

Scott Walker's Dubious Dodge

Many people can't understand how Wisconsin Governor Scott Walker managed to escape being indicted by the first John Doe investigation, which led to convictions of six of his associates.

For instance, a former Wisconsin attorney general and a Milwaukee county supervisor who was subpoenaed by the John Doe prosecutor are wondering why Walker wasn't charged with violating the state's public records law while he was Milwaukee county executive. The recently released 27,000 pages of documents from the first John Doe investigation provided enough evidence to bring such a charge, they say.

John Weishan, a Democrat and a critic of Walker on the Milwaukee County Board, submitted an open records request for the computer communications in the county executive's office back in the spring of 2010. Weishan suspected at the time that Walker or members of his staff were doing campaign work on the public dime, which turned out to be the case.

But Weishan received only four vacuous pages back in response to his request, along with a bill for \$2,800 and the accusation from Walker's staff that the supervisor was engaged in a "fishing expedition."

Today, Weishan says, he feels vindicated. The document dump "proves that everything I thought was going on at the time did take place," he says.

The documents show Walker regularly communicating on a private e-mail system during work hours both on campaign business and county business.

Cindy Archer, Walker's deputy, told another staffer about the secret communication network: "Consider yourself now in the 'inner circle.' :) I use this private account quite a bit to communicate with SKW." Those are Walker's initials.

In another e-mail, Walker asked Archer to "get me all the facts" to counter an attack by his Republican primary challenger.

The chief investigator of the Milwaukee County District Attorney's Office, David Budde, testified on November 1, 2010, that Walker himself, as Milwaukee county executive, was illegally using the private communication system that his staff had set up.

Budde was asked under oath: "Did you find any e-mails written by the county executive himself" on "personal laptops in the county executive's Office?"

Budde answered with one word: “Yes.”

The documents prove his point. Walker was involved in the tiniest details of political responses in his office, from writing talking points for his county staff to slowing down responses to constituents who raised politically harmful issues.

For instance, at 10:25 a.m. on April 29, 2010, Walker used his campaign e-mail address to counter a negative press conference from his critics on the county board about problems at a county mental health facility. As the *Milwaukee Journal Sentinel* reported, he recommended that a sympathetic state legislator should say, “This press conference is a political stunt that ignores the facts.” He said her statement “should be short and to the point.” And he added: “We need to find a personal e-mail for someone on her staff to get this language (or read it to them over the phone). It should NOT be e-mailed to her official account.”

One month before, he wrote to aides about this issue: “Keep me out of the story.” And two weeks before his election, he told his staff “we should not make it public” when he heard about a possible lawsuit by the family of a woman who died of starvation in a county facility.

On the afternoon of July 1, 2010, Walker sent an e-mail to Cynthia Archer, director of the Department of Administrative Services, to deflect an attack from his primary opponent, Mark Neumann, the *Wisconsin State Journal* reported. Walker said: “Get me all the facts I can get.”

On Friday, May 14, 2010, at 8:46 a.m., Walker responded to an e-mail he received from his deputies at skw@scott-walker.org, one of his personal e-mail addresses. This is his now-infamous e-mail about staffer Darlene Wink, who had just resigned after admitting she posted campaign comments while at work. Her resignation was reported in the *Milwaukee Journal Sentinel*. “I talked to her at

home last night,” Walker wrote. “Feel bad. She feels worse. We cannot afford another story like this one. No one can give them any reason to do another story. That means no laptops, no websites, no time away during workday, et cetera.”

Investigator Budde stressed why this is important: “The significance of this e-mail is that it shows that the county executive would appear to be aware that laptops were used in the county executive’s office for accessing things on non-county networks.”

Budde also suggested—and this has not been noted by the mainstream press—that Walker’s staffers might have taken his e-mail to mean that they should destroy evidence in the ensuing hours.

As Budde testified: “It also is very significant because it shows that the various members of the county executive staff worked in concert to conceal laptops and/or networks—wireless networks that were in existence in that office suite, and these items were not present when we did our search warrant later in the day on May 14, 2010.”

Weishan points a finger directly at Walker.

“It’s clear from the e-mails that not only did Scott Walker know but he was the head cheerleader in orchestrating keeping this secret and conducting business outside the realm of the public,” Weishan says. “He actively engaged in business to defraud the public.”

Weishan says that’s a felony, and he adds that “submitting a false response to an open records request is also a felony.”

Weishan says the prosecutors asked for all the documents relating to his open records request, which he handed over to them. John Chisholm, the district attorney leading the investigation, along with assistant DA Bruce Landgraf, then interviewed him about this.

Weishan says he doesn’t want to criticize Chisholm, but he adds: “This is one of the few cases where it’s extremely crystal clear that Walker not only conspired

to break the open records law, but he did break the open records law.”

That law states that “all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.”

It adds that “an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information.” This “shall be construed in every instance with a presumption of complete public access.”

