



The Judicial Watch Verdict

JUNE 2005

JUDICIAL WATCH FILES SENATE ETHICS COMPLAINT AGAINST HILLARY!

Judicial Watch recently lodged a formal complaint with the U.S. Senate Select Committee on Ethics against New York Senator Hillary Rodham Clinton. JW continues to investigate Mrs. Clinton's participation in the campaign finance scheme that led to the indictment of her former National Finance Director, David Rosen, in March 2005. Thanks in large part to JW, Rosen now faces federal criminal charges he caused false campaign finance reports to be filed with the Federal Election Commission and could be forced to serve up to 20 years in prison and pay up to \$1,000,000 in fines if he is found guilty of the criminal counts against him.

"Senator Clinton and her campaign...have failed to comply with federal campaign finance laws and requirements, and Senator Clinton has engaged in conduct that reflects unfavorably on the Senate as

a whole," Judicial Watch argued in its complaint. "Accordingly, Judicial Watch respectfully requests that the U.S. Senate Select Committee on Ethics conduct a thorough investigation into the matters... and take all appropriate disciplinary action against Mrs. Clinton." This new Senate ethics complaint opens another front in the battle to make sure Hillary Clinton is held to the rule of law.

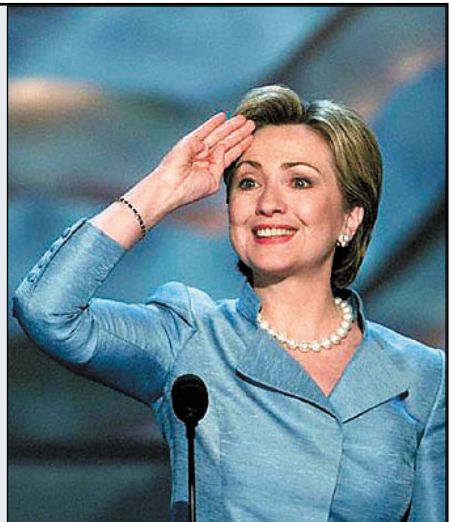
The Judicial Watch ethics complaint relates to a \$2 million contribution made to Hillary Clinton's 2000 Senate campaign by former Judicial Watch client Peter Paul in the form of a "Hollywood Tribute to William Jefferson Clinton." Contrary to promises made by Mrs. Clinton's campaign, Mr. Paul's contribution was never properly reported to the Federal Election Commission. Judicial Watch, working with Peter Paul, cooperated with the Justice

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"The Judicial Watch ethics complaint is another opportunity to hold Hillary Clinton accountable for her role in the campaign finance scandal."

— Tom Fitton, President of Judicial Watch

Photo: Senator Hillary Clinton




Department in its investigation of the matter, which ultimately led to the indictment of Rosen, one of Hillary Clinton's top consultants and a key fundraiser for a number of prominent liberals.

However, there is not yet a plan in place to indict Mrs. Clinton. In fact, the Judicial Watch ethics complaint is another opportunity to hold Hillary Clinton accountable. And while much of the liberal media continues to give Senator Clinton a free pass, Judicial Watch is preparing to launch an all-out media offensive against the Clintons to make certain the public is educated about of their criminal actions and unethical behavior. In addition to producing press releases, opinion editorials and working hand-in-hand with reporters, JW will also produce a radio tour highlighting Hillary's campaign finance scandal on radio stations across the country. In other words, if Mrs. Clinton is to be held accountable, it will only be through the persistence of Judicial Watch and its members and supporters.

"Hillary Clinton has become perhaps the

most powerful liberal in the country and the certain front-runner for the Democratic nomination for President in 2008," noted JW President Tom Fitton. "While we cannot take a position on her candidacy, Judicial Watch will do everything in its power to make certain the American people know the truth about her legal transgressions."

In addition to filing its ethics complaint with the U.S. Senate, Judicial Watch has also initiated a Citizen Petition campaign to force the Senate Ethics Committee to do its job. The committee is evenly divided, 3 to 3, between Republicans and Democrats and it is very difficult to motivate senators to investigate one of their own. You may have already received your citizen petition in the mail. If not, you may also log on to JW's Internet site: www.judicialwatch.org to join the campaign.

"Without Judicial Watch and its members, the critical criminal indictment Hillary Clinton's aide David of Rosen never would have taken place," continued Fitton. "Now it is time to turn the heat up on Hillary." 

Judicial Watch Educates Public, Press About Dangers of Judicial Activism

Judicial Watch hosted a lively panel discussion entitled "Defining 'Judicial Activism' in the Context of the Culture Wars" on Thursday, April 28th at the National Press Club in Washington, DC.

Hosted by Judicial Watch and moderated by JW President Tom Fitton, this panel focused public attention on judges who thwart the will of the Founding Fathers and the American people by ignoring the rule of law, while attempting to push their own liberal political agendas from the bench. This educational event was free

of charge as a public service of Judicial Watch.

Panelists included: **Patrick F. Fagan**, FitzGerald Research Fellow on family and cultural issues, the Heritage Foundation; **Jamin B. Raskin**, professor of constitutional law, American University's Washington College of Law; **Jonathan Turley**, professor of public interest law, George Washington University Law School; **Kevin A. Ring**, author of the recently published book *Scalia Dissents*; and **Paul Orfanedes**, Judicial Watch's Director of Litigation.

