

Supplement

07/06/11 Detective P. Hansen CONTACT WITH JUSTICE MICHAEL J. GABLEMAN

CONTACT:

Justice Michael J. Gableman
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Wisconsin Supreme Court Justice

CONTACT INFORMATION:

On July 5, 2011, at approximately 1:00 p.m., Detective Sabrina Sims and myself met with Justice Gableman in his office at the state capitol building. Both Detective Sims and myself identified ourselves as detectives with the Dane County Sheriff's Office. I informed Justice Gableman we were there to speak with him in reference to the incident, which occurred on June 13, 2011 in Justice Bradley's chambers. I gave Justice Gableman a brief synopsis of what we knew in regards to the events that led Justices Ziegler, Prosser, Roggensack and himself to come to Justice Bradley's office on the evening of June 13, 2011. When I was done giving the brief synopsis, I asked Justice Gableman if what I had just said was accurate, and if so to continue on with the following events that occurred in Justice Bradley's chambers to the best of his recollection.

Justice Gableman said I was not entirely accurate with my synopsis. Justice Gableman had stated all of the people on the court had agreed the Thursday prior to this incident that a press release would be sent out by Monday, June 13, 2011, regarding their decision. Justice Gableman said when they went to Justice Bradley's office to speak with the chief justice; they were going there to find out whether or not the press release was going to be sent out and to come up with a compromise. Justice Gableman said, "it was David's idea for diplomacy" and it was Justice Prosser's idea to compromise with the chief justice. When they were discussing the press release in Justice Bradley's chambers, the chief justice told them she might not be ready for a press release that day, the next day, or maybe not until the end of the month.

Justice Gableman said he was standing in Justice Bradley's assistant's office, approximately 6 to 8 feet back from Justice Bradley's office door. He described Justice Prosser as being to his left, approximately 5 to 6 feet from him and on the left side of the door as he was facing it from the outside of Justice Bradley's office. Justice Gableman believed that Justice Roggensack was on the right side of the door where he was, but closer to the door. Justice Gableman said he could not recall the location for Justice Ziegler during this incident.

Justice Gableman said after the chief justice told them that she might not be ready with her decision until the end of the month, Justice Prosser then, while hunched forward and hands together as if he was praying, said in a "meek and intently sincere" voice, "Chief I have lost total confidence in your leadership." Justice Gableman said he was not shouting, there was no volume to his voice, there was no swearing, it was not said in a hostile way, and added that it was "a fairly unremarkable comment".

Justice Gableman said it was this comment that he believes prompted Justice Bradley to rush over to Justice Prosser. Justice Gableman said he had not seen Justice Bradley in her office from where he was standing, until she was "rushing towards Justice Prosser" out of her office. Justice Gableman said Justice Bradley got within approximately one foot of Justice Prosser and had what he believed was her right fist in his face. Justice Gableman said he recalled Justice Bradley's blue glasses in her right fist at this time because he remembered thinking that her glasses were about to break. Justice Gableman said Justice Bradley's fist was going towards and away from Justice Prosser's face in almost a punching motion. Justice Gableman said he wanted to make clear that Justice Bradley's fist was not going up and down, but rather in and out towards and away from Justice Prosser during this incident. Justice Gableman said Justice Bradley's fist was in Justice Prosser's face and came within about an

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inch every time she would extend her fist while speaking to Justice Prosser. Justice Gableman said Justice Bradley was telling Justice Prosser, "You have no right to talk to the chief justice that way." Justice Gableman said Justice Prosser had "a look of shock and surprise" and described him as "looking up" at Justice Bradley. Justice Gableman believes Justice Bradley is a little bit taller than Justice Prosser. Justice Gableman then used the analogy of a photograph regarding President Johnson where he is talking to and leaning over a senator. Justice Gableman said President Johnson was a tall man and was hovering over the senator. Justice Gableman said it was a famous photograph, and used the description of this photograph to describe how he believed Justice Bradley was leaning over Justice Prosser.

Justice Gableman said he recalled Justice Roggensack saying, "Ann this isn't the person you are. This isn't you." Justice Gableman believed Justice Roggensack was pulling on Justice Bradley's left arm at this time. Justice Gableman said Justice Prosser raised his hands and "pushed" Justice Bradley in "a defensive move". Justice Gableman said he believed Justice Prosser's hands were on the area where the shoulders meet the neck on Justice Bradley at this time. Justice Gableman said it was not a violent push, and after a brief pause he recalled Justice Bradley saying, "you choked me, you choked me." Justice Gableman said he immediately responded to Justice Bradley by saying "he didn't choke you, he pushed you to get your fist out of his face."

Justice Gableman said at this time his mind also went back to September 18, 2008, a date that he recalled because it was his birthday. Justice Gableman said he had been on the court for approximately one month at the time, and while in a meeting with the other justices, Justice Crooks was reading the horoscopes. Justice Gableman said he remembers making a comment to the chief justice in a joking manner and used her first name, Shirley, during this comment towards her. Justice Gableman said right after he said the chief justice's first name, Justice Bradley came over to him, hit him on the back of the head and told him that he needed to show respect to the chief. Justice Gableman said that he believed Justice Bradley was not joking because nobody was laughing at the time. Justice Gableman said he has not told anyone about that incident and has not talked about that incident with anyone, including Justice Bradley, after it happened.

