

August 27, 2011

Wisconsin Supreme Court Police Report Excerpts by Eric Rasmusen, attempting to extract the important information and to be fair to both sides (though at the end I find myself on Justice Prosser's side)

In brief: Wisconsin Supreme Court Justice Bradley says that Justice Prosser put her in a chokehold one night while she, he, and 4 other justices were in a heated discussion in the doorway to her office (Justice Crooks was not present). Justice Prosser says that she charged at him and he merely happened to touch her neck while trying to fend her off. Justice Bradley's clerk was in the next room and heard something of what happened. Justice Bradley complained to the police, who did the interviews whose reports are excerpted below.

This file: <http://goo.gl/3GwpC>

From the police reports at:

<https://s3.amazonaws.com/s3.documentcloud.org/documents/239011/prosser-v-bradley-investigative-file-released.pdf> (including written submissions of witnesses)

<http://bloximages.chicago2.vip.townnews.com/host.madison.com/content/tncms/assets/v3/editorial/4/c3/4c314d8a-cff8-11e0-b72d-001cc4c03286/4e57bc07d217d.pdf.pdf> (just the police interview write-ups, but OCR'd so you can word-search it)

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WHAT JUSTICE BRADLEY SAID: (a liberal Justice)

Justice Bradley told Justice Prosser "Buddy don't raise your voice again. I'm no longer willing to put up with this." Justice Bradley described how she was now standing close to Justice Prosser and was "face to face to confront him." Justice Bradley stated she was pointing with her left hand towards the door that was behind him and said, "You get out of my office." Justice Bradley stated her intention was to get close to him to make sure he knew that she meant it. Justice Bradley said she wanted to look him in the eyes and recalled that she did not point at his face, but was pointing over his right shoulder towards the door that was behind him.

Justice Bradley said it was at this point Justice Prosser grabbed her by the neck in what she described as a "choke hold." Justice Bradley did not recall Justice Prosser squeezing or applying pressure around her

neck. Justice Bradley could not describe how many seconds Justice Prosser's hands were around her neck, but she did recall being able to yell something to the effect of, "Get your hands off my neck."

Justice Bradley stated Justice Roggensack pulled her back and away from Justice Prosser. Justice Bradley recalled moving towards her doorway and being pulled back towards her office door. Justice Bradley did not know if anyone had pulled Justice Prosser off of her, but did recall that Justice Gableman and Justice Prosser left her assistant's office immediately. Justice Bradley recalled right after or as she was pulled away by Justice Roggensack, Justice Roggensack said, "Ann, this isn't like you, you charged at him." Justice Bradley stated she responded by saying, "I didn't touch him at all."

Justice Bradley did recall that as she spoke directly to Justice Prosser, she had her left hand up and was pointing her left index finger toward the main office door. Justice Bradley said her right hand was down towards her side and she did not believe that she lifted her right hand during the entire incident.

Justice Bradley described Justice Prosser's hands as "making contact with the skin around my neck like a full circle". Detective Hansen asked Justice Bradley if an accurate description would be skin-to-skin contact around the circumference of her neck and she replied yes it would. Justice Bradley thought that Justice Prosser's hands were on her neck for a few seconds.

As Detective Hansen and I were speaking with Justice Bradley about the details of the incident, she did begin to cry and was emotional throughout her whole description of the incident.

Justice Bradley described Chief Tubbs as trying his best to mediate. Chief Tubbs told the group that hands around the neck is not acceptable and he wanted a commitment from the court of no violence in the workplace. Justice Bradley said she did not take notes during the meeting until the very end when Justice Prosser started talking. Justice Bradley said at no time during this meeting did any of the other justices suggest that she had touched Justice Prosser in any way on June 13, 2011.

Justice Bradley described Justice Prosser's behavior as escalating over the years. Justice Bradley said Justice Prosser would go, "Months without having outbursts, but then just goes off." She also said, "You never know what will set him off." Justice Bradley also feels as though Justice Prosser is paranoid and feels like it is getting worse. Justice Bradley feels as though Justice Prosser's anger is focused towards Chief Justice Abrahamson.