BERGER ADMITS TO STEALING CLASSIFIED DOCS, GETS SLAP ON WRIST

Samuel "Sandy" Berger, who served as Bill Clinton's National Security Advisor and was a top advisor to Senator John Kerry's presidential campaign, pled guilty on April 1 to a misdemeanor for stealing classified documents from the National Archives and Records Administration in preparation for his testimony before the 9/11 Commission. Judicial Watch President Tom Fitton, Director of Litigation Paul Orfanedes and Director of Investigations Chris Farrell were in attendance at the U.S. District Court for the District of Columbia to personally monitor the proceedings.

Berger is set to be officially sentenced on July 8, 2005. However, according to press reports, Berger struck a sweetheart deal with the government and will serve no prison sentence.

Instead, he is expected to forfeit his security clearance for three years and pay a paltry \$10,000 fine. (The plea deal is structured so as to allow Berger the possibility of obtaining top security clearance before the "next" Clinton administration in 2008.) Were Berger an average citizen, legal experts believe he would face multiple felony counts and a minimum sentence of ten years in prison, along with a hefty fine.

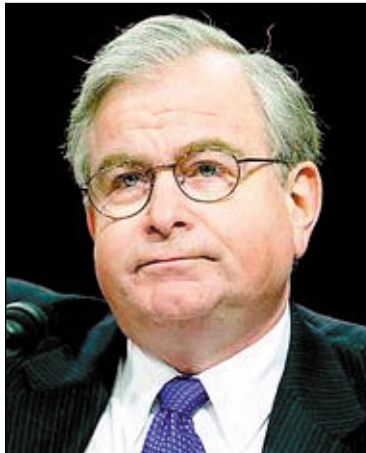
"This is just another sad instance of the current administration giving a pass to the

Clinton gang," said JW President Tom Fitton. "Judicial Watch will do everything in its power to see that Berger receives the lawful punishment he deserves."

Judicial Watch has already lodged an official complaint with the District of Columbia Board of Professional Responsibility, requesting that the office promptly investigate and seek disciplinary action against Mr. Berger. Judicial Watch also plans to file a sentencing recommendation with the U.S. District Court presiding over the case asking that Berger be punished to the full extent of the law for his admitted serious breach of national security.

On three separate occasions between July and October of 2003, Berger visited the National

Archives in order to prepare for testimony before the congressional commission investigating the terrorist attacks of September 11. Archive employees became suspicious of Berger when they noticed documents reviewed by the former Clinton official were missing. After persuading National Archive research room, Berger stuffed documents in his monitors to leave him alone in a pants and smuggled 40-50 pages of handwritten notes in direct



Sandy Berger




Tom Fitton, JW President and Tom Orfanedes, JW Director of Litigation, answer questions at a press conference.

violation of a policy of which he was well aware. He might have gotten away with the theft, too, had Archive employees not staged an informal "sting operation," coding documents reviewed by Berger to see whether or not he took them.

When caught red-handed, Berger claimed at first that the theft of the documents was "inadvertent." However, this claim became impossible to believe when Berger was

forced to admit that he had destroyed several copies of the highly classified documents, shredding them with scissors.

According to a Justice Department official interviewed by *The Wall Street Journal*, among the documents destroyed by Berger was a memorandum highly critical of the Clinton administration's handling of potential terrorist attacks leading up to the millennium celebration.

"It appears Berger was attempting to conceal the truth from Congress and the American people about the failure of the Clinton administration to address the serious threat of terrorism," continued Fitton. "Once again, a Clinton official put their political interests ahead of our national security." It is our aim to see that Sandy Berger pays the appropriate legal price for his wrongdoing. 

FOIA SHOCKER: FBI Protects Osama bin Laden's "Right to Privacy" in Document Release!

Judicial Watch recently obtained shocking documents through the Freedom of Information Act (FOIA) in which the Federal Bureau of Investigations (FBI) invoked privacy right protections on behalf of al Qaeda terror leader Osama bin Laden.

In a September 24, 2003 declassified "Secret" FBI report obtained by Judicial Watch, the FBI invoked "Exemption 6" under FOIA law on behalf of bin Laden, which permits the government to withhold all information about U.S. persons in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."

The documents were released to Judicial

Watch under the provisions of the FOIA and through ongoing litigation (*Judicial Watch v. Department of Homeland Security & Federal Bureau of Investigation*, No. 04-1643 (RWR)).

"It is dumbfounding and outrageous that the United States government has placed a higher priority on the supposed privacy rights of Osama bin Laden than the public's right to know what what happened in the days following the September 11 terrorist attacks," said Judicial Watch President Tom Fitton. "It is difficult for me to imagine a greater insult to the American people, especially those whose loved ones were murdered by bin Laden on that day."

Before invoking privacy protections for Osama bin Laden under Exemption 6, the FBI should have conducted a balancing

"test" of the public's right to disclosure against the individual's right to privacy. Many of the references in the redacted documents cite publicly available news articles from sources such as *The Washington Post* and *Associated Press*. Based on its analysis of the news stories cited in the FBI report, Judicial Watch was able to determine that bin Laden's name was redacted from the document, including newspaper headlines in the footnoted citations.

"Perhaps the FBI did not plan on any organization doing the legwork to find out the truth behind the redactions, but JW lawyers got right to the task," continued Fitton.



Osama bin Laden

Judicial Watch originally filed a FOIA request with the Department of Homeland Security in October 2003. When the agency refused to turn over documents, Judicial Watch filed suit. Judicial Watch was the first organization in the country to uncover the existence of 55 commercial flights spiriting Saudi nationals, including bin Laden relatives, out of the country in

the days after the terrorist attacks of 9/11. Multiple media reports had previously documented a series of private jets chartered for the same purpose.

