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Wisconsin Supreme Court shuts down John Doe investigation

By Eric Boehm / July 16, 2015 / News / 53 Comments



Part 221 of 347 in the series [Wisconsin's Secret War](#)

By Eric Boehm | Watchdog.org

The Supreme Court of Wisconsin killed John Doe.

In a ruling issued Thursday morning, the high court ordered an end to the politically motivated investigation into conservative groups in Wisconsin that has been dragging on for more than three years.

Writing for the majority on the court, Justice Michael Gableman slammed the use of a special prosecutor by the Milwaukee County District Attorney's office and praised the unnamed plaintiffs in the case before the court, who were pushing back against what they claimed was an unconstitutional violation of their First Amendment rights to political speech.



AP file photo.

JOHN DOE IS OVER: The Wisconsin Supreme Court on Thursday brought an end to the John Doe investigation into conservative groups backing Gov. Scott Walker

"It is utterly clear that the special prosecutor has employed theories of law that do not exist in order to investigate citizens who were wholly innocent of any wrongdoing," Gableman wrote in the opinion. "In other words, the special prosecutor was the instigator of a 'perfect storm' of wrongs."

The John Doe investigation began as a probe into conservative groups and donors who backed Gov. Scott Walker's campaign during the recall election of 2012. Investigators were seeking to prove those groups, most notably the Wisconsin Club for Growth, had coordinated with Walker's campaign, which would be a violation of state campaign finance law.

The individuals under investigation had their homes and offices raided by law



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enforcement and were subject to a gag order that prevented them from speaking out.

But Gableman, in the ruling issued Thursday, praised them for fighting back through the legal system.

“It is fortunate, indeed, for every other citizen of this great State who is interested in the protection of fundamental liberties that the special prosecutor chose as his targets innocent citizens who had both the will and the means to fight the unlimited resources of an unjust prosecution,” he wrote. “Further, these brave individuals played a crucial role in presenting this court with an opportunity to re-endorse its commitment to upholding the fundamental right of each and every citizen to engage in lawful political activity and to do so free from the fear of the tyrannical retribution of arbitrary or capricious governmental prosecution.”

The final ruling from the seven-member court was 4-2, with Justice Ann Walsh Bradley not participating in the decision.

In her dissenting opinion, Justice Shirley Abrahamson said the conclusion reached by the majority disregards both the letter and the spirit of Wisconsin’s campaign finance law.

“The majority opinion adopts an unprecedented and faulty interpretation of Wisconsin’s campaign finance law and of the First Amendment,” she wrote. “In doing so, the majority opinion delivers a significant blow to Wisconsin’s campaign finance law.”

Wisconsin Watchdog will have more on this important story as it develops today.

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Eric Boehm

Eric is the national regulatory reporter for Watchdog.org. He lives in St. Paul, Minnesota. His work has appeared in Reason Magazine, National Review Online, The Freeman Magazine, The Philadelphia Inquirer, The Washington Examiner and Fox News. He was once



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Andrei Bilderburger · 9 months ago

The real question here is what is the remedy? Do the Supremes just say it was bad and let all the damage be done? Or do they do their job, order hundreds of millions of dollars of damages against the state and individuals involved, order the disbarment of the special prosecutor and all attorneys working with him, and refer the case for criminal prosecution under RICO statutes?

The reasons bureaucrats keep doing this sort of thing is the courts never award anything like adequate compensation, and never hold the responsible parties to be liable to pay damages personally. This has to change.

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Ram6 > Andrei Bilderburger · 9 months ago

Now that's the real issue, isn't it. These prosecutors run rampant over everybody's rights, get a friendly judge to institute a "gag" order to keep their wrongdoing secret and then when finally smacked down just walk away leaving the wrongly targeted to pick up the pieces at their expense.

Next time it's do it all over again until they are smacked down again with no consequences. It's no wonder liberals love having control of the levers of the law since they never pay a penalty for anything they do when it's wrong.

1

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Rex Hamann > Ram6 • 9 months ago

Yep, and it's OK to blame the victim too, isn't it? PROSECUTORS run rampant? How about the Club for Growth and the Kook Bros. running rampant with their fascist puppet in place to throw the National Guard at any developing protest that might expose them for what they truly are, MF-ing liars, cheaters and fascists.

□ | □ • Reply • Share ›



John > Ram6 • 9 months ago

Oregon Bakery case...a gag order & a \$150K fine.

□ | □ • Reply • Share ›



FloridaJim • 10 months ago

One of the problems with lawyers is they write bills to harass their enemies and the democrats have done that to Scot Walker. Scott has still won , three time, because he is in the right and people resent unions running anything they bring nothing to the table except chaos and trouble and add only more costs forever and ever.

