

Schimmel calls Kaul activist, Dem counters incumbent has misplaced opportunities

Posted on Saturday, Oct 13, 2018

GOP AG Brad Schimmel sought Friday to portray Dem challenger Josh Kaul as light on experience prosecuting crime, charging he's an activist who would pick and choose which laws he'd defend if elected to lead the Department of Justice.

Kaul, meanwhile, knocked Schimmel for what he said were misplaced priorities as attorney general. That ranges from suing to overturn the Affordable Care Act, saying it could end protections for those with pre-existing conditions, to spending taxpayer dollars on promotional materials while being slow to address a backlog of rape kits.

In their first debate ahead of the November election, Schimmel defended his decision to join a suit seeking to overturn Obamacare, saying a series of broken promises resulted in rates increasing and consumers losing options.

He said changes Congress made to the law have left it unconstitutional, warranting a challenge on behalf of Wisconsinites.

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

"This is going to die under its own weight as it is," Schimmel said during the debate hosted by Wisconsin Public TV and Public Radio. "It makes more sense to get this done now and let Wisconsin put the process back in place before Obamacare destroyed our system."

But Kaul countered if successful, the lawsuit would not only repeal the protections for those with pre-existing conditions, but strip young adults of their ability to stay on their parents' plans until their 26 and result in 30 million people losing their

coverage.

“That’s what our attorney general is using our tax dollars to fight for right now,” Kaul said.

Kaul also sought to link the backlog of rape kits to Schimel’s decision to spend \$83,000 in taxpayer money on promotional stress balls, custom-made fortune cookies and challenge coins. In contrast, Kaul said, the state received a federal grant early in Schimel’s term, but only tested nine kits over his first two years in office.

“To me that is the definition of misplaced priorities,” Kaul said.

But Schimel said the promotional items and rape kits weren’t related and Kaul’s comments about the backlog showed he didn’t understand the issue. For example, during one period of the debate, the two were allowed to ask each other a question. Kaul pressed Schimel on how many people had been prosecuted after backlogged kits had been tested. Kaul noted more than 140 people were convicted of a crime after the kits were submitted in Detroit.

Schimel fired back Kaul didn’t understand the issue, saying Detroit had a significantly larger backlog and there were wholesale failures there. Schimel argued Kaul would only defend state laws he liked, which he said would result in state officials hiring outside attorneys to represent them in court.

Schimel in September announced his agency had completed testing on all rape kits targeted for analysis before June 1, though the department had not yet tested five kits identified and submitted by agencies after that date.

Schimel has previously said private labs finished up testing on 4,154 kits by Aug. 31, and the state is now working to launch a rape kit tracking system to allow those who submit a kit to get information about where it’s at in the process.

When Schimel first took office in 2015, the backlog initially totaled around 6,800. It was winnowed as the DOJ designated just more than 4,000 for testing.

Schimel during the debate repeatedly called himself “law enforcement’s choice” in the race, and contended the the thousands spent in promotional materials, including gold coins, were to benefit officers.

“Virtually every law enforcement officer earns those challenge coins over time. They appreciate those coins,” Schimel said.

Schimel, for his question to Kaul, charged the former federal prosecutor only prosecuted 25 cases, three of which went to jury, and asked him how many times he’d made a closing argument to a jury.

Kaul denied those numbers and defended his tenure in Baltimore.

“I was a federal prosecutor in one of the most violent cities in the country. I prosecuted drug traffickers, gang members and murderers, and worked to make the community safer,” Kaul said.

Schimel also characterized himself as an AG who prioritizes upholding state law, even if he doesn’t personally support the statute.

Asked if the candidates would defend a state law outlawing abortion if the U.S. Supreme Court overturned *Roe v. Wade*, Schimel said his personal views hold no sway over his defense of the law. Noting he opposes abortion, Schimel said “you won’t know” whether or not he agrees with the state laws he defends.

Kaul, when asked on the issue, said he’d conduct a legal analysis to see whether the state’s abortion ban is legally defensible, but would urge the Legislature to overturn it in the meantime.

Schimel found that idea unacceptable.

“That is a legislative determination to make,” Schimel said. “My opponent is running for the wrong job. Our job, the job of an attorney general: defend the law passed by the Legislature and signed into law by the governor.”

The two clashed on a series of other issues:

Kaul accused Schimel of mishandling the opioid epidemic during his tenure, claiming the issue has only gotten worse.

“We need to start responding to the epidemic,” Kaul said. He argued for law enforcement to better target large-scale drug traffickers, expand access to drug treatment and hold pharmaceutical companies accountable.

But Schimel defended his handling of the epidemic, saying “it’s my number one priority.” He cited his work to put more law enforcement officers in the field to target traffickers and his department securing a sizable federal grant for meth and heroin enforcement.

The AG also touted his department’s focus on treatment, citing the DOJ’s “Dose of Reality” campaign to prevent prescription painkiller abuse that is currently being used in six states.

“We won’t arrest our way out of this drug epidemic,” Schimel said.

On school safety:

The two candidates traded barbs on whether to maintain gun free school zones. Schimel questioned the effectiveness of such zones, arguing they’ll do nothing to stop criminals from using guns to inflict harm.

“A criminal who’s approaching a school with a gun with the intention to commit harm, doesn’t care that there’s a sticker on the door,” Schimel said.

Kaul fired back, contending law enforcement wouldn’t have reason to take action against somebody with a gun on school property if weapons were allowed on school premises.

“I think that law enforcement should be able to act in that situation to keep our kids safe,” Kaul said.

Schimel defended his department’s Office of School Safety, which is working to distribute \$100 million in grants to school across the state for physical building improvements and funding for mental health training.

The office was created through a bipartisan piece of legislation Gov. Scott Walker signed into law in March.

Schimel has said DOJ would train teachers in gun safety if they want to go armed in school.

Kaul called any proposal to arm teachers “alarming.” He also urged more long-term funding for school mental health initiatives, and criticized DOJ for not awarding all school safety grants before the beginning of the school year.

On marijuana:

Kaul was clear in arguing for the legalization of medical marijuana to aid those with chronic pain, but stopped short of calling for the legalization of recreational use.

Schimmel said he opposes the legalization of recreational use, but and was noncommittal on medical marijuana, saying the state should “let science dictate” whether it should be allowed to be prescribed.