The FBI originally claimed that it had thoroughly vetted all Saudi nationals prior to their departure. However, JW obtained documents that revealed these individuals were subjected to cursory, *pro forma* questioning. Experienced investigators suggest detailed counterterrorism interviews would have taken a minimum of two hours per passenger. There is no evidence offered that any such efforts were made by the FBI. In fact, according to

the FBI's own internal documents, on one of the charter flights no interviews were conducted at all.

Moreover, while the U.S. was still reeling from the terrorist attacks, one FBI agent even provided a personal security escort for a Saudi national who feared for his life.

More to come... ■■■

Of Note

In June 2004, JW provided the 9/11 Commission with previously unreported documents from the U.S. Customs and Border Protection showing that 160 Saudis were allowed to leave on 55 commercial flights from airports around the country between September 11 and September 15, 2001.

While the FBI claims it thoroughly screened all Saudi nationals prior to their departure, at least 49 Saudi nationals fled the United States on commercial flights within 48 hours of the terrorist attacks at a time when our national airspace was virtually shut down.

Documents obtained by Judicial Watch from the Federal Bureau of Investigation (FBI) show that Bin Laden family members and Saudi royals were subject to only cursory, *pro forma* questioning by the FBI prior to fleeing from the United States in the hours and days following 9/11. Experienced investigators suggest detailed counterterrorism interviews would have taken a minimum of two hours per passenger. There is no evidence offered that any such efforts were made by the FBI.

JW FORCES GOVERNMENT TO PROMISE RELEASE OF ILLEGAL IMMIGRATION DOCS

After stonewalling for more than a year, the Department of Homeland Security (DHS) finally committed in writing to release documents related to a Border Patrol survey designed to determine the impact of President Bush's self-described "guest worker" program on illegal immigration. Judicial Watch filed a lawsuit in June 2004 against the DHS for records related to the report after the department refused to respond to Judicial Watch's February 27, 2004 Freedom of Information Act request (*Judicial Watch, Inc. v. U.S. Department of Homeland Security* (Civil Action No. 04-0907 (RBW))).

According to the agreement, which was entered in the United States District Court, documents must be released by May 6, 2005.

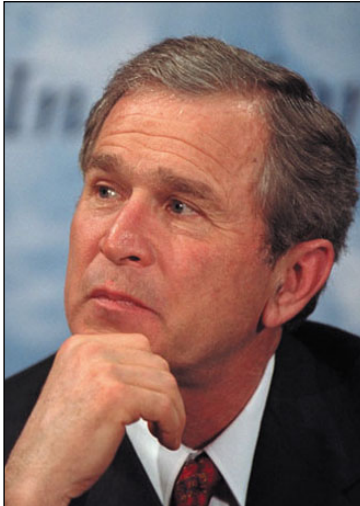
"This is an important victory for Judicial Watch and for anyone who is concerned about the national security threat posed by a mass infusion of illegal immigrants," said JW President Tom Fitton.

"Judicial Watch will get to the truth with respect to this survey. We will conduct a thorough analysis of the documents released and inform the public of our findings. Of course, if the government continues to stonewall or fails to produce all relevant documents, we will pursue the matter in court."

According to multiple press reports, Border Patrol officials in Washington initiated a survey in January 2004 to assess the impact of President Bush's proposed "guest worker" illegal immigration program. The highly controversial Bush proposal would

have effectively granted amnesty to millions of illegal immigrants who are already in the United States, allowing them to work and to live without any legal repercussions for their actions. The survey was shut down by the Bush administration once its existence was reported by the press. Moreover, Border Patrol agents reported that they were ordered not to talk to the media about amnesty or increases in apprehensions.


While the results of the cancelled survey have not yet been publicly disclosed, according to *The Washington Times*, a confidential Border Patrol report provided to the U.S. Senate in 2004 indicated that nearly 35% of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed his "guest worker" program said they were trying to take advantage of what they saw as amnesty.



President George W. Bush

The Border Patrol report also states that 66,472

illegal aliens were caught trying to cross the border in January, an 11% increase over last year's totals. In San Diego alone, the Bush proposal helped spark a three-fold spike in crossings by illegals, many of whom said they had come to the U.S. seeking amnesty. A significant portion of those apprehended were OTM, or "Other Than Mexican," including individuals from nations that support terrorism.

"If there is evidence that President Bush's proposed amnesty program is prompting masses of aliens to enter the country, particularly at a time of increased terrorist threats, we ought to know about it," said JW President Tom Fitton. 

JUDICIAL WATCH INVESTIGATES ILLEGAL ALIEN INVASION

JW Staff Stands Shoulder-to-Shoulder with Minutemen on the Arizona-Mexico Border

Judicial Watch staff members Chris Farrell and Brandon Millett recently returned from their work with the Minuteman Project along the Arizona – Mexico border. Farrell, who is JW's Director of Investigations and Millett, JW's Public Relations Director, experienced first-hand the detailed training and orientation given to Minuteman Project volunteers, then served an eight-hour shift at a border observation post on the "Naco line," just outside Tombstone, Arizona. Judicial Watch initiated an investigation of Border Patrol and Homeland Security practices based on their observations.

"The Minuteman Project proves false the government claim that nothing can be done to protect our borders," said Millett. "In just two weeks, a group of committed American citizens has completely shut down the Naco Sector, which was once a super highway for illegal immigrants. Imagine what we could accomplish as a nation if our elected officials applied the same resolve. I was proud to be there in Arizona on behalf of Judicial Watch and all its supporters."