JUSTICE BRADLEY (SECOND INTERVIEW)

We then asked Justice Bradley if she recalled an incident from September 2008 in which Justice Gableman may have made a comment to Chief Justice Abrahamson in which he called her Shirley instead of Chief Justice. We asked if she remembered telling him that he was being disrespectful by not calling her Chief Justice. Justice Bradley said she did not remember any comment by Justice Gableman as being disrespectful, and she did not recall ever responding to or addressing any disrespectful comment made by Justice Gableman. When we addressed this with Justice Bradley she began to tear up, shook her head and said she could not believe what other people were saying. Justice Bradley said she has "never touched another justice in anger." Justice Bradley said she has touched other justices in the past in gest, but added that if somebody claimed that she had ever touched another justice in anger, she said "absolutely not."

Justice Bradley said as she was approaching Justice Prosser on June 13, "I was in control, I knew exactly what I was doing." Justice Bradley said when she approached Justice Prosser, she said to him, "Buddy, get out of my office." Justice Bradley said she remembers specifically saying the word "buddy" to him as she was telling him to leave her office.

Justice Bradley again said she knew exactly what she was doing and saying to Justice Prosser on the evening of June 13, and added, "I intended to do it just the way I did it." Justice Bradley repeated several different times during our conversation with her that she was in control on June 13, 2011 and she knew exactly what she was doing the whole time.

Justice Bradley then said, "This aggressiveness they are trying to spin is not true." This comment was made in response to the questions we had asked her in regards to the Justice Gableman incident, as well as other stories that she said she had been hearing about how this incident took place. Justice Bradley said she has never approached anyone with a fist. Justice Bradley stated that she uses her hands to talk continuously and it is not uncommon for her to point or use her hands as she is talking to someone, and she has been doing that since she was a schoolteacher.

Justice Bradley broke down crying again and said that currently she has the police on speed dial while they are in conference because she is in fear for her safety. I asked Justice Bradley if that is in reference to her personal safety in general or if it was her safety from a specific person. Justice Bradley said her safety issues are directly in regards to Justice Prosser. Justice Bradley also added that there were wonderful things to say about Justice Prosser, and added, "but he needs help."

Justice Bradley broke down crying several times while speaking to her about this incident. It was clear Justice Bradley was disturbed by this incident from June 13, 2011, and she was also disturbed about the different things people were saying about her, and what was being said about this incident. Justice Bradley had to excuse herself at one point because she had broke down crying. Justice Bradley said for someone to say that she had raised a fist to somebody would be completely out of character for her. Justice Bradley said her pointing towards the door while approaching Justice Prosser was in character for her.

We asked Justice Bradley if we could have her physical description and she stated she was 5'3" and 131 lbs.

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WHAT JUSTICE DAVID PROSSER SAID: (a conservative Justice)

Justice David T. Prosser Jr. Male white DOB 12/24/42 Height: 5'9"  
Weight: 165 lbs

Justice Prosser said immediately after he made this comment to the Chief Justice that Justice Bradley "charged me." Justice Prosser also described it as, "she exploded out of that room." Justice Prosser said prior to charging him, he said he believes that she was approximately two feet from the threshold of the doorway, inside of her office. Justice Prosser said she had gone approximately five feet total to get from where she was to him. Justice Prosser said he did not believe he moved an inch, he knew he never moved towards her, but he does not recall if he moved back at all. Justice Prosser said he could not initially exit because of the credenza behind him.

Justice Prosser said as he was telling the Chief Justice that he has lost confidence in her leadership his forearms were parallel to the ground with his hands and fingers extended out. Justice Prosser said he talks with his hands generally. Justice Prosser said again that Justice Bradley had "charged at me, it's simple as that" and she came out of her office towards him. Justice Prosser said he has heard some stories that she walked towards him and he said, "No, she charged at me". When she got near him, he said her right fist was in his face. Justice Prosser said as he was approached by Justice Bradley he believes that his hands came up slightly as he leaned backward, "It's as simple as that". Justice Prosser then said, "Did my hands touch her neck, yes, I admit that. Did I try to touch her neck, no, absolutely not, it was a total reflex".

