



March 14, 2008

From the Desk of Judicial Watch President Tom Fitton:

Obama's Records Problem



Hillary is not the only one with a "records problem."

Judicial Watch has been trying to get a hold of Barack Obama's records while he served in the Illinois state legislature from 1996-2004. With his suspicious connections to indicted political fundraiser Antoin "Tony" Rezko, and his "friendly" relationship with domestic terrorist William Ayers, we think the public ought to have a look at his official papers from this time period.

The problem?

Nobody knows where they are, if they exist at all. And Obama's story keeps changing.

During a campaign stop last fall, Obama said he didn't have any records of his eight years in the Illinois state legislature. "I don't have — I don't maintain — a file of eight years of work in the state Senate because I didn't have the resources available to maintain those kinds of records."

(Apparently they don't have boxes in Chicago.)

However, when questioned on the records by [Meet the Press](#) host Tim Russert on November 11, 2007, Obama said: "Well, let's be clear. In the state Senate, every single piece of information, every document related to state government was kept by the state of Illinois and has been disclosed and is available and has been gone through with a fine-toothed comb by news outlets in Illinois...every document related to my interactions with government is available right now."

Contrast this "version of the truth" with what the Illinois Office of the Secretary of State recently told Judicial Watch, in response to our open records request: "The ISA does not maintain Senator Obama's personal records or papers. [Nor] does the ISA maintain records generated by his office. In addition, the ISA has received no requests from Senator Obama to archive any records formerly in his possession."

(Judicial Watch also contacted Obama's successor, Kwame Raoul, who stated in a March 5 letter to JW: "Any documents I would have inherited from Senator Obama would have been constituent work files, and those were reviewed and discarded upon me taking office.")

So, do these records exist or not? It appears that Obama never kept records of his time in the Illinois state legislature, or he discarded them. Either way, he clearly intended to leave no paper trail. Certainly, our investigation now suggests Senator Obama could now have or could have had his state legislator records archived so that they are available to the public, but has chosen not to do so. So Hillary is not the only one with a "records" issue.

Nonetheless, Judicial Watch will continue its investigation of Obama's record(s). The more we learn about the Illinois Senator, the more obvious it becomes that he is anything but the ethically upright outsider he purports to be. Stay tuned...

Regarding Hillary's records, JW should have her daily schedule records in hand within the next week. The National Archives [notified the court](#) that it expects to have the records to Judicial Watch by March 20, the date of a status hearing in Judicial Watch's lawsuit. I'll have more regarding this next week.

House Approves Watered-Down Ethics Reform

From the moment Judicial Watch became a part of the discussions surrounding ethics reform in the new Congress, I've had the same concern: That any rules changes would not change the corrupt culture on Capitol Hill.

It looks like my fear will be realized.

According to the [Associated Press](#): "House Democrats...pushed through a measure Tuesday to create an outside panel to review possible ethical lapses by its members. The new office would be composed of six people appointed jointly by the House speaker and the minority leader. They could not be current members, federal employees or lobbyists. Recommendations of censure or punishment, including expulsion, would still rest with the ethics committee."

Before I bash, let me be fair and note the positives – non-members of Congress on the new oversight body might be able to initiate ethics investigations and there would be more public disclosure regarding any ethics investigations that are pursued. But there's much wrong with this reform.

- Outside citizens and organizations are prohibited from filing ethics complaints. Yes, the House is thinking of Judicial Watch when it leaves in place the rule preventing outside entities from filing ethics complaints.
- The so-called "independent" panel can include former members of Congress, the very people responsible for the breakdown in the House ethics system.
- The Office of Congressional Ethics has no power to enforce ethics rules and has no subpoena power. They can only recommend the House Ethics Committee initiate its own investigation. This leaves us at square one, as the committee is in meltdown.
- If the Office of Congressional Ethics dismisses a complaint, there is no public disclosure, which means scandals can be swept under the rug without any public knowledge.

Ironically, House Democrats reportedly violated House rules in order to pass their ethics bill. Again, according to the [Associated Press](#): "Republicans yelled in protest as Democrats held the 15-minute vote open for 27 minutes while Democratic leaders urged holdouts in the party to support the party position."

Ultimately, these strong-arm techniques worked, and the measure passed 229-182. However, it still has a way to go before it is implemented.

The [Congressional Quarterly](#) reported on Thursday: "House Minority Leader John A. Boehner made clear Wednesday that he sees little likelihood of joining Speaker Nancy Pelosi anytime soon to name members of a new outside ethics board the House has reluctantly agreed to create...Under the amended plan authored by Rep. Michael E. Capuano, D-Mass.,

the investigative board that would refer cases to the existing House ethics committee cannot get off the ground unless Pelosi and Boehner agree on its six members, three from each party. That led some advocates of the plan to suspect that Boehner will drag his feet on proposing his three appointees."

Democrats promised serious ethics reform upon seizing control of Congress and they did not deliver. Republicans don't want ethics reform either, so they're going to obstruct even the most minor "improvements." The Senate won't be doing any "reform" at all, by the way. Given the shared interests of both political parties to avoid accountability, I seriously doubt the new Office of Congressional Ethics will do anything to address the problem of corruption on the Hill. It will be up to the Department of Justice (if the courts will let it), independent groups and citizens to force corrupt members of Congress to change their ways.

NY Governor Spitzer Resigns for Involvement in Prostitution Ring

New York Governor Eliot Spitzer resigned on Thursday. By now, you probably know why. But here's a quick review.

According to [Bloomberg](#): "Eliot Spitzer resigned as governor of New York, brought down by allegations that he patronized a ring of high-priced prostitutes...The beginning of the end of his governorship came with a March 10 article on The New York Times Web [sic] site reporting that he was caught on a federal wiretap planning to meet a prostitute in Washington after arranging for her to travel from New York. The Times [sic], citing a person familiar with the federal investigation, said Spitzer was the individual identified in a federal affidavit as 'Client 9,' who federal prosecutors said paid \$4,300 to have sex with a prostitute named 'Kristen' in the Mayflower Hotel."

"People regardless of their position or power take responsibility for their conduct. I can and will ask no less of myself," Spitzer said in his farewell press conference.

Isn't it interesting that public officials seem ready to take responsibility for their conduct only after they got caught? Apparently, it did not occur to Spitzer at any point over the last 10 years – the amount of time this top law enforcement official for the Empire State has reportedly been using prostitutes – to come clean or at least stop his law-breaking.

At least Spitzer resigned rather than use his public office to obstruct justice and avoid prosecution, as the terrible Bill (and Hillary) Clinton did.

Though Spitzer was reportedly trying to use his resignation as a bargaining chip with prosecutors. Apparently, this tactic did not work. U.S. Attorney Michael Garcia said in a [statement to the press](#): "There is no agreement between this office and Gov. Eliot Spitzer, relating to his resignation or any other matter." In addition to the obvious prostitution-related charge, Spitzer could find himself indicted on charges of money laundering, tax evasion, and misuse of state and campaign resources. If the facts and the law warrant it, he ought to be prosecuted. He was a prosecutor, state attorney general, and governor. If public officials like Spitzer can flout criminal laws with impunity, the rule of law is weakened and we all suffer. You can be sure there are some seriously criminal public officials, as of yet uncaught, who are quietly rooting that Spitzer get off scot-free from criminal charges. Spitzer thought he was above the law, as do too many other politicians. At every opportunity, our legal system needs to remind them otherwise.

Until next week...

A handwritten signature in black ink, appearing to read "Tom Fitton". The signature is written in a cursive, flowing style.

Tom Fitton
President

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