The Minuteman Project is an organized

effort by a group of concerned citizens to do what our government has failed repeatedly to do – protect our nation's borders. After years of writing letters and sending faxes to government agencies and Congress, Minutemen volunteers decided to assemble peacefully and provide round-the-clock monitoring of the border between Arizona and Mexico, documenting and reporting instances of illegal crossings. Chris Simcox, co-founder of the Minuteman Project accurately states in literature given to volunteers, "The human flood breaching our Homeland Defense is not necessarily the enemy *per se*; drug dealers, criminals and potential terrorists are."

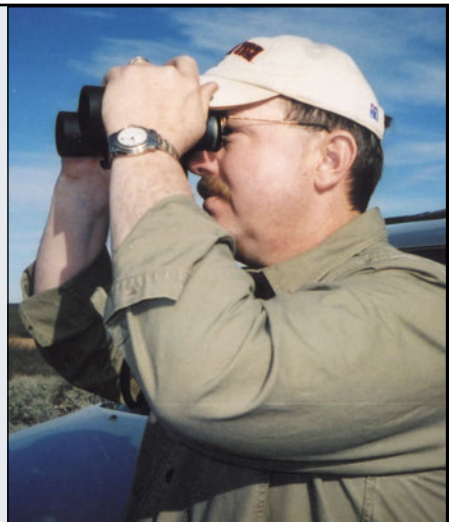
Minuteman Project volunteers, who patrolled the 20-mile border along Mexico and Naco, Arizona 24 hours per day, seven days per week, operated 16 observation posts and have reported more than 500 illegal immigrants to the Border Patrol in their first few weeks of service. While bureaucrats in charge of border patrol, embarrassed by the success of the

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"The foremost threat to the security of our nation is the federal government's continuing failure to secure our borders. The Minuteman Project demonstrates that we can secure the border."

– Chris Farrell, Judicial Watch Director of Investigations

Photo: Chris Farrell at the Minuteman Border Patrol in Naco, Arizona




the program, have registered their disapproval, Border Patrol foot-soldiers welcome the assistance. One Border Patrol agent, who wished to remain anonymous, told Farrell and Millett that he and other field agents "support the Minutemen 100 percent," and that "the Minuteman Project was responsible for reducing illegal crossings in the Naco Sector by 600 percent" in the first two weeks of April.

Minuteman Project volunteers promise to report all illegal crossings to U.S. Border Patrol agents, and to promptly retreat if confronted or even acknowledged by illegal immigrants. The project has received high praise from Representative Tom Tancredo (R-CO), CNN anchorman Lou Dobbs, and others.

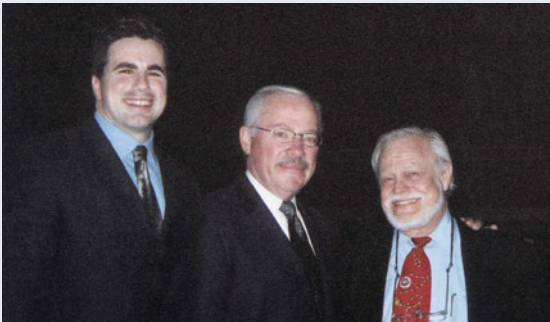
"The foremost threat to the security of our nation is the federal government's continuing failure to secure our borders. The Minuteman Project demonstrates that

we can secure the border. Now it's time for the politicians in Washington, DC to do their sworn duty. We've had enough excuses. I know that JW is proud of its affiliation with the Minuteman Project and we'll continue to work together." said Farrell.

The Minuteman volunteers were thrilled at Judicial Watch's show of support and assistance, for few "Washington, DC types" have given them the respect and support they deserve.

"We appreciate everything [Judicial Watch is] doing to help the cause," said Minuteman organizer Gray Deacon in a recent interview with *The Verdict* (see page 11). "We really need for you to do what you do best – help us to obtain government documents we might not have the resources to obtain. The government is lying and we need the information to prove it." 

JW'S 10TH ANNIVERSARY SOUTHEASTERN REGIONAL CELEBRATION



On April 6th, 2005, Judicial Watch held its 10th Anniversary Southeastern Regional Celebration in Atlanta, Georgia. The event was hosted by Judicial Watch supporter Dante S. Stephensen at his restaurant Dantes Down the Hatch and featured former Georgia Congressman Bob Barr as a guest speaker. Judicial Watch supporters who wish to organize a similar 10th Anniversary celebration in their own communities may contact Greg Mills at 202-646-5182.



Top photo, left to right: JW President Tom Fitton, former Congressman Bob Barr, and event host and JW supporter Dante Stephensen. Bottom photo: Judicial Watch supporters converse with Rick Ventura, JW's Vice President for Development.

This month's Interview

Provocative dialogue with the nations top opinion leaders



INTERVIEW WITH GRAY DEACON, MINUTEMAN ORGANIZER

Judicial Watch: How did you get involved in this issue in general, and with the Minutemen in particular?

Gray Deacon, Minuteman Organizer:

I came here because I saw what was happening in my little community up in Northwest Washington. I saw first-hand the negative impact of illegal immigration on the health care system, the education system, and the welfare system. Almost every facet of our community is getting clobbered and I wanted to come down and take a look at the root of the problem - the people crossing into America illegally, across the Arizona border.

JW: So you came all the way from Washington state? Would you say this is typical for the Minutemen? Are people coming from all over the country to participate in the protection of our borders?

Deacon: Yes, I did come all the way from Washington. It is 2,070 miles from home to here. We have people from every state in the union and the guy from Hawaii is supposed to be getting in on the April 25th.

JW: As you know, Chris Farrell, JW's Director of Investigations, and Brandon Millett, JW's Director of Public Relations joined your effort a few weeks ago. While they were working an eight-hour shift, they were visited by one Border Patrol Agent who said, "Now that my supervisor is not here, I can tell you guys this. I support the Minuteman Project one hundred percent. They've shut down this sector and reduced

illegal crossings by 600 percent." Is this the response you've been receiving from the Border Patrol? Of course, this refers to the foot-soldiers, and not the bureaucrats.

