

The very best justice...

money can buy

By Mark Lagerkvist
Special to the Journal

"Gee, I knocked the Ayatollah Khomeini off the front page," said Milwaukee Circuit Judge Christ T. Seraphim. "I must be a pretty important guy."

That was Seraphim's reaction last November when the Wisconsin Judicial Commission charged the judge with more than 90 violations of court rules and ethical standards, including taking favors from a defendant, failing to report gifts and gross personal misconduct. The commission's unprecedented action was prompted by an investigation I started as a Milwaukee Sentinel reporter and completed as a free-lancer for the Madison Capital-Times.

Seraphim was more than a "pretty important guy"; he was one of the most powerful and controversial politicians in the state. During two decades on the bench, Seraphim had parlayed a tough law-and-order image into landslide popularity and influence. And he frequently used his clout for his own benefit.

Investigating a judge is a special challenge because of the power and prestige inherent in that post. Inside the courtroom, a judge is virtually omnipotent; he exercises vast legal authority over life, liberty and the pursuit of wealth. Gloaked in the dignity of his office, a judge may seem godlike and invincible — even to hard-boiled reporters and editors.

Recognizing the amount of discretionary individual power invested in judges, federal and state governments have set high standards of conduct and ethics for the judiciary. As a result, many judges scrupulously avoid being compromised by potential conflicts of in-

terests by rejecting gifts and favors. Christ Seraphim did not.

The son of a poor immigrant family, Seraphim was enjoying a champagne lifestyle on a beer budget. The judge's apparent expenses included a residence at an exclusive downtown club, a luxury car, generosity toward several lady friends, frequent vacations to Greece and Florida, fine clothing and an active nightlife.

Although a circuit judge's salary was \$42,000 a year, Seraphim had to pay half of his net income to his estranged wife for temporary alimony. After taxes, payroll deductions and alimony, Seraphim had a maximum of \$14,000, or \$270 a week, to pay all of his living expenses.

If Seraphim had been getting outside "help" from private sources, it wasn't revealed on his annual financial reports to the state. (Since 1974, Wisconsin judges have been required to file financial statements that disclose the nature of their assets, but not their worth.) According to the statements, Seraphim claimed no extra income, except for a few small honoraria, and had not accepted any gifts with a value exceeding \$100.

The Seraphim project was not a One Week Wonder. It was a giant puzzle with plenty of missing pieces.

Quite a few of the pieces were discovered in public records — the one source that anyone can get. Records that often prove worthwhile include court files, deeds, mortgages, tax liens, public payrolls, vehicle titles and registrations, campaign finance statements, corporate reports and the telephone bills of government agencies.

My initial research also included study of court rules, the judicial code of ethics and various statutes on misconduct in public office. (It's difficult for a reporter to play the game without knowing his ground rules.)

My next move was to build a network of sources who could get inside information. Many potential sources were tight-lipped; Seraphim was not only powerful, but also vindictive. I had to be able to guarantee my sources anonymity. Several days of discreet solicitation among the judge's foes paid off handsomely.

On Nov. 14, 1978, the Milwaukee Sentinel reported that Seraphim and three other Milwaukee County judges were double-dipping at the public trough by collecting salaries and pensions from the same job. In addition to his \$42,000 annual salary as a working judge, Seraphim was drawing an \$865 per month pension for being a retired judge.

The judges were taking advantage of what they believed to be a loophole in a new state court reorganization law that allowed some judges to switch from the old county pension system to the state program. When the law was enacted, Seraphim and the others "retired" from the county system.

That story was fairly simple to prove. After receiving a tip, I leaned on county pension administrators until they produced their payroll records. (Many state and federal agencies don't consider their pension records to be public. However, in some cases, a reporter can gain "unofficial access" by checking lists at the computer center that issues the checks.)