Justice Gableman again was describing Justice Bradley's fist as moving toward and away from Justice Prosser's face, and she was "maintaining control within an inch from his face." Justice Gableman believed Justice Bradley's fist was in the region of his nose, but more towards his (Justice Prosser's) left cheek.

We asked Justice Gableman to be as specific as possible in regards to Justices Bradley and Prosser's hands or fists and each of their positions as Justice Bradley approached Justice Prosser. Justice Gableman said he believes that Justice Prosser's reaction to Justice Bradley was "imminently reasonable." Justice Gableman said he believed Justice Prosser had two choices as Justice Bradley rushed towards him. Justice Gableman said Justice Prosser would have had to step back, but he was not sure if he had room based on the close quarters in the assistant's office where this happened. Justice Gableman said he believes Justice Prosser was in a "physically vulnerable position while looking up." Justice Gableman said he believes Justice Prosser made a "subconscious reaction" to Justice Bradley because she had her fist in his face. Justice Gableman said when Justice Prosser pushed Justice Bradley back with his hands; he did not think that she moved far back at all, if at all. Justice Gableman said as soon as Justice Prosser's hands came off of Justice Bradley, he believed she was in the same spot that she had been when she first approached him. Justice Gableman said he was not sure if Justice Bradley's fist was raised as she came out of her office, but he did recall her glasses in her hand and again said he was surprised that they did not break. Justice Gableman again said Justice Bradley's fist was going toward and away from Justice Prosser's face versus an up and down chopping manner. Justice Gableman said he believes Justice Bradley had put her fist in his face approximately three times. He stated he could not recall exactly how many times, but said it was at least three, maybe four times. Justice Gableman did not believe Justice Prosser said anything while Justice Bradley was in his face.

We asked Justice Gableman to describe Justice Prosser's hands as they made

physical contact with Justice Bradley. Justice Gableman said his hands were "on an area of the shoulders where you would push someone if you were trying to get that person away from you." Justice Gableman believed Justice Prosser's palms were open at this time and were never over her shoulder or around her neck at any point. Justice Gableman believed his fingers were pointing up at the time. Justice Gableman did not believe Justice Prosser made contact with Justice Bradley's neck at any point, and again said he believed that Justice Prosser was trying to get Justice Bradley away from him. Justice Gableman said it seemed like a "vast predominance of hands on her shoulders." Justice Gableman also said "it did not appear that he choked her." Justice Gableman said nothing was obstructing his view during this time and nobody had stepped in front of him to prevent him from seeing this incident completely. We asked Justice Gableman if Justice Roggensack had stepped in his view at any point and he said she did not. He said she was standing behind Justice Bradley at this time and pulling back on her left arm, but she had never obstructed his view of this incident.

Justice Gableman said there was a brief pause, Justice Bradley then said, "you choked me, you choked me". Justice Gableman responded to Justice Bradley telling her he did not choke her but rather pushed her away because her fist was in his face. Justice Gableman believes that he and Justice Prosser then stepped out of Justice Bradley's office. Justice Gableman said Justice Prosser did not make any comments about the incident to him at the time, but he recalls telling Justice Prosser "that was crazy." Justice Gableman also added "everything was so odd, to say that Prosser choked her is bizarre." Justice Gableman said as he and Justice Prosser left, he went into Justice Prosser's office momentarily and said that Justice Prosser did not make any comments about the incident. Justice Gableman described the incident as "it was new territory", and added that it felt like Justice Bradley had acted disproportionately to the circumstances. Justice Gableman again said Justice Prosser seemed very shocked about the incident and did not talk about anything.

Justice Gableman said he believes he shared the incident with other people, but he could not be specific on who he may have talked to. Justice Gableman said he knows that he never described the incident in detail, but had maybe said in passing that the entire incident was crazy. Justice Gableman believed that Justice Prosser was in a vulnerable posture at the time and again said he believed that Justice Prosser had two choices. One being to step back and the other one to do what he did. Justice Gableman again said Justice Prosser's reaction seemed "imminently reasonable."

We asked Justice Gableman to describe the relationship between Justice Bradley and the chief justice. Justice Gableman said they have a very close relationship and described them as having a mother/daughter relationship. Justice Gableman said he has witnessed the two of them walking around arm in arm in the past. Justice Gableman again recalled the incident from September 18, 2008 when he was hit on the back of the head by Justice Bradley and was told by Justice Bradley to show respect to the chief justice.