2 □ | □ • Reply • Share ›



way2confused • 10 months ago

Typical liberal justice. Don't interpret the law as written, but as you want it to be.

1 □ | □ • Reply • Share ›



HG17 • 10 months ago

Great opinion! It was about time that the liberals were told it like it is. It's great to know that our legal system has worked and that we have honest judges who will defend the constitution and the rights of the American Citizens. This opinion will now set precedent for other future cases.

4 □ | □ • Reply • Share ›



Jim Gettens • 10 months ago

I first read about Nazi Brownshirt Thug John T. Chisholm in The Wall Street Journal many months ago. I commend M.D. Kittle, Eric Boehm, and the other Wisconsin Watchdog reporters and staffers for their tireless efforts in exposing the Wisconsin-wide fascist thuggery perpetrated under the so-called "John Doe" procedures. Special commendations go to Eric O'Keefe and Cynthia Archer, who, despite "John Doe" anti-Constitutional 'Gag Orders' in place, came forward courageously to expose these rampant abuses inimical to a democratic Republic, a free people, and a well-ordered society. Soon "John Doe" victims will be lining up to file their civil rights violation lawsuits, rightly and justly so. I hope that Milwaukee has a suitable public composting facility because John T. Chisholm's contemptible a_\$ is now grass...

7 □ | □ • Reply • Share ›



wink · 10 months ago

Hopefully no one else will ever have to suffer such injustice under Wisconsin's legal system. Thank you for your diligent reporting on this subject.

8 · Reply · Share ›



FlameCCT > wink · 10 months ago

Now the legislature should take action on the John Doe law.

2 · Reply · Share ›



phil donghue · 10 months ago

Eric Bohem Minneapolis, Minnesota, where he enjoys great weather and low taxes LOW TAXES you're an Idiot Boehm

· Reply · Share ›



FlameCCT > phil donghue · 10 months ago

Poor Progressive lemming, aka phil donghue. His/hers/its entire Progressive utopia has been invaded by reality. The ones you should be blaming are your Progressive masters who've been Grubering (aka lying to) you and the other lemmings on the plantation.

1 · Reply · Share ›



phil donghue > FlameCCT · 10 months ago

Boy your an Idiot, I am as far from Progressive as one can get. AKA Flamer CCT you and other lunatics on her need to chill out, try to sober up maybe you would make sense. WTF

· Reply · Share ›



FlameCCT > phil donghue · 10 months ago

Projection is a serious issue my friend. I suggest you seek professional assistance while it is still covered under ObamaCare.

2 · Reply · Share ›



InRussetShadows - Cruz 2016 > phil donghue · 10 months ago

Incoherent troll is incoherent. LOL. Your little tyranny just got shut down. Guess it sucks to be you, huh? Aww.

6 · Reply · Share ›



phil donghue > InRussetShadows - Cruz 2016 · 10 months ago

Talk about Incoherent, Nothing you said make's any sense.

1 · Reply · Share ›



watchdogorg **Mod** > phil donghue · 10 months ago

Phil: Our regular Madison-based reporter, M.D. Kittle, is on vacation; Eric

graciously stepped in to cover today's ruling. He has no meteorological authority in Minneapolis or elsewhere. When you want to call someone an idiot, always best to spell "you're" correctly.

8   · Reply · Share ›



Michael A Teuschler > watchdogorg · 10 months ago

Well, he/she/it did spell "you're" correctly the first time, I guess the second time it was more vehemently delivered.

1   · Reply · Share ›



tomhave · 10 months ago

Based on the vitriol shown my the majority opinion it sounds like the prosecutor was getting too close to somebody. A normal opinion with normal language would have served the purpose. At least there were not choking matches. When you can only get four of seven judges to concur; the language was a bit over the top.

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Bolt > tomhave · 10 months ago

Dear TH, What surprises me more than anything is that I suspect tat Abrahamson is Jewish, by her name. Anyone should be ashamed of what has been done in these "John Doe" cases, but especially Abrahamson, if she is Jewish. For one thing, I have always believed that "campaign finance laws" were limitations on free speech and freedom of association. The secret proceedings and raids in these cases show just how far communist/progressive/fascist thugs can go to destroy their enemies. And make no mistake about it, this was a war under guise if state law and presents exactly what happens when there is the selective enforcement of any law, whether constitutional or not. How much union money was spent and how was it spent and coordinated over the course of the attempts to fefeat Walker. What is the information about coordination from the special prosecutor's office with the IRS.

I f you have drunk the kool-aid, then there are no ends to which you will stoop and J. Abrahamson should be particularly ashamed. But these people generally tend toward sociopathy, so they know no shame.