Deacon: Well, the foot soldiers' response is real point blank and you can find that on the U.S. Border Patrol Local 2544, Tucson, Arizona, website. They write: "We want to make it clear that we have not had one single complaint from a rank and file agent in the sector about the Minutemen. The Minutemen have succeeded in shifting the bulk of the illegal alien traffic out of the NACO corridor. If only President Bush were supportive of the rank and file agents."

JW: Given the positive response you have received from Border Patrol and volunteers from all over the country, who is against this program? Is it the middle management level of Border Patrol? Or does it go all the way to the White House?

Deacon: It starts right at the White House. The White House absolutely does not want control over this southern border and they've even gone so far as to call us nasty names, which isn't appropriate.

JW: Like "vigilante," for example.

Deacon: Right. And, you know this because you have been here, nothing could be further from the truth.

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We appreciate everything [Judicial Watch is] doing to help the cause. We really need for you to do what you do best. Help us to obtain government documents we might not have the resources to obtain.

– Gray Deacon, Minuteman Organizer

Photo: Steve Fisher (left) of Heber and Jack Treese of Simi Valley, CA, watch the Mexican border between Bisbee and Douglas as part of their Minuteman Project shift. Photo by JR Breuer.



JW: What JW found was an organization of committed, patriotic individuals who were fed up with the government's continuing failure to protect our borders. That is not exactly what the media has portrayed, however. What do you think is the untold story? How is the media getting it wrong?

Deacon: Well, the untold story is the fact that we have stopped the drugs coming across. Usually, 20 tons of drugs cross the border each night at a minimum. At this point, we have shut the trafficking of illegal drugs down. We have cut back from 3,000 people a night coming across our borders, to less than 300. Normally, in a 20-day period like this, you're looking at 60,000 individuals who would have entered the United States illegally and found their way into the interior of the United States.

JW: And who is to say where these 60,000 individuals are from? They are certainly not all Mexican nationals. Some of them are coming across from terrorist-sponsoring nations.

Deacon: Right now we know from the catch ratio that the Border Patrol generates, the percentage of illegal aliens from other nations is between 3 to 20 percent. Our catch ratio for potential terrorists must be pretty good.

JW: How many folks have participated in the Minuteman Project experience?

Deacon: There are exactly 777 people who have come through this office.

JW: Two of them right here in Judicial Watch.

Deacon: That is right and you've gone through the training. You know that the vetting process is thorough. First you go through an extensive interview and then you have an orientation and training program. During this entire process, we make it clear that we are out here to document and report. No contact is allowed. We will not even allow you to wave at an illegal immigrant. If you wave, you will be dismissed from the project. It's that simple. We only spot, observe, report and direct. If we spot somebody, we call the Border Patrol. When the Border Patrol arrives, we direct them to the place where we last saw the individual or group.

JW: Even the American Civil Liberties Union (ACLU) folks have to admit there just hasn't been any incident. You've got people out there looking for problems so they can put you out of business and they cannot find anything. The ACLU then camped out right behind JW's observation post during JW's shift.

Deacon: That is correct. However, since you left, the ACLU has changed its tactics significantly. While you were here, they were simply going behind us and standing

on the hillside and watching. A few days ago, three of our gentleman spotted a group of nine illegal aliens, called the Border Patrol, and directed them to the location of the illegals. The Border Patrol arrived along with two sheriff's deputies. As they were taking the illegals into custody a car came screeching into the parking area, throwing dust and rocks all over the place. A person from the ACLU jumped out of the car and started across the road towards our group of three men, shining a bright camera light into their eyes. He then shoved one volunteer, who is in his seventies, and started screaming, "I'm being attacked, I'm being attacked! They're attacking me! Come help me, I'm being attacked!"

JW: So the ACLU is getting aggressive and trying to blame the Minutemen for incidents they are instigating?

Deacon: They started as observers, but now they have crossed the line. They have even gone so far as to honk their horns and try to warn people hiding in the bushes that Minutemen are nearby. They are assisting those who are breaking our laws.

JW: This shows their level of desperation. Obviously they were hoping to go down there and get a story and, instead, what they found is a legitimate and peaceful effort to protect our borders. They invested resources in being on site, and they wanted to get a bang for their buck.

Deacon: I'm sure this is true, but their behavior is disappointing. We can disagree philosophically, but when you attack old men and when you go out of your way to actually take the side of criminals, you have gone way too far.

JW: Gray, JW's staff were very grateful for the opportunity to participate in the Minuteman Project as volunteers, but what else can Judicial Watch and its members do to help the Minutemen achieve their objective of a safe and secure border?

Deacon: First of all, we appreciate

everything [Judicial Watch is] doing to help the cause. We really need for you to do what you do best. Help us to obtain government documents we might not have the resources to obtain. The government is lying and we need the information to prove it. For example, the day before we started, convoys of Border Patrol vehicles came our way, running under full lights. Border Patrol claims that every single agent that you saw and every piece of equipment that is down here has been here all along.

JW: So, in other words, Border Patrol is saying that there was no response to the Minuteman Project – that all those resources were already in line.

Deacon: Yes, and we know this is wrong. Today, you cannot look 20 feet in either direction without seeing a Border Patrol agent. This was not the case prior to our arrival. If these resources were already here, we would not have had illegals crossing.

