

George Brauchler, February 2012

In your words, what is the Constitution of the United States?

The U.S. Constitution is the defining document of our federal government. Chief among its strengths is its language of limitation on the exercise of power by the federal government over the states and the individual. Through the first ten amendments to the Constitution—the Bill of Rights—and the 14th Amendment, the Constitution provides specific protections for individual rights from the federal and state governments. All exercise of governmental authority, especially by the District Attorney, must be done with an understanding and respect for the limitations imposed by our Constitution.

Who is your favorite Justice on the current U.S Supreme Court and why?

My favorite U.S. Supreme Court Justice is Antonin Scalia. He is courageous in his dissents. He is equally persuasive when he is in the majority, as well as the in the minority on opinions of consequence. He is close to an “originalist” in his interpretation of our Constitution. That is, Justice Scalia seeks to objectively understand what was original intent the drafters of our Constitution, as opposed to treating the Constitution like a “living document,” which is interpreted to meet some justice’s subjective opinions of what the Constitution “should” say.

What is your opinion of the ROE v. Wade decision?

The practical result of Roe v. Wade was to take away from states the ability to debate and enact laws which reflect the will of those who are governed by them. Some states may have chosen very strict pro-life laws; others may have chosen very liberal pro-abortion laws. Many others may have chosen something in between. Perhaps the country would have enacted an amendment to the Constitution to reflect the will of the nation on this critical issue. We will never know. Instead, a handful of men interpreted the Constitution to deprive those who are governed by our laws from having any meaningful opinion or debate about them. I am pro-life. I believe that the results of the Roe v. Wade opinion are wrong and do not make us a better people. I believe that Roe v. Wade was decided based on a claimed right that was interpreted from—not expressed within—our Constitution.

What is the proper role of a District Attorney?

The proper role of our District Attorney is to seek justice in the exercise of the massive power of the state in enforcing our criminal laws within our community. As the chief law enforcement officer of the community, the District Attorney is charged with no less than seeking justice in all cases brought before them.

Being DA is about more than seeking convictions, or incarcerating the most number of people, or filing the more habitual criminal cases than the rest of the state combined, or blaming policy for the indiscriminate use of the DA's awesome power. Seeking justice involves a case-by-case evaluation of the facts, the defendant, the victim, and the community. The DA improves their ability to obtain justice and protect the community by recruiting, training, and retaining the best prosecutors possible. It means rebuilding relationships with law enforcement agencies to ensure that we are efficiently and effectively working towards the same goals. The DA must be a leader in the community and the criminal justice system, not just in our community, but at the state level as well. I will be that leader.

If citizens suspect corruption in any part of their County government, what should they do?

If citizens suspect corruption, they should confront it head on. Whether it is through the use of our Colorado Open Records Act, addressing the issue directly to the public officials suspected, or reporting suspected corruption to local law enforcement or the District Attorney, citizens maintain control over their government by holding it accountable for all that it does, both good and bad. Corruption and rumor hate daylight. We must substantiate or dispel concerns about the legitimate exercise of governmental power quickly and justly.

What makes you the best choice as our new District Attorney?

Proven leadership—unmatched experience. I am the best choice for District Attorney for several key reasons. We have not elected someone from outside of the DA's bureaucracy to take over the leadership of that bureaucracy since before we landed on the moon. There is no other governmental agency with such stagnation on leadership. By honoring me with your vote for DA, we will immediately end this 43 year-long grip on power and transform this office into a government "of the People" by making it "by the People."

As the only candidate who has been a successful leader as a military officer, Chief of Military Justice here and in Iraq, a Deputy DA, and in the private sector, I have the ability to hit the ground running in changing the culture and policies of our DA's office. I am the only Non-Establishment candidate who has ever led prosecutors, prosecuted a criminal case, or conducted a jury trial.

I am also the preference of law enforcement officers across our jurisdiction to lead and repair the fractured relationship between current DA's office and the men and women who patrol our streets and help to keep us safe; go ahead and ask them who they want to take over the DA portion of this critical public safety relationship.

Finally, I am the candidate with a vision to proactively move our stagnant office forward. The remaining answers on this webpage detail some of my goals, including recruiting, training, and retaining the best, most courageous team of prosecutors we have seen in many years.

Are you going to keep the current DA on staff?

No. There is no successful organization in America—private, public, or military—that plays musical chairs with its leadership. Such a practice is rightfully called “cronyism” and it has no place in representative government. The benefits of an election must surely be more than moving furniture and nameplates round the corner office of the DA building. We will rebuild and revitalize the DA’s office from the very top.

Have you ever run for elected office before and if so, what happened?

Yes. I sought this same office in 2008, when I ran against the then-incumbent DA, Carol Chambers, at the repeated request of law enforcement officers across our community. Despite entering the race only six months prior to the primary, we ran a vigorous and positive campaign that put us on the verge of victory. Unfortunately for our campaign, personal injury attorney Frank Azar created a 3rd party political action committee by himself with \$75,000 of his own money and used it to mail numerous pieces of political literature strongly supporting the incumbent’s re-election. Despite being outspent nearly 4-1, we earned the votes of more than 2 out of 5 Republican voters.

My family and I have lived in our community for more than 15 years. I have never run for any office in any other community, nor have I moved into our community in order to run for any office, including this one.

