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[00:00:08] **Speaker 1** Alright, good afternoon everybody. Can everybody hear me okay? Alright, great. Well, I'm Attorney General Josh Call. Thank you for joining us here today. I wanted to say a few words and then open it up for questions on the oral argument from this morning in a case in which I and some other members of the executive branch Thank you very much. are challenging aspects of the lame duck law. And I think all of you probably remember, but just to quickly remind folks, after Governor Evers and I were first elected to our current offices in 2018, the legislature rushed into special session and passed legislation that limited our authorities, the authority that had been in place for our predecessors. There has been years and years' worth of litigation regarding certain aspects of those laws. And today was an argument regarding two critical aspects of one of those parts of legislation. These relate to resolutions of cases brought by the Wisconsin Department of Justice to enforce our laws. That includes one category of cases where we are bringing enforcement actions on behalf of the state of Wisconsin and trying to settle those in cases. So for example, if we bring a civil consumer protection enforcement action to try to resolve a case on behalf of consumers. This provision requires us currently to get approval from a legislative committee before we can resolve those civil actions. Likewise, if we're bringing in environmental enforcement action, there's a required committee review if it's a civil case. Separately, we're also asking for the court to strike down review of cases that we are bringing where they relate to the administration of an executive branch agency's programs. That can be something as simple as somebody working with the Department of Transportation having a car accident, we bring in enforcement action, we are arguing that we as an executive branch agency are able to resolve that without having intervention from a legislative committee. The separation of powers principles are obviously somewhat abstract, but I want to emphasize that what we are seeing in these cases in Wisconsin, in a lot of ways, mirrors what's going on with the federal government right now. At the federal level, what we're seeing is the executive branch trying to pull... legislative power into its own hands and making decisions about how legislation should be applied or whether it should be applied. Here in Wisconsin, what we saw instead was an effort to concentrate power in the legislature, but it's really a mirror image of what we're seeing happening at the federal level right now. Our system was designed to be one that has checks and balances. Part of our protection for our freedom and our liberty in this country is having multiple different sources of authority within the government. That's why we have three co-equal branches of government. This case is about supporting that principle and ensuring that the separation of powers remains strong here in Wisconsin. So with that, I'm happy to open it up to any questions.

[00:03:11] **Speaker 2** So if I understood the argument by the legislature's attorney today, it wasn't that, it was that the legislature does have some, but not all the authority in cases like this, are you arguing that in fact they don't?

[00:03:28] **Speaker 1** That's right. So there was a case brought several years ago, known as SEIU. That's a case that I personally argued at the State Supreme Court. And in that case, the court did not grant our challenge to the entire ability of the legislature to review settlements. It concluded that there could be some rare cases where the legislature might have an interest. For example, if the legislature itself was... the party in the case that asked us to bring an action, the court said, well, in those types of cases, the legislature has its own institutional interest. You could also imagine a case where a settlement might require the legislature to pass an appropriation. And we don't have the ability to tell the legislature how to do their constitutionally-assigned responsibility. So what we've argued here, though, is that these two types of gasses, these enforcement actions that we're bringing, like environmental and consumer cases. Thank you very much. Thank you. or cases where we're representing an executive branch agency that's administering its program, those are not areas where the legislature has any constitutional interest. Those are core executive branch functions and the legislature therefore shouldn't be able to prevent us from cases.

[00:04:35] **Speaker 3** The assistant attorney general of jurors today argued that the legislature could instead legislate after settlement is made about how those funds should be credited. But they did credit them to the general fund and then there was a lawsuit that you were... The DOJ was putting it in a different general fund, not the general general fund. And so there was a separate lawsuit about that. And then the appellate court ordered you to put it in the general fund that they wanted. So if the idea is that they should legislate laws and not oversee your work in that, then if they did do that, would you then comply with that later?

[00:05:12] **Speaker 1** Yes, so there are two separate issues I want to spell out here. So one is what the legislature has authority to do and then a separate issue is what the legislature actually has done. So our argument in this case is that the legislature can't get involved in the execution of these settlements. They can't decide whether the settlements go forward. What we also have said is that the legislature could decide how money should be spent once there is a settlement. So as an example, there's legislation regarding these opioid funds that we've brought in. We've helped to secure about $780 million now of funds from the resolution of these opioid cases. And there's a statute that provides that 30% of those funds go to the Department of Health Services and the Department Health Services decides how those dollars are allocated. Now, we don't object to them setting in place a statute that says how those funds are allocated There is another case, and you're exactly right, about what the statute they passed means. So we're not saying they don't have authority to pass a statute about how our funds are spent. What we're saying is their interpretation of what that statute says is wrong. It's inconsistent with what the law is. So they do have the ability to set statutes that direct where the dollars go from settlements, but whether they've done so in a way that is consistent with our understanding of their view is not always the case.

