supreme Court. So there are appropriate ways for candidates for the Wisconsin Supreme Court or any court to talk about their experience, what they worked for and their values. And I will do that. But I will stop short of taking a position on any case in or likely to be in the Wisconsin Supreme Court. I think that's improper and again, is prejudging cases, is prejudicial to the parties and unfortunately is what my opponent's doing.

[00:11:26] **Speaker 1** Let's talk a little bit about Justice Brian Hagedorn. In the past, he's taken a lot of heat from conservatives who felt he wasn't conservative enough. There have been a lot of Democrats or liberals that have felt that he is kind of pulling the middle and judging each case as it should be. He most recently recused himself from potential Act ten case. He held a position in the Walker administration that was similar to the one that you held in the Doyle administration. What are your thoughts on Brian Hagedorn both as a justice and in terms of recusal and his prior role versus how you might be on the Supreme Court?

[00:11:58] **Speaker 2** Well, I looked at the order that he issued when he decided to recuse from the Act ten case. And what he said is that he helped draft that law and that he also had helped to defend in a previous legal challenge in federal court to the exact provision of the part of Act ten that's now at stake in this new case that is potentially at least heading to the Wisconsin Supreme Court. So for him having taken a position already on that exact provision and trying to defend it in court, I think he made the right decision to recuse himself. And, you know, if I had been in exactly that situation as Justice Hagedorn is, I think I would have made the same decision.

[00:12:48] **Speaker 1** How do you view his role on the court?

[00:12:51] **Speaker 2** Well, he as you said, he is a justice who sometimes aligns himself with what people would consider the more liberal majority, sometimes with the more conservative majority. And I think that any justice on the Supreme Court should approach cases not based on how their friends are voting or how or how any bloc on the court is voting. But based on their independent view about what needs to happen in the case. And that's that's how I intend to participate as a justice on the Supreme Court. I am not going to be trying to align myself with other justices. I think there are other justices on the court who whose judicial philosophies and approaches is closer to mine than others. But it's it's a case by case determination. And that's how I intend to handle myself.

[00:13:55] **Speaker 1** In private practice. You also were part of an Act ten lawsuit. Yes. Would that prevent you from signing any cases regarding Act ten in the future?

[00:14:05] **Speaker 2** You know, if a case came up, whether it's on Act ten or anything else, that any other topic that I had some role in in in challenging while I was lawyer I would give it a very close look to see what the facts were that were presented in that new case, who the parties were and what kind of legal issues are being raised, and make a determination about whether I could be fair and impartial sitting on that case. That's what the law requires us to do, and that's what I do in every case.

[00:14:39] **Speaker 1** One of the issues in this race is a repeat of an issue that Brad Schimel dealt with in his reelection campaign in 2008, and that has to do with his handling of the rape kits while he was the attorney general. What's your perspective on how he did in that and whether it's fair to attack him? Obviously, he's defending himself, saying that that's an unfair attack.

[00:14:58] **Speaker 2** Well, look, the sexual assault kit initiative, that getting getting those kits identified that had not been tested and dealing with the backlog was an initiative that started long before Brad Schimel took office as a. Attorney general started in the previous administration under Attorney General J.B. Van Hollen. And when Brad Schimmel entered the attorney general's office, my understanding is that the staff who were working on that initiative came to him and said, look, there's this backlog of thousands of untested sexual assault kits and the department needs more funding and resources to get those tested. And he pushed him back and said, go look for a cheaper way to do this, look maybe for some grant funding. And meanwhile, he was going to the legislature asking for a new unit of attorneys called the solicitor general's Office that he then utilized for the entire time he was in office to pursue right wing lawsuits, including trying to overturn the Affordable Care Act, which, if it had been successful, would have resulted in hundreds of thousands of Wisconsinites losing their health insurance. He was getting involved in environmental litigation in other states that had nothing to do with Wisconsin. The solicitor general, the person he hired into that role, an out-of-state attorney we now know was meeting secretly with conservative groups around the country to develop the legal strategy to overturn Roe versus Wade, which is what ultimately gave us the Dobbs decision. Kicking out a 50 year, long vested constitutional right, protecting women's right to access reproductive health care. So those were Brad Kimmel's priorities instead of addressing this backlog of sexual assault kids. It is certainly an issue that I think voters are entitled to know something about in this race. He got nine kids tested in a period of two years. And, you know, justice delayed is justice denied. So the crime victims in those cases, some of the most serious cases that occur, did not get justice from Brad Schimmel. He's saying now that he got caught up with that backlog, but he only put his foot on the gas when it became an issue in his reelection campaign. So, again, this is Brad Kimmel's partizanship. His political future was at stake and he was worried about it. So he started working on that backlog and made some progress in it. But voters saw through it and they sent him home and it was up to his successor in office to get that job completed.