Justice Gableman said he has never heard of any other physical incidents between the justices in the past. We then asked Justice Gableman to discuss any outbursts that he has witnessed in regards to Justice Prosser. Justice Gableman said the only time he has witnessed Justice Prosser getting angry or upset is when he believes Justice Prosser thinks that there is about to be an injustice or that somebody is "going to get the shaft" Justice Gableman said he has never seen a reaction from Justice Prosser that would make him think, "boy there's something wrong with this guy." Justice Gableman said that he has witnessed Justice Prosser talk "outside the tenor of his voice," but added that he has not seen anything that was irrational from Justice Prosser.

We asked Justice Gableman to talk about the meeting on June 15th with all of the justices as well as Chief Charles Tubbs and Margaret Brady. Justice Gableman said Justice Bradley had sent out an email for all them to meet on June 15 at 8:30 to discuss workplace safety. Justice Gableman said he recalled that at that time they were all supposed to have their photograph taken with their law clerks and assistants. Justice Gableman said that Chief Tubbs was at the meeting to act as some sort of mediator between all of them. Justice Gableman said he knows that Chief Tubbs and Justice Bradley are personal friends and they go way back. Justice Gableman said he recalls Chief Tubbs telling them that

they are there to "recognize that workplace violence is never acceptable." Justice Gableman said all of them agreed that workplace violence was not acceptable. Justice Gableman recalled Chief Tubbs asking all of them to commit to a workplace environment that was free of violence. Justice Gableman said he recalls Justice Bradley telling them her husband told her to get a restraining order against Justice Prosser. She also said that she was not going to do that unless they all voted for Justice Prosser to get counseling. Justice Gableman recalled Justice Roggensack making the comment that she did not believe she had the authority to vote for something like that and added that if she could, she would vote for Justice Bradley to get anger management as well. Justice Gableman also recalled Chief Tubbs referring to Justice Bradley as a victim from this incident. Justice Gableman said he recalls telling Chief Tubbs to use caution with the term victim until he hears from all sides of the incident.

Justice Gableman then recalls the chief justice and Justice Bradley asking if it was okay if somebody places their hands on someone's neck in anger. Justice Gableman recalled this as being very strange because nobody else had used the term chokehold during the meeting. Justice Gableman said that he wanted to make clear that at no point was Justice Bradley ever put in a chokehold. Justice Gableman said the chief justice demonstrated what had happened between Justices Prosser and Bradley on June 13 on Chief Tubbs. Justice Gableman said the chief justice was putting her hands around the chief's neck and Justice Roggensack said, "David never choked her." Justice Gableman remembered Justice Bradley saying at that time "that's because you pulled me back."

Justice Gableman believed during this meeting that Justice Prosser gave his version of what happened as well, but he could not recall exactly what he had said. He did remember that Justice Prosser had said that nobody was acknowledging the threat that Justice Bradley was making in regards to Justice Bradley wanting counseling for him or she would go public with this.

Justice Gableman recalled Margaret Brady taking notes during this meeting. He asked Margaret what the notes were for. He remembers Margaret responding by saying she always takes notes in meetings like this and he asked for a copy of those notes. Margaret said that the notes were her personal notes and refused to give him a copy of them. We asked Justice Gableman if he had taken notes on this incident as well and he stated that he had written notes down on his computer as well as on paper. Justice Gableman said that he was not going to give us his notes that he had put in his computer, but he would allow us to review his notes that he wrote on paper.

I reviewed the notes that he gave us, which were dated June 15, 2011, beginning at 8:32 a.m. The note starts out with Justice Gableman jotting down comments made by Justice Bradley talking about how she wants to deal with the physical and verbal abuse internally. Justice Gableman wrote a comment by Justice Prosser saying ". . . when SSA refused to issue any kind of an order, it was a willful countermanding of a decision of a court. AWB rushed me with fist in my face. I didn't move. I instinctively pushed her. She was right in my face and fist was in my face. It was an instantaneous reaction." Justice Gableman goes on to write a further comment by Justice Prosser saying, "this is a great job. For years, two members of this court have been for years trying to make this job as unpleasant as possible for me and for other members of this court." Underneath this, it says "- calculated scheme of bullying and abuse - I'd testify to that in court." Justice Gableman also wrote down a comment by Justice Bradley saying, "I do have our answer. This is not about digging deep. This is not about forming a study committee. I want counseling for Dave." Justice Gableman wrote down a comment by Justice Roggensack who said, "I think you need counseling for anger management. Conduct was out of line on both your parts." The last comment I wrote down from Justice Gableman's notes was a comment by Justice Prosser who said, "I have not heard any recognition on the part of one and two that they are ever a part of the problem. We heard a threat from two that unless she gets what she wants she will go public."

Justice Gableman's notes appeared consistent with his statement.

Justice Gableman said "one" is the chief justice and "two" is Justice Bradley. Justice Gableman said they are all numbered one thru seven based on seniority with him being number seven since he is least senior.

Justice Gableman said he could not recall anything else other than what he had described to us. Justice Gableman said we were free to contact him if there were any further questions for him, and he would contact us if he could recall anything else as well. Our contact with Justice Gableman ended at approximately 2:45 p.m.

END OF REPORT

Detective Peter Hansen
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Investigative Services Bureau

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