A follow-up article reported that Seraphim drew \$580 a month in

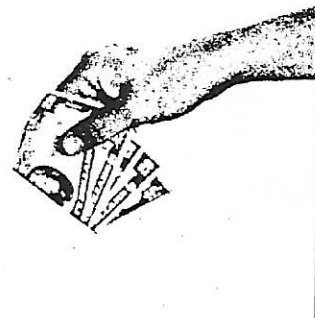


Photo Illustration by Mike Martinez

Inside the courtroom, a judge is virtually omnipotent

federal pension benefits as a retired U.S. Army reserve colonel. The judge also collected military disability pay for 12 years after he broke his leg during a softball game at a 1965 retreat in Ft. Jackson, S.C.

The revelations were particularly embarrassing to Seraphim, who helped build his law-and-order image by preaching against "No-good lazy bums" who were bilking taxpayers by drawing unemployment benefits and welfare.

"You can't do this to me," complained the judge. "I'm the greatest judge in the universe. I've done more for this community than any other fucker."

The next provable tip was that Seraphim and three other judges were able to park for free at the police garage while most judges had to pay \$216 a year to park in the courthouse facility. The parking privilege could be regarded as a gift that wasn't reported by Seraphim and the other judges.

Payroll records showed which judges were having parking fees deducted from their paychecks. From the state Department of Motor Vehicles, I obtained a list of all vehicles registered to the judges who weren't paying for parking. A stakeout of the police garage provided photo-proof of judges entering the police garage.

The DMV records provided an unexpected bonus. The 1979 Buick Electra Ltd. Seraphim drove was registered to a local car dealership owned by one of Seraphim's close friends. The registration records, through a code DMV officials like to keep secret, also showed that Seraphim had not purchased a car since 1969.

Up to this point, what had been reported did not prompt investigations by the state judicial commission or any law enforcement agency. Instead, Seraphim and other judges were angrily complaining about unfair coverage. I was getting more heat than they were.

Two new factors altered the intensity and direction of the Seraphim project.

As a result of his ongoing divorce case, Seraphim was forced to make significant financial disclosures that would become part of the public record.

Since the case was filed in December 1977, Seraphim had avoided harmful public disclosure. By mutual consent, Seraphim provided his wife's attorney with financial information that did not have to be filed with the court.

The attorney for Seraphim's wife began to distrust the judge. The lawyer did not know about Seraphim's pensions until he read about them in the newspapers. As a result, he started filing interrogatories that Seraphim would have to answer — under oath — in documents that would become public records.

Like bankruptcy court files, which Elliot Jaspis described in an earlier IRE Journal issue, records of divorce cases can be the key to unlocking financial mysteries — particularly if there is a disagreement between the parties involved. When an important public official or notorious figure is involved, a reporter's interest should be piqued.

Don't assume that every available document is in the court file. To be sure, double-check with the attorneys from both sides. Better yet, try to get the attorneys to give you a call when something new is about to be filed with the court.

The second new factor in the Seraphim project was a bit more personal. I was fired by the Sentinel on Dec. 14, 1978.

Whatever the cause for the firing, the Sentinel — and the Milwaukee establishment at large — lost control of the investigation. I was hired on a free-lance basis to complete the project for the Madison Capital-Times. Staff writer Dan Allegretti was assigned to work with me.

Before long, we discovered that Seraphim had paid only \$60 a month for his leased Buick Electra Ltd. Other customers paid up to

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\$300 a month to lease identical cars.

The auto dealership had appeared in Seraphim's court twice in 1970 for odometer violations, according to court records. In one case, the judge dismissed the charge. In the other, Seraphim found the dealership guilty, but suspended sentencing.

"Why should the public know what I get a car for?" argued an angry Seraphim. "That's not the public's business. I don't have to tell you what I pay for my car any more than I have to report what I pay for rent or for my suit or for my shoes."

Seraphim had apparently violated a portion of the judicial code of ethics that states: "A judge shall not accept gifts from lawyers, groups or persons whose interests are likely to be or have been before him in his official capacity." The discount also constituted a gift that was not reported on the judge's financial statements.

The Capital-Times car leasing story used an unnamed source — a practice that has been often abused since Watergate. Even sports writers are getting into the act ("Sources said star center Bob Abbatross is about to be traded to the Waterloo Woodrats").

