

GUEST COLUMN

Mitch Henck: Battle lines drawn over John Doe

January 7, 2018

The personal emails of conservative radio talk show hosts Vicki McKenna, Charlie Sykes and Mark Belling showed up on the computer hard drives of the former state Government Accountability Board in the infamous John Doe investigations.

"What do we have to do with campaign finance law?" asked McKenna, of WIBA-AM (1310) in Madison.

Republicans are fighting mad after the state Department of Justice released its report into why secret documents of alleged campaign misconduct by Republicans were leaked to America's version of The Guardian newspaper.

The DOJ report says GAB investigators not only obtained, reviewed, categorized, labeled and organized private emails of Republican targets making campaign-related conversations -- they did much more.

Filed away were more than 150 personal emails between state Sen. Leah Vukmir, R-Brookfield, and her daughter, containing private medical information and other highly personal information. The report says those files were placed in an electronic folder called "Opposition Research." GAB staffers say the files were already labeled that way when they received them from prosecutors. Attorney General Brad Schimel says that isn't true, contending the "Opposition Research" file was created on a GAB computer.

More than 1,000 emails between a private Bible study group at Blackhawk Church in Middleton were gathered with pictures of a woman who was purchasing a dress, asking the email recipient how the dress looked on her.

DOJ says the examples are legion among more than 500,000 emails on GAB hard drives, which were sitting unsecured at the Ethics Commission months after the Wisconsin Supreme Court ordered the former GAB to be completely divested of all evidence.

That's why Schimel is urging that contempt citations be issued to several people Schimel believes violated court orders to stop looking at the John Doe evidence. Schimel wants other former GAB legal staff to be examined by the Office of Lawyer Regulation.

But a defender of the former GAB, Matt Rothschild of the Wisconsin Democracy Campaign, calls the DOJ report "A hack job." "It's a post facto justification for destroying the GAB," Rothschild says.

As for the predawn raids of John Doe targets homes decried by target Eric O'Keefe of Club for Growth, Rothschild says, "Prosecutors do what prosecutors do. They have a wide swath."

So, do Republicans in control of the Legislature. Senate Majority Leader Scott Fitzgerald, R-Juneau, wants Elections Commission Administrator Mike Haas and Ethics Commission Administrator Brian Bell to resign. Hearing that, Elections Commission Chairman Mark Thomsen said, "I think Donald Trump should resign, but so what."

The battles lines are drawn as Republicans could vote as early as Jan. 23 not to confirm Haas or Bell with the intent of making them go away. But the colleagues of the two men have no plans to replace them. It sounds like Wisconsin's version of a constitutional crisis.

"The John Doe was a multi-level conspiracy against free people," Republican Sen. David Craig, R-town of Vernon. "Private individuals' lives were ruined. For what?"

Rothschild says prosecutors were rightly investigating alleged violations of previous Wisconsin law regarding alleged campaign coordination with outside groups and alleged campaigning on state time.

But no judge ever ruled on the merits that the old statute was violated. Former state Supreme Court Justice Jon Wilcox agreed to a settlement with the old Elections Board after his 1997 campaign coordinated with a political advocacy group on literature targeting his opponent. The courts have only ruled that parties accused in the John Doe did not violate the old law. And the U.S. Supreme Court didn't hear the case.

Maybe we shouldn't do any more secret investigations unless a clear bipartisan agreement is reached on the merits of a law in the first place.

Mitch Henck is a Madison, Wisconsin based commentator, broadcaster and standup comic. The Mitch Henck Show streams at www.madisontalks.com and you can find Mitch's podcasts there. Watch Mitch's Daily Video Blog, "Two Minutes with Mitch," weekdays at madison.com.

Contact Mitch at: mhenck61@gmail.com