What is your approach to illegal immigration?

Illegal immigration is a federal issue with significant local repercussions. The federal government’s failure to appropriately address this issue has placed significant burdens on our law enforcement agencies and court system. Although the problem of illegal immigration is beyond the purview of the DA, I will not permit the authority of the DA’s office to be used to provide plea bargains or other considerations more beneficial to an illegal immigrant than to any other lawfully present defendant under similar circumstances.

How will you enforce existing laws and prevent the passage of lesser/softer laws?

Something long missing from our DA's office: pro-active leadership. I will immediately join 2 separate, statewide organizations that impact legislation affecting the safety of our community. As District Attorney, I will protect our community by fighting changes to our laws that put our families and children at greater risk and by fighting for laws that better protect us. For example: in 2008, then Governor Bill Ritter created the Colorado Commission on Criminal and Juvenile Justice. The Commission advocates and lobbies for changes to our laws making it more difficult to sentence criminals to prison. One such change in the law advocated by the Commission is reducing the penalty for selling illegal drugs within 1000 feet of a school and applying that penalty only within 100 feet of a school.

Our District Attorney's office is the only one completely absent in the metro-area on this Commission's committees and subcommittees. We have no voice on this Commission with these potential and significant changes to the laws that protect our children and our neighborhoods.

As your District Attorney, I will give us that voice and finally provide us the representation the current administration has failed to achieve on this Commission for more than 3 years and any other commission that may affect the laws protecting our community.

Another example: the Colorado District Attorneys Council (CDAC) is the most important and influential prosecutor organization in Colorado. It serves three main functions for District Attorneys. CDAC provides training for new and experienced prosecutors alike. CDAC lobbies the state legislature on behalf of all member District Attorneys against changes to our state laws that put our communities and families at greater risk, as well as lobby for laws that provide us greater protection. CDAC also acts as a clearinghouse of significant information about criminal defendants by pulling together and synchronizing criminal justice information from three separate databases unavailable to non-members of CDAC. It is highly efficient and resource-saving "one-stop shopping" for prosecutors about the defendants and cases they prosecute.

Our District Attorneys office dropped out of CDAC years ago. As our District Attorney, I will re-join CDAC, not just to be a member of this important organization, but to influence and help guide CDAC to best protect our community from negative changes in our state laws.

How will you increase efforts to take cases to trial?

The guts to go to trial when justice demands, even on a hard case, and the skills to be successful in trial, are prerequisites to being a successful prosecutor. Plea bargains are necessary in our system to obtain justice and secondarily, as a reality of our limited resources...BUT, we should always negotiate and plea bargain from a position of strength. Defense attorneys know who has the will and ability to back up their plea bargains in trial. They also know who doesn't. With a Douglas County DA's office that wins only 40% of its domestic violence and child abuse misdemeanor charges at jury trial, and less than 2 out of 3 of its felony charges that go to a jury, it is no wonder that our judicial district has become the Plea Bargain Capital of Colorado. Since 2005, Boulder has done more felony jury trials than comparably-sized Douglas County. The Douglas County DA's office has averaged less than 2 felony jury trials per month since 2005. We can and we will do better than that. We will recruit, train, and retain the best, gutsiest prosecutors we have seen in a long time.

Can you tell us how your personal religious beliefs affect your concept and practice of justice?

I am Catholic. I believe that there is empirical evil and genuine goodness in the world. I believe that mankind is capable of great goodness and unspeakable evil. I believe that a person who has wronged his neighbor or his community can be redeemed and rehabilitated, if it is in his heart to accept responsibility for his conduct and change. I also believe that a person who violates our laws is not necessarily a bad or evil person, or that even their conduct is necessarily evil. I believe that the burden of free will and liberty is the obligation to take responsibility for one's conduct. Where that does not happen, it is the responsibility of the community—through a prosecutor—to force that responsibility upon the person. Our Constitution, laws, and sense of justice are based upon Judeo-Christian values. While religion should not be the basis for running a governmental office, it is difficult to imagine a District Attorney who is personally without faith, unanchored to fundamental values, and instead left to the whim of changing secular views of right and wrong.

What will you do to support my 2nd Amendment rights?

I am a gun owner and Army-trained expert in marksmanship. I value the 2nd Amendment and I have trained future police officers and sheriff's deputies for more than 10 years on the Constitution and its Amendments. I will ensure that our DA's office uses appropriate discretion in making the decision whether to prosecute lawful gun owners for crimes based on their possession of firearms. For example, only 2 metro area DA's offices prosecuted more MISDEMEANOR (non-violent) gun crimes in 2009 than they did in 2006: Boulder and...our current DA's office.

How will you prioritize Elbert County with other jurisdictions?

For too long, Elbert County has been viewed as a 2nd cousin to large Arapahoe County and rapidly growing Douglas County. Elbert deserves a prosecutor and judge who either come from this community or call this community home, not just “penance” while they wait to rotate back to the larger counties. We need to invest in bringing those who will represent Elbert County in court...to Elbert County. I will also make it a priority to continue to come to Elbert County on a regular—not yearly—basis to meet with elected officials and attend community breakfasts and other events. I am honored to have earned the endorsement of Senator Greg Brophy, who knows that my commitment to this great community and its values is sincere.