We then began to describe the location of Justice Bradley and her hands as she approached Justice Prosser. Justice Prosser estimated

Justice Bradley's right fist was less than six inches from the left side of his face, and it was agreed upon based on his description, that her right fist was at approximately a 45-degree angle from the front of his face. Justice Prosser said she did not have an open palm, it was definitely a fist. Justice Prosser did not recall anything to his right and said he did not remember where her left hand was. Justice Prosser said he had no recollection as to where her left hand was at this time. Justice Prosser said Justice Bradley's face was approximately one foot from his face. He added that he saw her expression, which was "pure fury on her face." I asked Justice Prosser what she was saying to him at this point, if anything. Justice Prosser said, " Well I know what she wasn't saying, at no point that I recollect did she say 'get out of my office'" He said she said this after the incident, but at no point before this physical touching did she say, " Get out of my office". Justice Prosser said she was screaming something, and when his hands came in contact with her neck, he does not remember her saying anything about choking her, he remembers her saying, "Don't you ever put your hands on me

Justice Prosser said he is 5'9" and he believed she was a couple inches shorter than himself. Justice Prosser said he recalled that he was looking up at her fist, but he thought that her fist might have been higher so that he would have had to look up at it. Justice Prosser said he felt he was looking up, possibly because he was leaning back, but he did not have to look up to see her eyes.

Justice Prosser said the only time Justice Bradley said anything during his conversation with the Chief Justice was when she mentioned how she felt he had deceived them, them working all weekend, and her response to his law clerk.

Justice Prosser said he did not say anything to Justice Bradley and I asked him his opinion on why he thought Justice Bradley would have "charged" at him after his comment to the Chief Justice. Justice Prosser described the Chief Justice and Justice Bradley as being a mother/daughter relationship; they are constantly together, and soul mates. Justice Prosser said he feels Justice Bradley is "extremely loyal to, devoted to, and protective of the Chief Justice".

Justice Prosser said, "What does any self respecting man do when suddenly that man finds that his hands, or part of his hands are on a woman's neck? Get them off the neck as soon as possible". Justice Prosser said this was a "reflexive move".

He said he does remember, while in conference, Justice Roggensack saying, while responding to Justice Bradley, "He didn't choke you". He also remembered Justice Bradley responding to her saying, "But he would have if you hadn't pulled him away, or something like that." Stephen Meyer then tried to clarify with Justice Prosser what Justice

Bradley said exactly in response to Justice Roggensack. Justice Prosser said he did not recall exact phrasing

Justice Prosser said he did not take any notes after this incident and did not write any notes down until his attorney, Stephen Meyer, directed him to the previous evening on July 7, 2011.

He said the Chief Justice did two things that he felt were reprehensible. The Chief Justice walked towards Chief Tubbs and described what had happened on June 13. Justice Prosser said he thought, "Oh my god, that's nothing like what happened". Justice Prosser said the second thing the Chief Justice mentioned was how he had been on the court for 15 years, when it has only been 13 years. He said the Chief Justice talked about how he was becoming more and more unstable, how he thinks everyone is against him, and just basically paranoid.

Justice Prosser said there have been several times that he has walked by the Chief Justice's office at night, on his way to the library, and she has screamed out as he passed, as if there was a fear that someone was stalking her.

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WHAT JUSTICE GABLEMAN SAID: (a conservative Justice)

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 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 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 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."

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WHAT JUSTICE ZIEGLER SAID: (a conservative Justice)

She heard Justice Prosser say something to the effect of "I've lost confidence in your leadership." Justice Ziegler described Justice Prosser's voice as being a firm tone, but did not believe that he was screaming or yelling at this point. Justice Ziegler said his voice was not quiet and he was standing still when he made the statement. Justice Ziegler stated this statement prompted Justice Bradley to stand up from her desk and "walk quickly" towards Justice Prosser. Justice Ziegler said Justice Bradley walked past her and walked in front of Justice Prosser and "got in David's face". Justice Ziegler said she did not look away from the Chief Justice and continued to engage in the conversation she was having with the Chief Justice. Justice Ziegler believed that Justice Bradley stood up to take defense of the Chief Justice and described Justice Bradley as being "protective of the Chief Justice". Justice Ziegler further described the relationship of the Chief Justice and Justice Bradley as "mother/daughter or like best friends".

