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Gableman campaign accuses group of showing bias toward Butler

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By RYAN J. FOLEY
 Wednesday, February 20, 2008 3:46 PM CST

MADISON, Wis. - Judge Michael Gableman's campaign for the Wisconsin Supreme Court on Wednesday accused a new group monitoring the race of being biased in favor of his opponent.

Gableman campaign adviser Darrin Schmitz asked the Judicial Campaign Integrity Committee to stop participating in the race in which Gableman is trying to unseat Justice Louis Butler.

He cited e-mails made public Wednesday in which committee members blast the tactics of Schmitz and other GOP operatives, calling them "mercenaries" and a "demon." In another e-mail, a member appears to give Butler campaign advice.

The e-mails "not only reinforce my concern that the WJCIC is biased, but that it is now plainly obvious that the committee is purposefully hostile to Judge Gableman," Schmitz wrote in a letter to its chairman, Tom Basting.

Basting, president of the State Bar of Wisconsin, created the committee to act as a nonpartisan referee before the April election for a 10-year seat on the court. He said he wanted to protect the judiciary from a trend toward expensive and negative campaigns fueled by special interests.

State Bar spokesman Tom Solberg said the committee was still reviewing the letter and drafting a response.

The committee challenged both candidates to run their campaigns according to the Judicial Code of Conduct and avoid false and misleading statements. Butler has signed the pledge, while Gableman, a Burnett County circuit judge, has refused.

Basting rebuked Gableman's campaign in December for accusing Butler of siding with criminals over law enforcement in his rulings. Gableman has defended the statement.

Conservative bloggers and radio hosts have claimed for weeks that the nine-member committee is biased. Among other things, they note member and former Democratic Gov. Tony Earl donated \$100 to Butler in 2000.

While the race is officially nonpartisan, Gableman is aligned with Republicans and Butler is backed by Democrats.

E-mails obtained by the Wisconsin Club For Growth under the open records law detail the group's inner workings. They show member Bill Kraus, a former aide to Republican Gov. Lee Sherman Dreyfus, was frustrated that Gableman had refused to sign the pledge.

"Someone--maybe me--should also question the advice he is getting and even the mercenaries he's getting it from if he doesn't take the pledge," he wrote to group members.

In another e-mail, he called Schmitz "the legitimate child of the demon (GOP operative) R.J. Johnson." Johnson does work for the Club for Growth.

Dave Deininger, a retired judge who has since resigned from the committee, also blasted Gableman's adviser after he felt Schmitz mischaracterized the group's rebuke of Gableman.

"This type of blatant spin is, I'm afraid, par for his course," he wrote.

E-mails show the committee decided not to take any action after Wisconsin Manufacturers & Commerce, the state's business lobby that is backing Gableman, posted a video online in which a Marquette University professor blasts Butler's rulings.

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But Kraus wrote that the video created an opportunity for Butler's campaign.

"Butler can talk about the professor's oversimplifications and about the megaphone supplied by WMC and take the boost that gives him without mentioning his opponent," Kraus wrote. "And, of course, he can also use the platform this attack provides to talk about what the campaign is really about and his own virtues."

Butler spokeswoman Erin Celello said the campaign never received any advice from Kraus. She said the real issue is Gableman's failure to sign the pledge.

"It's clear that he's given no instruction to his campaign to follow it," she said.

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