1   · Reply · Share ›



tomhave > Bolt · 10 months ago

I have problems with "secret" proceedings as well such as grand juries and John Doe investigations. However when we make them non-secret we can also jeopardize reputations. Interesting though is that thousands of people are subject to midnight raids and no knock searches during drug searches and little is said. This case involved government employees so there should be somewhat different standards. The Supreme Court of Wisconsin overturned a lower court decision so how much of the "gestapo" tactics and illegal searches actually happened is debateable. Had these searches discovered drugs they would have been ruled perfectly legal.

You state that this is a "war". Okay who fired the first shot. Didn't Walker target the unions because they opposed him? He did not go after the unions who supported him. Is that proper use of

Government resources? Hasn't Scott Walker been all about the use and abuse of power? You talk about loss of rights and bad things to people. What about the teachers who have lost their right to collectively bargain and have taken big hits to their

[see more](#)

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LarryB > tomhave • 10 months ago

Boy, you must really have a problem in the presidential elections... millions from unnamed donors upsets you? I am guessing you had no trouble voting for Obama twice and will have no problem voting for Hillary next election cycle. Your conscience only applies to those receiving outside support that you disagree with, right? And you say Walker targeted the unions because they opposed him? Check the records... he campaigned on correcting the budget problems, and the union almost singlehandedly WAS the budget problem, so I think you can say that in doing the right thing, he pissed off the unions, but they declared war on him, not the other way around. The union had nothing to do with the recall election? Wasn't it the union bitch married to the prosecutor that begged him to go after Walker and his supporters? Oh, the memories... As for outside money, no money poured into supporting the liberals from out of the country in Obama's elections, did it? The reason this case is so important to the entire country, is because it may be the turning point to liberal aggression all across this great land. Yes, your state may just be the cause behind a much fairer and more "legal" national election in another year.

Thank you Wisconsin, keep up the great fight!

2   • [Reply](#) • [Share](#) ›



tomhave > LarryB • 10 months ago

You are right there is a liberal agressor with a commie under every bed and its Obama's fault. So go adjust your tin foil to prevent the micro chip in your butt from tell Hillary where you are.

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LarryB > tomhave • 7 months ago

Why would you demean communists by grouping them with the liberal scum that have ruined this nation?

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Bolt > tomhave • 10 months ago

Dear TH, You have thrown a lot of stuff against the wall hoping for it to stick. Teachers making less? really? Are you telling me that teachers' pay was cut? I do not believe it. Teachers lost their jobs. From my understanding of most situations, slots that would not have otherwise been

filled were filled with savings school boards achieved by competitively bidding the health care plans. If that is not true, then my Wisconsin friends have been lying to me.

And Democrat legislators leaving the state to prevent a quorum? Gotta love democracy at work.

Grand jury proceedings are done to achieve a reasonable goal. But these proceedings were hardly in the nature of a grand jury. The people were targeted for political reasons and had little or nothing to do with whether any laws were broken. And, one of the telling factors is the role that IRS might have played in fomenting and abetting these

[see more](#)

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InRussetShadows - Cruz 2016 > tomhave · 10 months ago

And you're still defending no-knock raids, gag orders, and the unconstitutional John Doe law. Give it a rest, man. You're an evil person who wants the Gestapo to go after his enemies and doesn't care one bit about the rights of the average Joe. You sicken me.

6   [Reply](#) [Share](#) ›



jfmoris110 > tomhave · 10 months ago

Your opponents were squelched during an election, and no-one is going to jail for it, or even paying any price. What more do you want? Maybe a more "final solution" would work better for silencing your enemies?

6   [Reply](#) [Share](#) ›



Doug Bennett > tomhave · 10 months ago

I noticed that you disliked the language that the majority opinion employed. Was it the praise of the courts for individuals standing up for what they considered an injustice that you don't like? Perhaps you simply prefer language that is not intended as a strong indicator of position? In that case you must find Justice Abrahamson's dissenting opinion distasteful. Perhaps your own words "No Choking Matches" could be considered incendiary and unnecessary.. Or perhaps and this is the position I suspect you find yourself in you just disagree with the decision and you want a little histrionics to make the defeat a little easier. I really can understand your unhappiness if you truly feel that a great injustice has been dealt, but many myself included feel that a grave overreach by government has been remedied. I for one prefer a win for the individual over a win for big government.

7  [Reply](#) [Share](#) ›



tomhave > Doug Bennett · 10 months ago

Check the story in Jsonline about the majority and the refusal to recuse themselves in an obvious conflict. They took big money from the Club for Growth. The language is an indicator of their fear that the prosecutors were probably getting too close. The choking refers to a previous incident with the court. Lest we forget about the 7000 votes that magically appeared in the

mysterious judicial election. Sadly, Wisconsin has become the cesspool of big money and corruption because of the likes of Walker et al.

