The possible impeachment of a newly elected state Supreme Court justice is raising questions with political insiders

By WisPolitics.com

Assembly Speaker Robin Vos continues to talk about the possibility of impeaching liberal Justice Janet Protasiewicz, while state Democrat Party Chair Ben Wikler announces a $4 million campaign to pressure Republicans to back off the threat.

Insiders are asking:
What is the off ramp for the GOP Assembly speaker? And what’s the end game for the state Democrat chair?

And though it seems to many that an impeachment vote in the GOP-run Assembly is inevitable, insiders generally believe Republicans would like to avoid it entirely. They also ask just how effective a Democratic pressure campaign will prove to be. Insiders note if Protasiewicz agreed to recuse herself from the two redistricting suits pending before the state Supreme Court, the potential constitutional crisis would go away. But insiders also say there is almost no chance that happens.

For one thing, Protasiewicz made clear on the campaign trail that while she would step away from cases involving the state Democratic Party over the contributions it gave her campaign, she would hear a redistricting suit despite complaints from Republicans that she was biased after calling the maps rigged. As they’re asked about impeachment, Republicans continue to point to the $10 million from the state Democratic Party to argue Protasiewicz must recuse. No matter that it’s not a direct party in the two suits, they argue.

Republicans say the Democratic Party’s interests are so intertwined in the outcome that there’s no difference. After Democrats announced the $4 million pressure campaign, Vos said it wouldn’t make it more or less likely that Republicans would vote to impeach Protasiewicz. He also vows Republicans won’t back down.

Still, insiders parse Vos’ words carefully, particularly the part where he says Republicans would have to do an analysis of whether impeachment would be justified should Protasiewicz refuse to step off
the case. That, insiders say, fits with the perception that Republicans really don’t want to go through with such a vote. They’re just trying to pressure Protasiewicz to step off.

So when she doesn’t, then what?

Insiders aren’t sure if at least 50 of the 64 Assembly Republicans would vote to impeach Protasiewicz. But they’re pretty positive Republicans don’t have the 22 votes needed in the Senate to remove her. And even if they did, insiders note, it would just mean Democratic Gov. Tony Evers appointing a replacement who would be even more liberal than the former Milwaukee County Circuit Court judge.

Freshman state Rep. Scott Johnson, R-Jefferson, is one of the first Republican lawmakers to publicly oppose the effort, saying: “The people of Wisconsin have historically shown that they do not support
uprooting a duly elected official on the sheer basis of political disagreement. Our court has shifted in a new direction, which is the consequence of an election.”

To some, this is all about delay. If Republicans can just push things off long enough to keep the current maps in place for the 2024 election cycle, they could live to fight another day, maybe after taking their best shot at liberal Justice Ann Walsh Bradley in 2025.

To that end, some conservatives argue the GOP’s best bet is a due process argument before the U.S. Supreme Court. Persuade the 6-3 conservative majority that Protasiewicz’s participation is so problematic that the court either halts proceedings or overturns anything that comes from the Wisconsin justices. There’s no guarantee that gambit would work, insiders say. But it could at least slow
things down enough that there’s no time to put new maps in place.

That also plays into the perception some have that Vos, R-Rochester, is looking for a way off the impeachment path. Many insiders see it as a political loser overall; they also mention long-term damage it could do to Wisconsin’s institutions and the public perception of them. At the same time, some believe Vos has talked about the prospect so openly that he’s built up an expectation among the GOP base that it’s about to go to war over the issue. If he doesn’t push the issue, it could cause him problems with the very activists who have had doubts about his conservative bona fides due to his feud with Donald Trump.

It’s also why some question just what $4 million from Democratss would do. Sure, you can target vulnerable Republicans in targeted districts. But if those lawmakers think they’re going to lose their seats under new maps anyway, some ask, what do they have to lose? Some more strident Democrats believe pressure is pointless after what they’ve seen come out of the GOP majorities over the past dozen years. Never defend, they say, attack. And that means saber-rattling about recalling conservative justices Rebecca Bradley or Annette Ziegler as a show of force. Others remember how that backfired on Democratss against Scott Walker in 2012 and say there’s a wiser path.

Sure, Wikler isn’t likely to change the minds of Republicans intent on going after Protasiewicz. But the pressure campaign is going to be a fundraising boom for the party. What’s more, it’s given Democrats a way to get engaged in this fight. And the party’s allies are not only doing their part through a paid media campaign, they’re laying an early foundation to get donors even more fired up about getting involved in
Wisconsin going into 2024. The Democratic message – this isn’t just about “fair” maps but an attempt by Republicans to protect the state’s 1849 abortion ban.

Some also argue Wikler had no choice but to find a way to counter the GOP talk of impeachment. As state chair, you can’t sit on the sidelines when a fight like this is brewing. But now what? Insiders
sketch out scenarios of the timing of impeachment and what it would mean for a new appointment, if it could result in another Supreme Court race this spring and how it all would impact the court’s progress on a host of issues.

Others, though, bemoan the gradual erosion of the guardrails that used to exist to preserve “normal order” in Wisconsin politics. After a dozen years of high-stakes battles and elections, the state is heading
into 2024 amid national headlines over GOP efforts to remove the state’s top elections official and possibly impeach a newly elected justice. It is a troubling reminder to some that politics is all about
power and keeping a hold of it.

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