Justice Ziegler said she did not see what had happened between Justice Bradley and Justice Prosser, but heard Justice Roggensack say "Ann stop it, this is not like you." Justice Ziegler said after she heard this comment, she did turn her head back to the right because this statement by Justice Roggensack drew her attention behind her. Justice Ziegler said when she turned her head, she saw Justice Prosser's hands up by Justice Bradley's neck area. Justice Ziegler could not see the front of Justice Bradley and could not see if Justice Prosser's hands were in fact touching Justice Bradley's neck area at all.

Justice Ziegler said she stayed in the office with the Chief Justice and



Justice Bradley after the others had left. Justice Ziegler said she continued asking the Chief about the time line for the opinion being completed. Justice Ziegler said after Justice Prosser left, the first thing Justice Bradley did was sit down at her desk and start typing. Justice Ziegler thought that it was odd that Justice Bradley did not have a reaction if someone had just "choked her." Justice Ziegler thought that the Chief Justice would have asked Justice Bradley if she was okay or there would have been some sort of conversation about what had just happened. Justice Ziegler said "the whole thing was just bizarre." Justice Ziegler made the comment "I know he didn't choke her." We asked Justice Ziegler how she knew that Justice Prosser did not choke Justice Bradley. Justice Ziegler said it seemed as though if he did "choke" Justice Bradley that there would have been a different conversation after the incident. Justice Ziegler thought it was odd that Justice Bradley and the Chief Justice didn't talk about it. Justice Ziegler also said Justice Bradley did not look at her neck to see if she was okay so it would seem as though she wasn't "choked". Justice Ziegler again repeated that "the whole thing was just bizarre."

Justice Ziegler said after she spoke with the Chief Justice, she went back to her office where she had typed up some notes about what she just witnessed for herself.

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WHAT CHIEF JUSTICE SHIRLEY ABRAHAMSON SAID: (a liberal Justice)

The Chief Justice stated this comment prompted Justice Bradley to get up from her chair and walk towards Justice Prosser, who was still standing in the assistant's office. The Chief Justice did not recall seeing Justice Bradley's hands raised as she walked by her. Chief Justice stated if there was some sort of gesture, it was non-threatening and it wasn't one that stood out to her. She recalled Justice Bradley might have been motioning towards the door, telling Justice Prosser he needed to "get out of the office." The Chief didn't know if Justice Bradley was pointing at the door or motioning toward the door with her hand. The Chief Justice stated she did not see Justice Bradley's fist being raised at any time.

The Chief Justice said when Justice Bradley approached Justice Prosser, she observed Justice Prosser put both his hands up and put them on the neck area of Justice Bradley. From the Chief Justice's vantage point, it did not appear as though Justice Prosser exerted any pressure. She stated "I got the impression there wasn't any pressure because I didn't see her eyes bulge or hear her gasp for a breath".

The Chief Justice said "she never, never, never touched him and I'm certain of that."

The Chief Justice said that she felt as though Justice Prosser's reaction was not warranted and that if he felt threatened he could have backed away from Justice Bradley. The Chief Justice said instead he went right for the throat." The Chief Justice said that Justice Bradley was very close to Justice Prosser, but she had stopped walking and was ordering him out of the office.

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WHAT MARGARET BRADY SAID: (human resources officer, not present)

Margaret did say she had one comment on a side note if she could. Margaret explained that she wanted us to know that in her opinion, it was not uncommon for Justice Bradley to talk with her hands or make a fist when she is talking to someone. Margaret described Justice Bradley as being a very animated person when she is talking. Margaret described some of the other Justices and her interactions with them, they appeared to be very reserved, but Justice Bradley is far from reserved and referred to her as effusive. Margaret said if you were to ask someone in her office to imitate Justice Bradley, it would be very uncommon if they did not put their fist in the air and talk. Margaret said she has seen Justice Bradley do this before and it's a very nonthreatening gesture and further described it as being an "extension of her expression."

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WHAT RACHEL GRAHAM SAID: (clerk to liberal Justice Bradley)

Rachel stated she wished she had the presence of mind to dictate a report immediately after this incident, but she did not. It wasn't until the following day that she had documented what had happened.