According to a “compliance outline” written by current Wisconsin Attorney General J. B. Van Hollen, a Republican, public records include “e-mail sent or received on an authority’s computer system” and “personal e-mail sent by officers or employees of the authority,” as well as “e-mail conducting government business sent or received on the personal e-mail account of an authority’s officer or employee.”

It is a felony to violate this law. “Whoever with intent to injure or defraud destroys, damages, removes or conceals any public record is guilty of a Class H felony,” the Wisconsin statutes say. And the penalty for a Class H felony is “a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.”

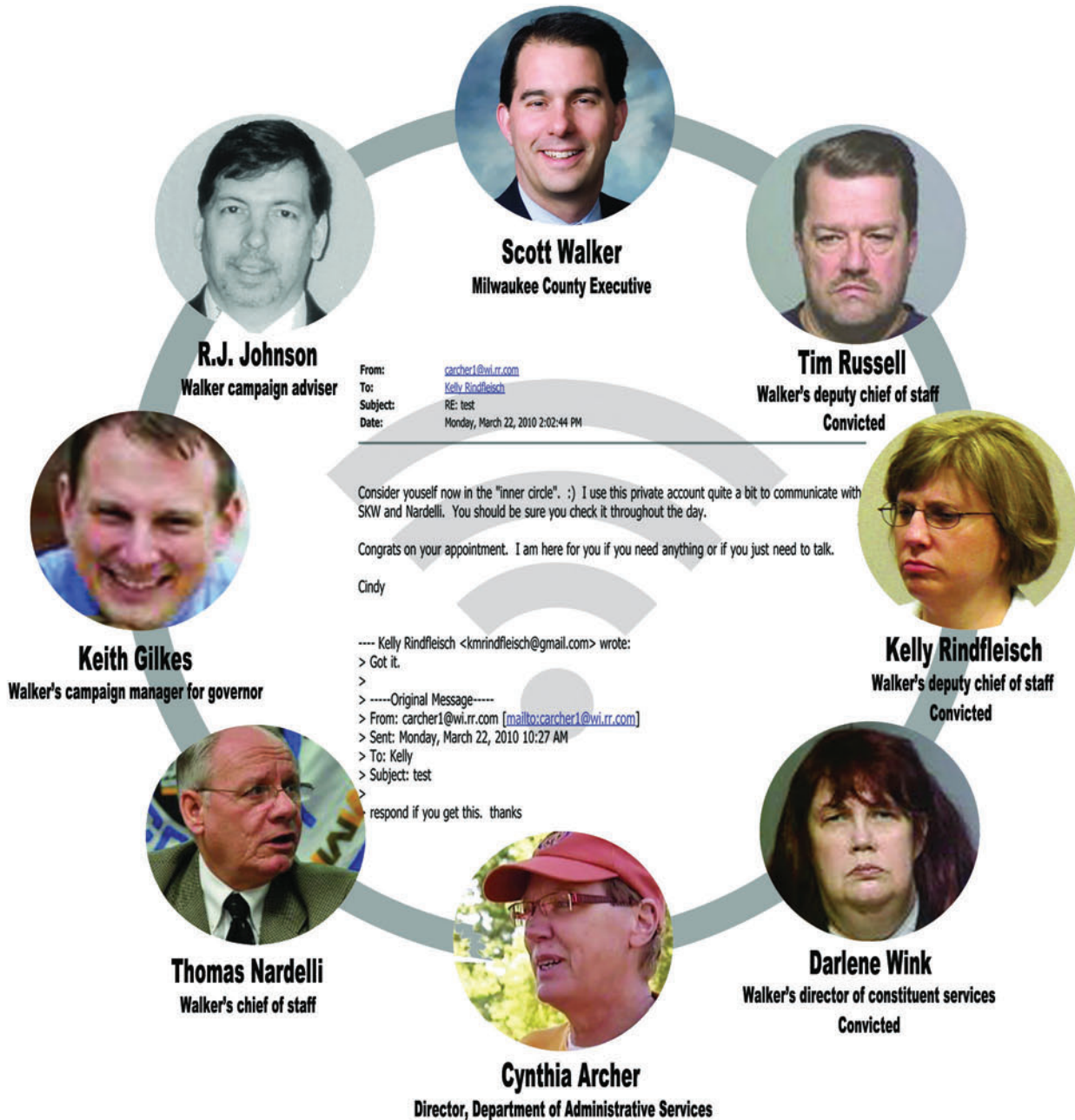
Former Wisconsin Attorney General Peg Lautenschlager, a Democrat, also believes there was sufficient evidence to indict Walker.

She says the documents show two kinds of illegal activities: “One that are political, done on state time to coordinate campaign. And two, you’ve got these documents that should be public record, and clearly they did this to avoid public records laws.”

The fact that Walker knew that campaign work was “being done on public time,” says Lautenschlager, “coupled with the fact that he was on this secret system, is enough to show intent.” ♦

Scott Walker's Inner Circle

"Milwaukee County government became a virtual arm of Walker's 2010 campaign for governor"
 -- Milwaukee Journal Sentinel



Cynthia Archer photo credit: ABC News
 Kelly Rindfleisch photo credit: AP images