□ | □ • Reply • Share ›



MaroonVee > tomhave • 10 months ago

What about EX chief Justice Abrahamson, refusing to give up her chair... after citizens voted in a referendum to dump this loser!

□ | □ • Reply • Share ›



FlameCCT > tomhave • 10 months ago

We do appreciate you demonstrating the ignorance of a Progressive lemming who prefers staying on the plantation.

1 □ | □ • Reply • Share ›



Doug Bennett > tomhave • 10 months ago

I have read the story, I remember the "Choking" incident which I also believe to be a case of histrionics. Your opinion I am sure is fixed and I understand your positions, I simply disagree with you, I disagree routinely with various people including my wife. Does not make me evil of judgmental any more then it makes you the same way. The difference is I am unwilling to be shackled and lead to conclusions by emotional rhetoric fed to me by savvy political strategists. Reading your posts today was like reading a composite listing of anti conservative talking points. One point argued well and decisively and backed up with irrefutable proof is much more effective then a dozen unsubstantiated accusations. In less kind words your arguments lack credibility.

3 □ | □ • Reply • Share ›



wink > Doug Bennett • 10 months ago

Careful, next you'll be accused of being vitriolic. Maybe even a vitriolist. Once "ist" is adjoined to a word you must live in fear of the potential accusation and avoid said epithet at all costs. If not, you can lose your PC standing.

3 □ | □ • Reply • Share ›




FlameCCT > wink • 10 months ago

Once the "ist" is adjoined to a word, that provides evidence that one has left the Progressive plantation, similar to how Progressive Southern Democrats treated run-away slaves.

1 □ | □ • Reply • Share ›



ThomofWI > tomhave • 10 months ago

 Mary Burke received more "BIG MONEY" than Walker did in the election. Can you create more lies to address this please?

5   • Reply • Share ›

 **phil donghue** > tomhave • 10 months ago

The home of the Union (WI). the most corruption ever is the Union all unions take peoples money for nothing. what a liberal/progressive sh** hole WI. intercity's are. So Walker kick your a** 3 times in 4 years. and it all his fault the hole John doe cases were an attack on the true people of WI. They won you lost.

3   • Reply • Share ›

 **wink** > tomhave • 10 months ago

What union were you with?

5   • Reply • Share ›

 **tomhave** > wink • 10 months ago

The reason politicians go after "unions" is because the give political voice to working people. Union membership is small but it is the class of people who work at wage type jobs that are the real target. That has always been the case. Walker was not involved the case concerned his campaign staff and certain groups. Remember Walker was not supposed to know anything about this. Are you suggesting the Walker did know something about this. Phil your use of the term "intercity" is racist. Even if Walker did win three elections that has nothing to do with the case. Two of your state's leading newspapers have questioned the intergrity of the court. You have four justices that see no reason they can not rule on a case where there is an obvious conflict of interest. You have had a incident in which one judge chokes another judge, You have a judge lose and election and magically 7000 votes appear. Can you name any other state where at least two of these four events have occurred within the last five years? Corruption is not a matter of political beliefs. Blago was a liberal, Mayor Daley and some of you big time City bosses were Democrats.. Nixon was a moderate. Oregon's former Governor was liberal and South Carolina's "trail walker" was conservative. Unfettered campaign money is going to corrupt your state. Had Walker lost the elections the other side might be just as corrupt.

  • Reply • Share ›

 **wink** > tomhave • 10 months ago

Great spin but it is not a response to my question nor is it a justification for your prior statements. As to unions, unions don't give a political voice to the working people, votes do. Unions give a political voice to their own agenda. An excellent and timely example: 'No freaking way!'

"Teachers revolt over union's endorsement of Hillary Clinton"
<http://eagnews.org/no-freaking...>

2 • Reply • Share ›



JB > tomhave • 10 months ago

Ummm, 4 of 6 judges issued the majority opinion and that's a sizable majority. The Strangler did not participate, presumably because of her conflicts of interest (suggested by the inclusion of her name in various places in the opinion related to her association with the John Doe proceedings).

Regarding the majority opinions: Vitriol? No. A stern, harsh rebuke of deplorable, unethical, illegal/unconstitutional conduct reminiscent of The Stasi? Yes.

6 • Reply • Share ›



tomhave > JB • 10 months ago

No the judges involved had somewhat less than clean hands and are probably worried about the prosecutors getting too close to something. Check out jsonline for an expose of the corruption at the court level.

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FlameCCT > tomhave • 10 months ago

jsonline have been working with John Doe Chisholm and company. I wouldn't be surprised to see the MJS named as one of the defendants in the civil law suits filed.

Added: If the jsonline was running an expose of corruption then why did they not include John Doe Chisholm and his violating the Constitutional Rights of numerous WI citizens?

2 • Reply • Share ›



JB > tomhave • 10 months ago

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