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★ ELECTION 2012 | MARICOPA COUNTY ATTORNEY

## Kielsky takes on Montgomery

Libertarian aims to put up fight vs. GOP incumbent

By Michael Kiefer

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In the race for Maricopa County attorney, a heavily favored Republican incumbent is being challenged by a Libertarian who has run twice before for the office.

County Attorney Bill Montgomery, who took office after winning a special election in 2010, is facing Libertarian opponent Michael Kielsky. The Democratic Party did not slate a candidate in the race.

One of the sharpest contrasts between Montgomery and Kielsky is views on enforcing laws. Montgomery presents himself as a law-and-order stalwart who, in his career as a prosecutor, has pursued tough sentences. Kielsky's main campaign promise is that he will not prosecute victimless crimes such as marijuana possession and prostitution, using the slogan, "No victim, no crime, no time, no fine!"



Bill Montgomery



Michael Kielsky

Montgomery, 45, has done no television campaigning and bought no print ads. He and Kielsky will participate in a lunch forum tentatively set for Monday at the Phoenix School of Law.

Kielsky, 48, says, "It will be my most successful run yet" because the voters of Maricopa County will express their dissatisfaction with Montgomery's first two years as county attorney.

The last general election for Maricopa County attorney, in 2008, was a horse race in which then-incumbent Andrew Thomas edged out Democrat Tim Nelson.

But less than two years later, the Maricopa County Attorney's Office was thrown into turmoil because of Thomas' skirmishes with judges and county offi-

cials. Thomas resigned to run for Arizona attorney general.

Former County Attorney Rick Romley battled against Montgomery to replace Thomas, but Montgomery, the party's preferred candidate in the Republican primary, won and then rolled over Kielsky in the November 2010 special election.

Montgomery's tenure has been relatively uneventful compared with Thomas'; he has presented himself as a conservative lawman in contrast to Thomas' anti-corruption crusader. Montgomery has gotten criticism from political pundits for not pressing criminal charges against politicians who allegedly took favors from the Fiesta Bowl or against Arizona Attorney General Tom Horne for possible campaign-finance violations. Horne defeated Thomas in the 2010 GOP primary for attorney general.

Montgomery said that there was insufficient evidence to warrant criminal charges and that seeking indictments "opens me up to criticism that there was a political reason to get an indictment."

Tempe-based polling expert Michael O'Neil said he thinks a

Democratic opponent could have capitalized to some degree on the lack of prosecutions.

"You could say he's protecting his cronies and build a campaign on that," O'Neil said. But "nobody is willing to step up for a race that they would definitely lose."

Montgomery moved to improve relations with county managers and the county Board of Supervisors, and his press conferences often focus on community activities such as shred-a-thons to combat ID theft or anti-drug programs.

On broader political issues, Montgomery has hewed to Republican Party positions, such as supporting Senate Bill 1070, the embattled Arizona immigration law. In addition, he will defend the state's ban on abortions beyond 20 weeks of pregnancy before the 9th U.S. Circuit Court of Appeals next month.

He has been outspoken against Proposition 121, which would create an open primary system instead of separate primaries for each political party. He also has opposed the successful citizens' initiative that allows for legal medical use of

marijuana. Kielsky supports decriminalization of marijuana.

Kielsky, a former head of the Arizona Libertarian Party, ran for a seat on the board of the Central Arizona Water Conservation District in 1992. He then ran for justice of the peace in 2002, Congress in 2004 and county attorney in 2008 and 2010.

As in his past campaigns, Kielsky, who has been an attorney since 2006, does not take stands on major political issues, instead focusing on not wasting resources by prosecuting victimless crimes, saying this will save money, lower the prison population and provide greater freedom and justice. He said he would not devote resources to prosecuting minor drug-possession charges, prostitution or immigration offenses.

"The job of the county attorney is to help protect individual rights by prosecuting those who harm other people," he said. "Bill Montgomery, like his predecessor, is spending a lot of resources on prosecuting people who aren't hurting anyone."

"How about if we just focus on the core issues of that office?" he said.