[00:06:33] **Speaker 4** Wanted to ask about Elon Musk's and his group's payments to voters. Just curious how fine of a line he's walking with criminal law. Also curious if you're looking into him for criminal violations and whether voters could also be criminally liable for accepting any money from him.

[00:06:50] **Speaker 1** Yeah, well let me say a few things. So first, as I'm sure you're aware, we filed litigation seeking an order to enjoin certain conduct that Musk was engaging in, as well as the PAC. That went through the court process and we, of course, did not receive a favorable decision there. What we were doing is executing the authority that we at the Department of Justice have. So there's a statute, and it's cited in case materials, that specifically gives the Attorney General authority to seek to bring actions into compliance with the state election laws. So we argued in that case that a court order would help ensure that the election laws were followed. We do not at the Department of Justice have original prosecution authority for those types of cases. That's authority that the DAs in the state have. So questions about those aspects of the matter are questions for the DA's offices. I also think that, you know, I hope that in the future the legislature considers taking a look at the laws that we have in place and figuring out ways to help make sure that we don't have similar activities occurring in future elections.

[00:07:57] **Speaker 5** Do you plan to file a new lawsuit against Elon Musk?

[00:08:01] **Speaker 1** I'm sorry, I missed the first part of that.

[00:08:02] **Speaker 5** of that. Do you have plans to file a new lawsuit against anyone?

[00:08:05] **Speaker 1** We never speak to future plans we have along those lines. I don't in any way say that to suggest that there will be a future action. Our actions, though, were prospective. They were directed at activity that was coming up just a few days ahead of time. And that was the focus of that kind of civil enforcement action. So that was focus we've had so far, and that's as much as I can say at this point.

[00:08:28] **Speaker 5** You mentioned that maybe there's room for the legislature to change laws related to these types of giveaways. What changes do you think could be pursued? What would you like to see?

[00:08:38] **Speaker 1** That's something that we're going to be looking at. This is obviously still just a few days ago that these events took place, but it's my expectation that we'll have the opportunity to have discussions with legislators about what changes may help prevent similar circumstances in the future.

[00:08:55] **Speaker 6** Just when someone comes to the back of your case, do you think that you have any kind of idea, for example, should a man have passed through custody for that? ...

[00:09:02] **Speaker 1** That's, having litigated the civil case, this is not something that we would weigh in, nor would I weigh in generally on sort of how DAs should look at the cases. That's really a question for the DAs themselves.

[00:09:13] **Speaker 7** What are your takeaways from Susan Crawford's resounding victory last night?

[00:09:17] **Speaker 1** Well, I think there are two major takeaways. One is, you know, part of the campaign, particularly from Judge Schimel, was criticism of the progressive majority in the current court, and I think this is a pretty resounding mandate in support of the approach that. the majority on the court has taken to enforcing and applying Wisconsin laws. This is a court that has restored access to absentee ballot drop boxes, for example. It's the court that ruled in favor of fairer maps in Wisconsin. It's a court has weighed in in a variety of areas. And so I think it's a strong mandate. I think we're still waiting on the exact numbers, but it looks like it will be about a 10 point margin. I believe all four of the progressive justices, assuming this holds up for Judge Crawford as a ten point win, will have all won by double digits in four of the last five elections. So I think there's a very clear mandate in favor of their approach to judging. The second thing I think is clear is that obviously Elon Musk was an enormous part of. this campaign, and I think this is a really strong rebuke of Doge and of what we're seeing from the Trump administration in terms of the sabotage of federal government agencies, efforts to dismantle programs, and a rejection of the idea that some of the wealthiest people in the world, including in Musk's case literally the wealthest person in the world, should be slashing government programs in order to help fund tax cuts for themselves.

[00:10:50] **Speaker 7** Any plan from DOJ to challenge the congressional maps since they threw out the precedent in the Johnson case? I'll see you next time. Bye.