JW: Judicial Watch has already filed a Freedom of Information Act request with the U.S. Customs and Border Protection office to obtain documents describing the Border Patrol's allocation of resources before and after the arrival of the Minutemen. Anything else?

Deacon: Perhaps, too, you can pass on to your readers the importance of pressuring the President and members of Congress to understand the border patrol problem and to address it. We must all work together to force the government to do its job.

JW: Well, Gray, I want to thank you for all of your hard work. You are providing a valuable service for the country, not only in terms of reducing illegal immigration, but also in terms of educating the public and pressuring politicians. If President Bush showed the same resolve as the Minutemen, imagine what we could accomplish as a nation with respect to the illegal immigration problem. ■■■

FIGHTING SECRECY:

Judicial Watch Pushes Congress to Broaden Access to Government Docs

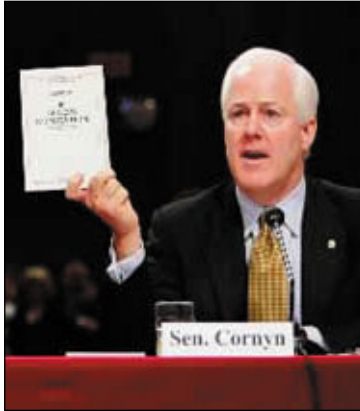
Judicial Watch continues to actively push for openness and transparency in government. JW President Tom Fitton recently appealed to Senator John Cornyn, the author of the Open Government Act of 2005, to broaden as much as possible the public's access to information about government activity. At the same time, Fitton, on behalf of JW, cautioned generally against implementing policies that could mire open records requests in bureaucratic red tape. Senator Cornyn is also considering creating the Office of Government Information Services, yet another government agency.

"The Freedom of Information Act (FOIA) laws, however abused or compromised, remain an important bulwark in the American public's ability to learn about the operations of their government and to hold officials accountable," wrote Fitton. "Rather than inventing another bureaucratic layer and adding it to an already bloated system, however, why not require government officials to follow existing law?"

Fitton went on to point out that government officials have issued policy memos that instruct employees to eviscerate the FOIA laws, and that government agencies should unilaterally adopt and abide by existing codes of conduct with respect to the open records process.

"Harmonizing the various agencies' Code of Federal Regulation procedures for FOIA would be a major step forward," noted Fitton.


No other organization appreciates the need for government transparency more than Judicial Watch. Since its inception, JW has filed more than 400 Freedom of Information Act requests, leading to the release of millions of pages of documents. However, many agencies have stonewalled the release of information, forcing Judicial Watch to pursue expensive litigation. Moreover, when documents are finally released, often important information is redacted, rendering the documents useless, or is no longer timely.



U.S. Senator John Cornyn (R-TX)

For example, Judicial Watch recently received 915 blacked-out pages of documents from the Bush Justice Department in response to a court order demanding that the government turn over to JW information pertaining to Bill Clinton's last minute controversial pardons. These pardons took place more than four years ago.

"Rarely is a newsworthy or controversial FOIA request responded to substantively by agencies of the federal government unless Judicial Watch seeks a remedy by filing a lawsuit in the U.S. District Court for the District of Columbia. Even then, executive departments and agencies have defied court orders," continued Fitton.

While noting significant problems with the current system, and registering objections to any policies that would interfere with open records requests, Judicial Watch did express gratitude to Senator Cornyn for his effort at "reforming a broken process." 

GOVERNMENT UNCOVERED

Abortion Pill Linked to Death of UK Women

Access to information is vital to Judicial Watch's campaign to eliminate corruption from our government and our legal systems, and the open records Freedom of Information Act is a key tool successfully used by Judicial Watch to acquire information from the government. The following is an analysis of recent documents obtained by Judicial Watch through the Freedom of Information Act in its investigation of RU-486, a dangerous drug approved by the Clinton Food and Drug Administration for the purpose of abortion.

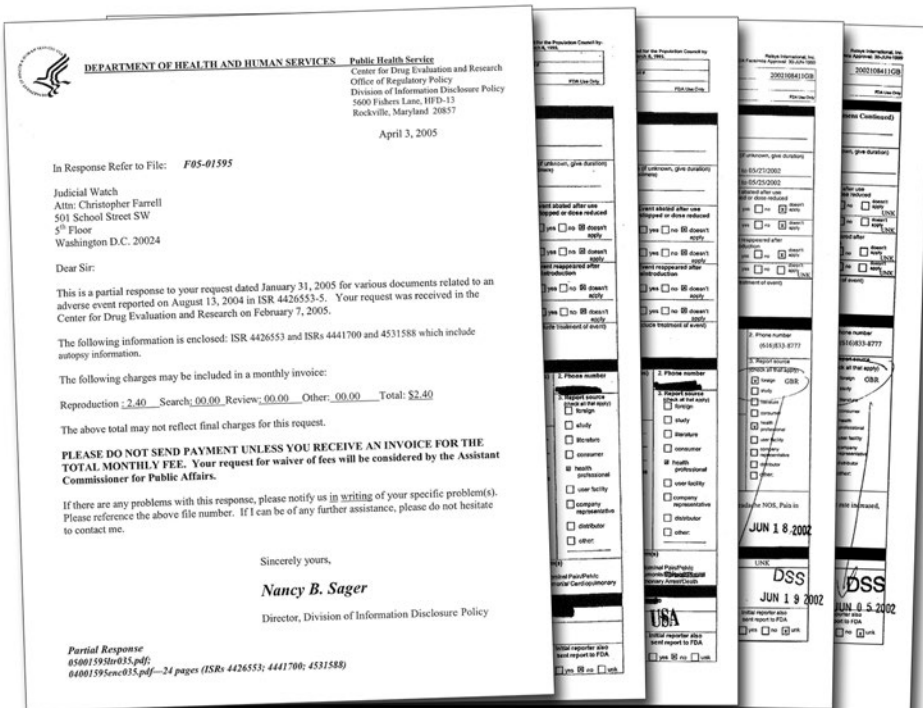
Background:

In an effort to appease radical pro-abortion activists, the Clinton Food and Drug Administration hastily approved the abortion pill, RU-486, on September 28, 2000. Judicial Watch immediately filed a FOIA request and then battled the government in court to force the release of documents pertaining to the decision to approve the drug. JW learned through the

document release that the FDA approved RU-486 under the "Accelerated Approval of New Drugs for Serious or Life-threatening Illnesses," a measure intended to apply to drugs for illnesses such as cancer and AIDS. (This, of course, was completely inappropriate given the fact that RU-486 does not treat any illness, serious or otherwise. It is designed for the expressed purpose of terminating life.) Judicial Watch also uncovered clinical trials that revealed serious health complications resulting from the use of the drug, including internal bleeding and the passing of large blood clots. Recent press reports linking the deaths of two UK women to RU-486 prompted JW to once again file open records requests and forced the release of government documents relating to the matter. The following medical report obtained by JW from the Center for Drug Evaluation and Research contains the medical history of one of the UK women who died after using the drug. (Warning: The following information contains some graphic medical details.)

FOIA documents obtained by Judicial Watch.

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Key Excerpts:

Food and Drug Administration Medical Products Report, June 4, 2002:


"A female patient (age unknown) was treated with misoprostol (dose unknown) by mouth on [date withheld] for abortion. On [date withheld] she was given misoprostol 800 g per vagina, plus another drug (possible mifepristone). The patient was also given 1 g of antibiotics for any possible infection and paracetamol for pain relief. The termination went well and the patient was fine on [date withheld.]"

"In the night, the patient went to a nightclub. She complained of pain in her leg, headache and racing heart. She collapsed at the nightclub and was hospitalized. The patient died soon after..."

"On [date withheld] autopsy revealed 1 liter of blood in the patient's stomach and two gastric ulcers. The coroner is now looking at the drugs given for the termination, which could have possibly caused a heart problem and thrombotic events."

Relevance:

Despite the best attempts of radical pro-abortion activists and the Clinton administration to paint RU-486 as a harmless and effective drug, these documents tell a different story. The autopsy of the UK woman who died the same day she was treated with the drug reveals a pattern of symptoms consistent with clinical studies that proved RU-486 to be a dangerous, and potentially lethal, drug for the women who take it. These clinical studies were available to the Clinton administration prior to its approval of RU-486, which begs the question: Did Bill Clinton and his political appointees at the Food and Drug Administration put their

political interests ahead of the health and well-being of thousands of women and unborn children? JW will continue to investigate RU-486 and educate the public about its dangerous and deadly side effects, while also pressuring the Bush administration to review the safety and effectiveness of the drug. 

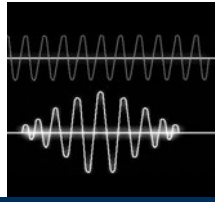


Former President Bill Clinton

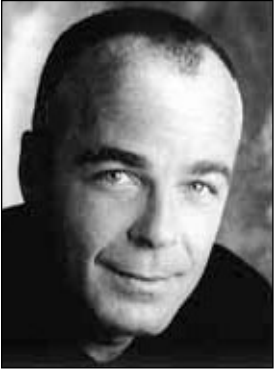
Of Note

Clinton FDA Commissioner Jane Henney admitted that "the agency broke precedence" by not publishing the names of the experts who reviewed the drug, or the name of the company that would manufacture the drug. By so doing, the agency helped to protect the manufacturer and those who reviewed the drug from the deluge of liability claims that are sure to follow.

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JERRY DOYLE INTERVIEW WITH TOM FITTON, JW PRESIDENT



Radio Host Jerry Doyle

Jerry Doyle, Host of the Jerry Doyle Show: Joining us on the program to discuss the ethics process in Washington and other issues is Tom Fitton. He is the President of Judicial Watch.

Tom Fitton, JW President: Hi, Jerry. How are you?

Doyle: I'm reading this article about the recent DeLay scandal. Is this really how out of control lobbyists are in Washington, D.C.?

Fitton: Yes, and these are people on conservative side of the aisle that we are talking about here. These folks, who are known for having conservative views, were bilking tens of millions of dollars from Indian tribes and it looks like some of the money was being funneled to Tom Delay to send him on a trip overseas. I recall, Jerry, when the Republicans swept into office in 1994, they were screaming about, and rightly so, the Democratic corruption in the House of Representatives. You had the House bank check-kiting scandal where you had all these representatives writing checks off of accounts that did not have money in them, and you had a few congressmen going to the post office and cashing in stamps provided to them by the

U.S. taxpayer. Dan Rostenkowski went to jail for that. The Republicans came in saying, "We're going to clean up." And now we see these scandals which are under FBI investigation. It is really ugly.

Doyle: Is this the strategy right now? Are Democrats trying to recreate the image of a corrupt Republican administration like the Republicans in Congress did to the Clinton administration in 1994, so that they can say that they are going to sweep in on a white horse and fix up all the problems in Washington, D.C.?

Fitton: Well, there has certainly been a lot of attention paid to the way Republicans have been running Congress and the lax ethical standards that are implemented in the House of Representatives.