The chief problem is that reliance on unnamed sources forces a newspaper or broadcast station to put its own reputation on the line. If the source is wrong, you are wrong. Even worse, your credibility will be damaged. The risk is high and frequently unnecessary.

Allegretti and I were convinced of the story's accuracy. We had obtained a deposition in which Seraphim revealed what he paid to lease the car. The judge's statement had been given under oath.

The document never appeared in the court file on Seraphim's divorce case, but it did exist. Unfortunately, disclosing the nature of the proof might have endangered a human source. With the permission of Capital-Times Managing Editor Dave Zweifel, we used the deposition as an "unnamed source."

Seraphim denied that he was paying \$60 a month for his leased luxury car, but he refused to say what the actual rate was. The judge was right; we later discovered that the rate had just been raised to \$75.

Fortunately, our story said Seraphim HAD PAID the \$60 rate. The report was verified by Seraphim's own checking account records, which showed up in the judge's divorce file two months later.

That wasn't the only time we debated whether we should use an unnamed source. We found a 17-year-old girl who claimed the judge had grabbed her buttocks in a lewd manner. The alleged incident occurred in a television studio after Seraphim had participated in a panel discussion on juvenile delinquency.

The girl agreed to sign an affidavit testifying to that, but on the condition that her name would not be published in the Capital-Times. However, in casual conversation, the girl displayed an imagination that was too fertile. She boasted of a first class FCC license and a 42-year-old steady boyfriend.

The risk was too great. We dropped the story.

Out of necessity, the investigation had to be abbreviated. I moved out of state to take another job, and Allegretti returned to his regular beat at the Capital-Times. But we returned to Milwaukee for one last blockbuster.

That story centered on a 30-year-old Greek citizen whom Seraphim called his "niece." She was actually a second cousin whom the judge had met on a Grecian vacation and lured to the U.S. Immigration officials referred to her as "Seraphim's girlfriend" — a description that more accurately described the relationship.

The woman lived in a downtown hotel owned by one of the judge's longtime friends. Her rent was \$250 a month — far below any deal offered to the general public. By one account, Seraphim had been paying for the room.

Why the low rate? A check of court expense vouchers showed that since the woman started living at the hotel in August 1977, Seraphim sent all of his court's sequestered juries there for food and lodging. The only exception was on an occasion when the hotel was fully booked.

Both the judge and hotel officials vehemently denied any connection between the discount and court business being switched to the hotel. But the coincidence was certainly interesting. Before the discount, Seraphim had never sent a jury to the hotel. Now — out of 33 circuit judges in the county — he was the only one regularly to send court business there.

The reaction to the Capital-Times stories was overwhelming. On the morning after the car leasing story broke, the executive director of the Wisconsin Judicial Commission said she would recommend an official investigation. The FBI began its own probe to determine whether Seraphim used the "color of his office" to obtain gifts and favors.

The Milwaukee Journal and Sentinel — embarrassed on their

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home turf responded with Seraphim stories of their own.

The Sentinel reported a three-week-old incident in which Seraphim allegedly made advances toward a woman in the courthouse elevator. The Journal responded with a 15-month-old account of the judge's approaches to a college journalism student. (In exchange for being his mistress, Seraphim reportedly promised her a job at the Journal.) Eventually, four other women came forward with similar stories.

During the "Siege of Seraphim" — as a Milwaukee weekly called it — the judge checked into a hospital on the advice of Journal Editor Richard Leonard, who had been summoned to his chambers. One hospital spokesman diagnosed the ailment as "exhaustion."

A recall campaign against Seraphim generated 40,000 signatures in an effort to force a special election. Two state legislators introduced a bill to remove the judge from office.

On April 1, Seraphim lost an election for state appeals court, his first loss ever in a judicial contest.

The bar has recommended that he be fired or suspended for three years.

But the final move is up to the judicial commission. For the first time in state history, the commission has put a judge on trial. A panel of judges is still deliberating over the charges made in the two-week March hearing.

The system works, but sometimes it needs a good shove first. That is the job of an investigative journalist.