

Note from The Tampa Tribune

Here is an excerpt from the transcripts of a court hearing on whether to issue a restraining order against then-state Rep. Tom Gallagher. The hearing took place in Dade Circuit Court in June 1979. The speakers are A.J. Barranco, attorney for Gallagher's first wife; Roberta Fox, attorney for Gallagher; and a judge identified here as "the court." The judge is not named and the original record has been destroyed.

22

THE COURT: I'm going to talk to Mr. Gallagher

23

right now.

24

MR. BARRANCO: Judge, talking isn't going

25

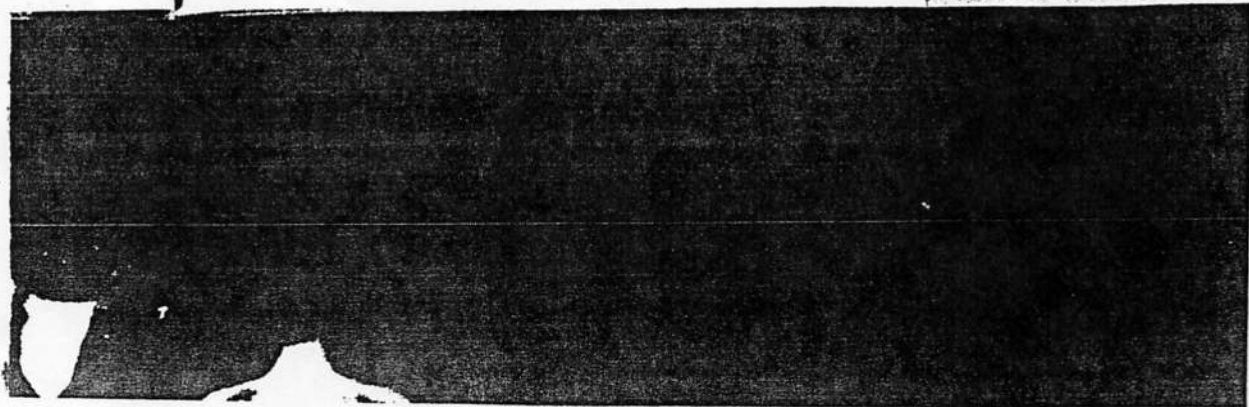
to do any good.

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He's not going to understand your words.

2 THE COURT: He's going to understand me;
3 because you don't know what my words are going
4 to be.

5 Frankly, when you hear my words, you're
6 going to be content.

7 MS. FOX: Your Honor, may I--

8 THE COURT: Miss--no, no.

9 Mr. Gallagher, you and your wife are in
10 a matrimonial litigation at the moment.

11 MR. GALLAGHER: Yes, sir.

12 THE COURT: You're a public figure.
13 You don't need any adverse publicity.

14 MR. GALLAGHER: Yes, sir.

15 THE COURT: I do not want to embarrass you
16 by entering an order that would be a matter of
17 public record.

18 MR. GALLAGHER: Yes, sir.

19 THE COURT: Listen to my words very clearly:
20 That would be a matter of public record that
21 might be used adversely against you in the future
22 in one of your future campaigns.

23 MR. GALLAGHER: Yes, sir.

24 THE COURT: So do you read me?

25 MR. GALLAGHER: Yes, sir.

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1 THE COURT: So I will enter orders if it's
2 necessary under the law, under the rule of law.

3 My suggestion to you is this: That, until
4 we have a hearing on whatever relief your wife
5 is asking, that, No. 1, that a certain 1971 Mer-
6 cedes Benz, which is in your name, which is in
7 her possession, remain in her possession.

8 It can't be transferred.

9 It can't be disposed of.

10 It can't be sold.

11 So you're not prejudiced during the pendency
12 of these proceedings until such time as we will
13 come to Court on a hearing.

14 MS. FOX: Your Honor, may I interrupt you
15 for a moment, because this is critical to this
16 particular--

17 THE COURT: No, no, no.

18 Let me finish. Let me finish what I'm saying.

19 No. 2, your wife is living in your--in the
20 marital home.

21 Don't give her any cause to come up with
22 any accusations against you, whether they are
23 true or whether they are figments of her imagina-
24 tion.

25 So from here until we have the hearing,

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to live in.

MR. BARRANCO: He has two other homes here in Dade County, Judge.

THE COURT: Mr. Barranco, am I talking to you?

I'm talking to Mr. Gallagher.

Now, I say that advisedly, and which--and I think it's in your best interests for your political future, even though these sworn allegations of hers may be improper.

You understand what I'm saying?

MR. GALLAGHER: Yes, sir.

MR. BARRANCO: We can bring the City of Miami police in if you want to hear them, Judge.

THE COURT: All right. I understand.

Don't you think what I'm saying makes a lot of sense? (To Mr. Gallagher).

MR. GALLAGHER: Yes, sir, it does.

THE COURT: All right.

MR. FOX: Your Honor, may I--

THE COURT: So, such being the case--

MR. BARRANCO: What about the restraining--

MS. FOX: Your Honor, that is totally unnecessary.

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1 THE COURT: Miss Fox, please. The sworn--
2 so on this application for a temporary restraining
3 order, exclusive use of the home, and use of
4 the automobile pending hearing, I will not enter
5 an order to that effect.

6 However, on the stipulation of Mr. Gallagher--
7 Mr. Gallagher will not, during the pendency of
8 these proceedings until the next hearing, come
9 near the marital home.

10 MS. FOX: Your Honor, may I say something?
11 because what you are doing to us is terribly
12 unfair at this particular point in time.

13 THE COURT: I'm not entering any order.