[00:10:55] **Speaker 1** Our general posture at DOJ is to defend state laws when they're challenged, that there are exceptions to that for sure, but again with respect to any future litigation, that's not something we generally comment on, which is not meant to suggest there is something, but just a general approach we take.

[00:11:12] **Speaker 7** No, no conversation with the governor's office about trying to bring it to you. Obviously, you know, he was a little bit true to these boundaries, but I'm sure he would like them to look different than they do today.

[00:11:20] **Speaker 1** You certainly can ask the governor's office that question, but, you know, any future litigation is a matter we would discuss when that came up.

[00:11:28] **Speaker 8** You talk about slashing government programs. Yesterday your office announced that Wisconsin joined a multi-state lawsuit against HHS over grand cuts. Can you talk a little bit about how you see those cuts affecting Wisconsin and what the importance of that lawsuit is?

[00:11:41] **Speaker 1** Absolutely. So there have been obviously sweeping cuts in lots of areas that have destabilized programs that are really critical to the American people. There have been a few areas though that have really been a concerted effort from the Trump administration. One, which I can talk about another time, is law enforcement. There's clearly been an effort to cut funds that support law enforcement, not to mention the pardons regarding the folks who were involved January 6th, the efforts to undermine the FBI. But another area is protecting the health and well-being of the American people. So we earlier brought a lawsuit involving efforts to reduce funding for National Institute of Health grants. That's critical funding for research that works to fight diseases like cancer and Alzheimer's. Thanks for watching! But now there's also been a massive cut to a variety of programs funded by HHS, the U.S. Department of Health and Human Services. There are a number of different programs impacted that includes preparations for pandemics or other infectious disease, which at a time when we've got measles outbreaks as well as concerns about bird flu is really concerning. It impacts funds that go to emergency preparedness, and it also impacts funds that help with mental health treatment and substance abuse disorder recovery. The impact in Wisconsin alone is over 200 million dollars from those cuts, and we've argued that they did so unlawfully. And I think it's important to note, we filed a number of suits against the Trump administration, and consistently in these suits we've won orders blocking the administration from going forward with what it's tried to do. In some cases they're still very early, but in the majority of the cases we've gotten orders. And it's tough to get those kinds of preliminary orders. We saw that actually in the must case where we were asking for quick injunctive relief and it's a very high bar, we know that, but it's been granted consistently in these cases challenging the Trump administration because their actions are so clearly flouting the law. So, you know, we're hopeful we will be successful in this challenge to health and human services funds, but also to put this in perspective, the scope of this cut of over $200 million In our opioid settlements that we were talking about, we've recovered about $780 million on behalf of the state of Wisconsin. So these cuts here are more than a quarter of that just in this one cut to Wisconsin. Now, it's not all opioid funds, so this is a bit of an apples and oranges comparison, but it's a very large amount of funds that will impact our ability to help the health and well-being of Wisconsinites. And we all know why these funds are being cut. It's because they are trying to fund massive tax cuts for some of the wealthiest people in the world like Elon Musk. I think that is absolutely wrong, and that's why we went to court to fight back against this.

[00:14:22] **Speaker 7** The Speaker of the House has said that the State Supreme Court's rulings, or lack thereof on certain cases, could hold up the state budget process. Are you concerned that the Court is taking too long as your rulings in certain cases and are you concerned the budget being held up could hurt priorities for DOJ?

[00:14:38] **Speaker 1** Well, I'm certainly hopeful the budget will proceed on the normal course. I mean, there are court cases pending all the time. And so this session is not unusual. I realize that there are some that specifically may impact the budget. But that doesn't mean that there can't be a lot of progress made. Thanks for watching! other aspects of the budget. I will say I've had conversations with a number of lawmakers of both parties. I know that people are engaged and so it's my hope that the budget process will move forward as it normally does but ultimately that's a decision for the legislature.

[00:15:09] **Speaker 7** Do you think the governor is likely to prevail in the 400-year veto case?

[00:15:14] **Speaker 1** We litigated that case and I'm always reluctant to speculate about what the results will be, so we're just going to have to wait and see. That being said, the court usually wraps up its term as we get into late spring, and so I expect in the next few months we're going to see resolutions of a lot of cases.

[00:15:33] **Speaker 8** Thanks, everyone. Thank you all. Thank you.