State of Wisconsin\Government Accountability Board

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JUDGE GERALD C. NICHOL
Chair

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Director and General Counsel

January 22, 2015

The Honorable Robin Vos
Room 211 West, State Capitol
Madison, Wisconsin

Dear Speaker Vos:

I am writing to you today concerning your inaccurate comments broadcast on NBC15 yesterday about the Government Accountability Board and its staff's involvement in the bipartisan, five-county John Doe investigation.

The story contains video of you saying: "The whole idea was to insure that the judges who were in charge of the G.A.B. are independent, but also that they are the ones who were actually working to make sure the system operates correctly." The reporter then paraphrases you: "Vos said staff members, like Kennedy have taken charge, instead of running ideas past the deciding board of 6 judges, he said they've just done things their own way, and that needs to change." The story cuts back to video of you saying: "We know that they were involved in the John Doe investigations with DA's in Milwaukee, we know they hired investigators to go and do that work without the authority of that G.A.B. Board of judges."

As you know, I have been a member of the Government Accountability Board since the beginning, and have been appointed by both Governor Doyle and Governor Walker. Although I am bound by the current John Doe secrecy order and the confidentiality statutes governing the Board's own investigations, I can tell you that all of the Board Members have been closely involved in overseeing all of the staff's investigative activities. And I can assure you that the staff has taken no action in these matters without the Board's full knowledge and prior approval.

Your criticism that the Board is beholden to the Director and his staff is just not true. Although the Board appreciates the staff and its dedication, the Board has always been informed, and has acted with proper oversight. Between meetings, the staff is in regular, daily contact by email or telephone. Numerous times the Board has disagreed with staff recommendations and has acted independently of those recommendations. To be clear, it is simply not true that Board staff has done things "their own way" without consulting the Board and carrying out its directions.

The members of the Government Accountability Board collectively have more than 120 years of experience as nonpartisan Circuit Court judges, so we do not undertake investigations lightly, and do not participate in fishing expeditions or partisan witch hunts. When the Board is presented with credible, hard evidence that the law has been violated, and when the Board finds a reasonable suspicion, an investigation is a proper use of public resources. It would be irresponsible for an agency charged with enforcement of the statutes to turn its back on such evidence and refuse to investigate to determine whether a violation has occurred. I can assure

you that regardless of which party the evidence points to, the Board would take the same position.

The Government Accountability Board members appreciate that this agency is a creation of the Legislature and the Governor, and that they have the right to make changes. However, the public debate about the G.A.B.'s future should be based on the agency's true record of accomplishments, not on unsubstantiated allegations.

Wisconsin needs and has a strong, independent watchdog agency to oversee elections, ethics, campaign finance and lobbying laws. Our state consistently ranks among the best in the nation in elections, thanks in many ways to our system of nonpartisan election administration. Despite our successes, the Government Accountability Board and its staff still have room for improvement, as detailed by the Legislative Audit Bureau's recent audit report. The Board and its staff are diligently working to fix the relatively minor problems that LAB identified.

Members of the G.A.B. would be happy to meet with you to discuss your concerns about the agency and to ensure you have all the facts as you consider legislative action.

Sincerely,

Judge Gerald C. Nichol
Chair, Government Accountability Board