[00:17:51] **Speaker 1** One of the other issues that regularly comes up in Supreme Court elections has to do with prior rulings as a judge regarding offenders and leniency of sentences. And they make real easy attack ads. How does that affect you as a as a judge when you're handling these cases, knowing that any decision you can be made may be twisted or taken out of context and used against you in a campaign commercial?

[00:18:15] **Speaker 2** Well, you know, I don't make decisions as a judge based on what I think some future attack ad might look at. I make decisions, particularly in that example of criminal sentencing based on what I believe is necessary to protect the safety of the community, what's necessary to protect the crime victims in a case. And, you know, I look at the nature of the offense that was committed. And as the as the law instructs judges in those kinds of cases to look at all the relevant factors, what the defendant's rehabilitative needs might be, that person's criminal prior criminal record. And I make a decision that I believe in the interests of justice and will protect community safety and protect the crime victim.

[00:19:02] **Speaker 1** Do you think it's a possibility that other candidates might be more aware of potential attack ads when they are going through a sentencing phase?

[00:19:10] **Speaker 2** You know, I have no idea. To be honest. What and, you know, I don't know what somebody like Brad Schimel, who's has a long career as a partizan politician. It may be that that's something that he has taken into consideration. But I don't want to speculate. It's you know, I think judges in Wisconsin, by and large, are really dedicated to the job and work really hard at it and strive to make good decisions, the best decision they can make in every case.

[00:19:43] **Speaker 1** One of the other cultural flashpoints that we're going through as a country right now has to do with trans rights. In your estimation, do trans people have any specific protections under the law? Are they a protected class? Do they get any other category of protection when it comes to them being singled out as a group?

[00:20:03] **Speaker 2** You know, that is a question where if a case came in front of me that was making an argument about the rights of transgender people or making a claim that they'd been destroyed. Terminated against or something like that. I would have to look at the law and see what protections were available and hear out what the attorneys arguments were both for and against those kinds of protections. Obviously, look at the facts to see what was happening in that case and then make a decision based on what I thought the facts and the law required.

[00:20:39] **Speaker 1** But as of now, there's nothing specific in state or federal law that gives them any protected status.

[00:20:43] **Speaker 2** You know, I don't I don't want to answer the answer that's this specific question because I haven't researched it. And I can't make a blanket statement that there are no such protections without actually looking at the law to make that determination.

[00:20:58] **Speaker 1** There are a couple other issues that may come before the Supreme Court. One of them is it. Former Supreme Court Justice Mike Gabelman and the attempt to try and disbar him or penalize him for his actions, given that you may be sitting on that, if it does come to the court, what are your opinions? What you can talk about? Of former Justice Gabelman and his actions have been quite public.

[00:21:26] **Speaker 2** Well, I think you answered that question a little bit for me in the way you framed it. If if that's a case that may end up in front of the Wisconsin Supreme Court, it's not appropriate for me to comment on it or take any position on whether or not former Justice Gabelman should or should not be disciplined for the actions that he took in. You know, I believe he was hired by the legislature to investigate the results of the 2024 election, and there is a pending case in front of the Office of Lawyer Regulation. Complaint was filed against him, seeking to discipline him for some of his conduct both in the courtroom and generally in conducting that investigation. That process is going to play out. I think it's possible it will end up in front of the Wisconsin Supreme Court. And if it does, and I'm there to. With the other justices make a decision, I'll do what I do in every case, which is to take a look at what the facts are and what the what the law requires in that case.

[00:22:32] **Speaker 1** In a similar category of. Jim Troopers is also facing felony charges for some of his actions coming out of the 2020 election. And the phrase lawfare is being thrown around. What is your perspective or understanding of lawfare? What it is? Is it an actual real thing or is it kind of a made up term?

[00:22:52] **Speaker 2** I am sorry, I'm not familiar with the term and I don't know how it's being used.

[00:22:58] **Speaker 1** In that same category. President Donald Trump recently issued pardons for the January 6th defendants. What is your opinion of the pardons and how that may play out in law?

[00:23:10] **Speaker 2** Yeah, well, I first of all, the president under the Constitution has very broad authority to grant pardons. It's it's there are no limits stated in the US Constitution for the exercise of that authority. But in my view, the the pardons should be exercised appropriately by any president when they believe that it advances the interests of justice. And in my view, those pardons of individuals who stormed our nation's capital and attacked law enforcement officers, violently injuring many of them, I think those pardons were completely inappropriate because that did not advance the interests of justice. And similarly, we saw the pardon used by outgoing President Biden to pardon family members. And again, I have concerns about that because I believe that's an exercise of the pardon that also is not in the interests of justice.