Rachel then heard Justice Bradley talking about not tolerating Justice Prosser putting his hands around her neck, and Justice Roggensack was telling Justice Bradley that, "You're not yourself, you charged him." Rachel heard Justice Roggensack say this a couple of different times. Justice Bradley said, "You saw that, Pat Roggensack, you saw that." Rachel heard this conversation between Justice Bradley and Justice Roggensack go back and forth several times.

Justice Bradley then stopped talking and the conversation amongst the Justices went back to the original subject matter, about whether or not a press release was going to be put out that day. Rachel did hear Justices Ziegler, Roggensack and Chief Justice Abrahamson continue to discuss whether or not Tom Sheehan should be called in

to issue a press release yet that day. Rachel then heard Justice Ziegler say that this was not the highest and best use of anyone's time and Justices Ziegler and Roggensack then left Justice Bradley's chambers.

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WHAT JUSTICE PATIENCE ROGGENSACK SAID: (a conservative Justice)

Justice Roggensack said the Chief Justice and Justice Prosser were arguing about whether or not a press release was going to be issued, and it was during this argument that Justice Bradley "charged at him [Justice Prosser] with her fist in the air". Justice Roggensack said when Justice Bradley approached Justice Prosser, Justice Prosser raised his hands and put his hands up near Justice Bradley's neck, but his hands were "never in a choke hold." Justice Roggensack said she recalled Justice Bradley saying something to the effect of "don't put your hands on me." Justice Roggensack again stated Justice Bradley had a fist up at this time.

Justice Roggensack said Justice Bradley had always been a sort of protector for the Chief Justice because they go back a long way and they are friends. Justice Roggensack said if she had not got in between the two of them, she believes Justice Bradley would have "smacked him in the face with her fist."

Justice Roggensack said she was upset about the incident and after she got back to her office, she immediately took notes on what she recalled happened.

Justice Roggensack said she believes what provoked Justice Bradley to "walk with rapidity" towards Justice Prosser was a comment that Justice Prosser made to the Chief Justice about him having lost confidence in her leadership. Justice Roggensack said she could not recall exactly how Justice Prosser said it to the Chief Justice, but it had something to do with him having no confidence in her leadership. Justice Roggensack said Justice Prosser's argument was focused on the Chief Justice the entire time and that Justice Prosser had at no point argued with Justice Bradley.

Justice Roggensack said Justice Prosser's hands did make physical contact with Justice Bradley, and his thumbs were in contact with the front of her neck, but his hands and fingers were pointing straight up and were never around her neck. Justice Roggensack also believed Justice Prosser's arms were somewhat extended.

Justice Roggensack said in her opinion, both Justices Bradley and Prosser were out of line and both of them would have received "an F" for that incident.

Justice Roggensack said she could not say if Justice Prosser's reaction was justified, and she could not say whether or not Justice Prosser had any choice but to place his hands on Justice Bradley. Justice Roggensack said Justice Bradley came at Justice Prosser so fast that she was unable to determine whether or not Justice Prosser was justified in any way.

Justice Roggensack said Justice Bradley mentioned how Justice Prosser had her in a chokehold, and Justice Roggensack responded by saying he did not have her in a chokehold at any point. Justice Bradley responded to her by saying "that's because you stopped him." Justice Roggensack told Justice Bradley that she did not stop him from anything, and added, "I stopped you from hitting him." Justice Roggensack said Justice Bradley did not react or respond to her making this statement.

I then reviewed Justice Roggensack's statements and stated that I wanted to clarify her statement from her notes from June 13, 2011. When I told her that I wanted to ask her about when Justice Bradley "walked" towards Justice Prosser, she immediately stopped me and corrected me by saying that Justice Bradley did not walk towards Justice Prosser, "she moved towards him very quickly." Justice Roggensack said she wanted to make sure that I was clear that Justice Bradley was not walking at the time. Justice Roggensack said, "That's why it was so shocking" in regards to Justice Bradley moving very quickly towards Justice Prosser.

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WHAT JUSTICE CROOKS SAID: (a liberal Justice, not present)

Justice Crooks said he has noted Justice Prosser "loses his cool repeatedly." Justice Crooks has witnessed Justice Prosser get red and pound on tables with his fists, and get louder and louder in tone during meetings, conferences and sometimes even during public meetings.

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