

JUDICIAL WATCH COMES OF AGE AS AN ORGANIZATION DEFENDING THE RULE OF LAW IN AMERICA

By: Anthony J. Sacco, Sr. © August 2009

PINE BLUFFS—I first became aware of Judicial Watch as a player in 1994, when I began researching for my first book. That novel, which was eventually published (See *The China Connection* (Writers Club Press, New York, Lincoln, Shanghai, 2003), is a fact-based fictionalized account of efforts by the Chinese to obtain dual use missile technology from the United States through illegal contributions to the re-election campaigns of President William Jefferson Clinton and Vice-President Al Gore.

During the '90s I did not think that anyone really cared about what the Chinese were doing. The country was pursuing a "policy of engagement" with that huge Asian nation, and, other than a few reporters such as Bill Gertz of *The Washington Times*, seemed to simply wink at any of its transgressions, including its civilian and military espionage activities directed against America's public and private sectors.

Imagine my surprise, then, when I discovered that, led by its founder, attorney Larry Klayman (who left Judicial Watch in 2003 to run for the U.S. Senate from Florida), Judicial Watch had systematically prepared and filed eighteen lawsuits against the administration of Democrat President Bill Clinton and figures in his administration.

Judicial Watch's motto is "because no one is above the law," a concept in which I and lawyers of my generation were steeped from the first days of law school. The group describes itself as a conservative, non-partisan educational foundation that promotes transparency, accountability, and integrity in government, politics, and the law. Its mission statement states that it advocates high standards of ethics and morality in America's public life, and that it seeks to ensure that political and judicial officers do not abuse the powers entrusted to them by the American people. Its work is accomplished through filing lawsuits with federal courts and complaints with various federal commissions.

For fifteen years, this organization has been defending, with increasing success, the proposition that "no one is above the law." It is proudly conservative, but not partisan. It firmly believes that the rule of law should be respected by all Americans, especially those who hold high public office.

In its early years, the organization received considerable financial support from conservative billionaire Richard Mellon Scaife. Because of this, true to the form we'd see repeated over and over, Clinton administration officials charged that it was "abusing the judicial system for partisan ends." But as proof of its non-partisanship, Judicial Watch joined with the liberal Sierra Club in filing suit against the administration of George W. Bush and Vice-President Richard Cheney for the release of Cheney's energy task force minutes.

So confirmed is Judicial Watch in its belief that no one is above the law, that for the past fifteen years, it has litigated, with much success. Here are a few cases:

In 1995, Judicial Watch was one of the first to expose the "Chinagate" scandal, through a Freedom of Information Act lawsuit against the Clinton administration's Commerce Department. "Chinagate" is a term used to refer to many scandals involving the Clinton administration and the People's Republic of China. As recounted in my book, *The China Connection*, most "Chinagate" scandals involved some form of improper campaign contributions to the Democrat Party by the Chinese government in exchange for favors harmful to the security or national interests of the United States, including foreign policy decisions, satellite technology, and classified military secrets.

In 1995 and 1996, Judicial Watch lawsuits stopped further sale of Ron Brown's Commerce Department trade mission seats to "fat cat" Democrat Party contributors. In order to raise funds for his re-election, someone in the Clinton administration had conceived the idea of "selling" seats on trade missions to anyone who could pay for them. Huge sums were involved, as were huge payoffs in trade to those who could afford the price.

In 1997, after several setbacks, the Clinton Administration offered to pay all of Judicial Watch's legal costs if it would drop key FOIA investigations and lawsuits. Judicial Watch refused the offer.

In 1998, Judicial Watch's "Filegate" and related lawsuits and investigations exposed the Clinton White House's illegal use of the FBI to conduct opposition research of critics of the Clintons.

In 1999, in a deposition taken by Judicial Watch, Johnny Chung, a central "Chinagate" figure (and a principal character in my novel, *The China Connection*), implicated Bill and Hillary Clinton and Al Gore in the "Chinagate" crimes of accepting illegal campaign contributions from foreign nationals.

In 2000, as a direct result of one of Judicial Watch's "Filegate" lawsuits, for the first time in U.S. history a sitting President of the United States was found by a federal court judge to have committed a crime. The court held that President Bill Clinton criminally violated Kathleen Willey's rights by releasing her confidential government files to the media in order to smear her reputation when she made sexual assault allegations against him.

In 2001, Judicial Watch filed its first lawsuit related to the "Hollywood Tribute to William Jefferson Clinton," a fundraising event for Hillary Clinton's first Senate campaign (and a heavy-handed attempt by his supporters to rehabilitate his forever tarnished reputation) that violated federal election campaign finance laws.

In 2004, Judicial Watch's Director of Litigation appeared before the U.S. Supreme Court arguing in favor of Judicial Watch's lawsuit to make documents related to the work of the National Energy Policy Development Group available to the public.

In 2005, in response to Judicial Watch's complaint, the Federal Elections Commission levied a \$35,000 fine against Hillary Clinton's fundraising operation over its violation of federal campaign finance laws in the "Hollywood Tribute" affair.

Also in 2005, Judicial Watch blazed a new legal path in the war against illegal immigration by suing the Town Council of Herndon, Virginia. The lawsuit was filed on behalf of a group of taxpayers over the council's decision to use taxpayer funds to build and maintain a "day laborer site" designed to attract illegal aliens and facilitate their hiring. This action has since led to Judicial Watch legal actions in cities across America, including Chicago, Los Angeles, Houston, Washington, D.C., and Laguna Beach. Please keep in mind that spending taxpayer money to fund illegal immigrant activities is illegal, and employers who hire illegals immigrants are, themselves, committing crimes.

In 2007, two years after Judicial Watch initiated its Herndon lawsuit, the Herndon Town Council threw in the towel and announced that it was shutting down the "day laborer" site permanently.

In 2007, the U.S. Commerce Department settled with Judicial Watch pursuant to a federal court order, and reimbursed it nearly \$900,000 for legal and other expenses incurred in its investigation of the illegal Clinton era "sale" of seats on trade missions in exchange for campaign contributions.

In 2008, as a direct result of a Judicial Watch lawsuit, the National Archives released the first group of Hillary Clinton's White House daily schedules. This court proceeding seeks to discover whether Hillary Clinton, while an unelected First Lady, took part in policy-making activities and decisions. As you know, regardless of what Bill Clinton stated during his first presidential campaign ("You elect me, you get Hillary") First Ladies, because they are not elected and therefore are not accountable to the voters, have no authority to engage in policy matters.

Finally, in 2008, Judicial Watch filed complaints with the Federal Election Commission against Senator Barack Obama over his acceptance of a below-market-rate mortgage from Northern Trust on his Chicago mansion, an example of favoritism extended to him during his bid for the Oval Office. Did the banking industry expect or demand favorable treatment in return, as for example, the huge bail-out it received when its man gained the White House?

And on April 22, 2008, Judicial Watch filed a formal complaint with the Federal Elections Commission, stating that the venue for a fundraising event to benefit the election campaign of Senator John McCain was London's Spencer House, and that this was a potentially illegal, in-kind donation – a fundraising event by foreign nationals, in violation of federal campaign finance laws (2 U.S.C. Sec. 441e), against accepting illegal in-kind campaign contributions to federal, state, or local campaigns from foreign nationals due to the probability of foreign influence.

In 2009, Judicial Watch celebrated its fifteenth anniversary. Although the gavel has been passed to Tom Fitton, their work remains the same; upholding the rule of law. As Mr. Fitton has said: "The rule of law is the cornerstone of our democracy as well as our protection against corruption and tyranny, and fighting to uphold it has been the calling of every generation of Americans."