[00:24:20] **Speaker 1** Switching to the campaign on the ground, you've been going out to a lot of counties. What is what's the mood like? Because a lot of the people that are supporting you were also supporting Kamala Harris or Democrats last fall. Some of those same people you're now asking to go out and collect. They already have collected signatures. But to go out and do doorknocking and campaigns and get involved, do they have energy? Are they feeling good coming off of last November or is that a completely separate feeling?

[00:24:48] **Speaker 2** Well, I think that immediately after the November election, I did send some some people that I was talking to just being very disappointed by the outcome of that election. But for events that I'm attending now, people seem really energized and really enthusiastic. They are also, I think, nervous and afraid by. Just a sense that rights are under attack in our country and feeling like they want to do something about that. So I am seeing a lot of energy and a lot of enthusiasm, and I think I'll have a lot of help from people all through the state in getting the word out to voters about how important this election is and how important it is to put people on our Wisconsin Supreme Court who have some common sense and want to be fair and impartial and protect Wisconsinites and not to put somebody on our Supreme Court who's driving an extreme partizan agenda and has a history of taking rights away from people.

[00:25:57] **Speaker 1** We've seen not just 2023, but prior to that Supreme Court elections in Wisconsin Be becomes, you know, swept up among the political parties and framed through the political rhetoric from the public's point of view, the amount of dollars coming in has dwarfed anything. Setting national spending records, is that healthy for democracy and for the judicial system in Wisconsin, or is that simply a side effect of the importance of the race?

[00:26:23] **Speaker 2** Maybe a little bit of both. I think that the huge amounts of money that are spent on judicial campaigns is concerning. I think the partizan tone of these races is concerning. And, you know, it's disappointing to me that this this race can't just be about the candidates experience and judicial philosophies. Brad Schimel is trying to politicize it. He has been since the day he announced his candidacy for the race, which was back in November 2023. That was he thought he was going to be running against a different candidate at that time because current Justice and Walsh Bradley had not yet announced that she was going to retire. But he said right out of the blocks that he intended to take this race national and that he had great connections from his tenure as a Republican attorney general with conservative right wing groups all across the country that he was going to be making use of those ties to fund his race. So that's the climate that we are in. And from my perspective, I need to make sure that my campaign has the resources that we need to get the message out to voters to help them understand what my experience is, what my values are. You know that I'm pledging to be fair and impartial and bring common sense justice to the Supreme Court. So we we need to be able to have resources, have money, in other words, to get that message out. And I have a great campaign team who will help me to do that in 2023.

[00:28:06] **Speaker 1** Janet Protest, which received a lot of direct transfers from the Democratic Party of Wisconsin to help fund her campaign. And in turn, she said that she would recuse herself from any cases that involve the Democratic Party of Wisconsin as a party. Would you do the same if you receive large direct contributions from the Democratic Party of Wisconsin?

[00:28:25] **Speaker 2** You know, I what I would do is if a case came before the Supreme Court in which the Democratic Party was a party, is to look at what the facts were in that case, who the other parties were and what the legal issues were that at stake, and then make a decision about recusal based on the specific instances of that case. I, I think, you know, I'm a I'm a pretty cautious person as a judge. And I, I don't prejudge matters like that and would wait to see what what that case brought and whether I could be fair and impartial. And if if it was a situation where I believed I could not be fair and impartial due to past political support. Financing support from the Democratic Party, I would certainly recuse.

[00:29:16] **Speaker 1** And finally, the the tone of these elections has shifted over the years as well. We saw in 2023 gender Protasevich's opponent refused to officially concede gracefully on election night, saying he did not have an opponent worthy to concede to. Do you sense the same tone in this election, or do you think that perhaps it's not quite as dark as it was at that point?

[00:29:39] **Speaker 2** You know, I hope that it's not like that. And I was disappointed in former Justice Kelly for Not Grace gracefully conceding the election, which he lost and he lost quite soundly. I guess I would say I you know, I try to be respectful and professional in all of my dealings with other people, and that's how I will treat Brett Schimmel if we cross paths. On the campaign trail, as I'm sure we will. All right.

[00:30:18] **Speaker 1** George Crawford, thanks for your time.

[00:30:20] **Speaker 2** Thank you so much. Sick. All right.

[00:30:23] **Speaker 1** All right. That was good. Thank you so much for giving us the time. We appreciate it.