Doyle: The Republicans certainly do not have the patent on padding their own pockets. They are certainly beating up on Tom Delay, but then you have Bernie Sanders out of Vermont. His spokesman basically said, "Look, this is just what everybody does." The Vermont Republican party chair, Jim Barrack, came out and said, "If it's corruption when Tom Delay does it, then it's corruption when Bernie Sanders does it." However, the fact that they are all doing it does not make it right. I don't know if the American people are even aware of just how much money is being thrown at these elected officials

under the guise of pursuing the betterment of this country when, in effect, it is \$100,000 to go play golf in Scotland.

Fitton: Well, that's right and both parties are involved and it does not make it right. The question is: how are we going to police Congress? Congress is supposed to police itself. The members themselves are supposed to enforce its rules and ethics standards. There is no way to do that now. When you are talking about ethics rules, you are not talking about conduct covered by federal law. Unfortunately, outside groups cannot ride herd on everything. Members must do what is right even if it is not covered by law.

Doyle: Mr. Fitton, this could appear to be a relatively new phenomenon. Maybe it is something that has always been taking place, but now the stakes are so high and the power grab is so great.

Fitton: It is out of control and largely because of the size of the federal government in many respects. When you have a government that's taking in over \$2 trillion dollars a year you can't stop it. This is why the left fails to understand the issue of corruption in government. Big government means big corruption and if the government can make or break a business, or make or break an industry, you can bet that industry is going to spend as much as it can to make sure that it is able to survive. This is what the Indian tribes were doing, at the behest of these lobbyists. But I tell you, Jerry, this is a real crisis of confidence. The Democrats certainly have a lot to answer for as well. Hillary Clinton is terribly corrupt. We have been investigating a severe campaign

finance scandal that she was involved in, every bit as serious as anything that they are talking about with Tom Delay. But the Republicans run the levers of government right now. They are going to be held to higher standards and it is a cross they must bear.

Doyle: If you had a rate corruption in the government, regardless of what party is involved on a scale of 1-10 with 10 being the most corrupt, where would you put that number today?

Fitton: I would put the number at a 6. We aren't quite Third World yet, but if we allow these lapses to go by where those responsible are held to a lesser standard and not held to account, before you know it, we are not going to be much better.

Doyle: How are we going to be able to change the system, to take the money out and put the principles back in?

Fitton: Obviously, that is a big job. The first thing you do is start throwing people in jail when they commit crimes. That would be a good lesson to politicians

and lobbyists to stay within the bounds of the law. In terms of how to get the money out, as I was saying earlier, as long as the government is as big as it is, the money devoted to trying to influence it will always be high. So there may not be a way to get the money out, but we should be transparent and legal and ethical about how we conduct business.

Doyle: What are the chances of a Hillary Clinton or someone like that going to jail?

Fitton: That has yet to be determined. Hillary Clinton was involved in a campaign finance scandal. Former JWclient Peter Paul gave her \$2 million. She never



Tom Fitton, President of Judicial Watch

reported it. It never showed up on any of the documents she was supposed to file. Her top finance aide was indicted and she ought to be sweating bullets, but there is no talk of indicting Hillary. He is facing upwards of 20 years in jail for something we know she knew about. She did not correct the record in her Federal Election Commission filings. She's not now subjected to the same types of investigation and prosecutorial scrutiny that the underlings would be subjected to and folks need to understand that just because there's a Republican in office, doesn't mean the Democrats are going to be pursued vigorously.

Doyle: Mr. Fitton, it seems like just when we start to get to focus on the problems in Washington, the cameras are focused on something else, whether it is Michael Jackson or Martha Stewart, or something else, and they divert our attention away from the corruption that is taking place in Washington D.C. One of the best ways to arm ourselves to deal with this is through education. One of the places to get some of that education is your organization, Judicial Watch, but there is a lot of frustration out there.

Fitton: I agree. There is a lot of

frustration out there. Of course, your listeners can support Judicial Watch and at the same time let their elected representatives know that they do care about ethics in Washington. Whether you are a Republican or Democrat, liberal or conservative, you ought to obey the law and do what is right. The Democrats, of course, are complaining about Tom Delay here. They have been complaining about him for years though. They had the ability at the leadership level to file ethics complaints long before now, but did nothing. It is because both Republicans and Democrats had a deal not to file ethics complaints against each other. They have been protecting each other.

Doyle: Well, I think this is all about people getting involved and getting educated and informing themselves. You know, Hillary Clinton, failed to report a \$2 million contribution. Some guys might go to jail for 20 years, but she is possibly going to be the nominee for the President of the United States in 2008. That is the stuff that must get people fired up about staying involved. Thankfully, Judicial Watch is out there. Judicial Watch, by the way is a nonpartisan, nonprofit foundation in Washington D.C. Go to their website – judicialwatch.org. 📄

Of Note

Judicial Watch has secured regular guest appearance on the nationally syndicated *Jerry Doyle Show*, the fastest growing talk radio program in the history of the Talk Radio Network. Every other Wednesday from 4:30 p.m. to 5 p.m. EST, JW President Tom Fitton will provide an update on Judicial Watch's programs, cases and investigations. (JW's first appearance was on April 13th.) The program airs Monday - Friday 4 p.m. to 7 p.m. EST on 175 stations nationwide, including WBAP in Dallas, Texas; WPAM in Portland, Oregon; KTTN in Seattle, Washington; WRKO in Boston, Massachusetts; WNTP in Philadelphia, Pennsylvania, and WWTC in Minneapolis, Minnesota. The Jerry Doyle Show is also available live Saturday's 11p.m. to 2a.m. Eastern, and online at www.talkradionetwork.com. To find the Jerry Doyle Show on a radio station in your area, please feel free to email affiliates@talkradionet.com.