

Personal Statement

I created the present circumstances for myself and my family because I violated the most fundamental principle of holding public office. As a Wisconsin State Senator, I had an absolute and affirmative obligation to make sure my office was used solely for the benefit of the public.

After serving in the State Senate for 14 years, I decided to run for the office of Attorney General and mount a statewide campaign, something I had never before done. The career path that led me to this decision proceeded in a political environment in which campaign-related concerns permeated virtually everything that legislators and legislative staff did. I always remained, first and foremost, committed to good public policy. However, when I decided to run for statewide office, the fact that winning an election is a necessary precursor to the implementation of good policy led to a series of bad decisions on my part. I allowed the lines to blur until they disappeared. It would be easy to say this happened for me no more than it did others facing the pressure of a major campaign. It also would be easy to say that what happened was an all but inevitable result of the growing role of finance in political campaigns.

In fact, I do not rest on these propositions. The essence of my offense is that public officials have an affirmative duty to know where the lines are and abide by them. As a State Senator, I had a basic duty to avoid yielding to pressures that were at odds with the role of a legislative office. I had a duty to my constituents and the public generally to avoid using my State Senate office for the benefit of my campaign for Attorney General. I violated this duty, and I failed to meet the most fundamental obligations of a public official.

The misdemeanor charge to which I pled guilty reflects the fact that, in responding to a government subpoena, I provided the government with the one document I thought would be of interest—the resumé of one of my former staff members which showed a history of campaign activity on his part. In providing this document to a law enforcement agent, I

withheld a second document, one that identified the legislative policy areas to which each of my legislative staff members was assigned. In doing so, I led the agent to believe that what I was giving him constituted all documents potentially responsive to the subpoena. It is obvious to me that, in deciding what to produce and what not to produce, I violated the duty all citizens have to simply produce everything that is requested rather than trying to make judgments that belong to law enforcement personnel. Likewise, the misdemeanor count being read-in for sentencing purposes reflects the fact that I was reckless in filling out a number of per diem request forms. Again, it is clear that, as a State Senator, I had a duty to ensure that these forms were accurate, a duty I violated.

My betrayal of my office, my constituents and the rest of the public created terrible consequences. I am deeply troubled by the anxiety I have caused my former staff and co-workers in the disruption this matter brought into their lives. These people expected more of me.

I also painfully recognize I have only myself to blame for the total destruction of the career in public service that I cherished and for which I had high hopes. I feel not only the pain of having destroyed my own career, but also profound remorse for having let down so many people who looked to me for leadership. In public office, I viewed myself as a voice for the less powerful and an advocate for issues that were not typically the favorite of the more powerful interests. While I never lost this focus, I betrayed this purpose in a more fundamental sense—I forfeited the right and the ability to speak for those who often do not get an opportunity to be heard.

Finally, the most agonizing aspect of these events is what I have done to my family. I have destroyed my family's finances and subjected my wife and three daughters to unspeakable anxiety and anguish. In addition to the emotional toll, as a result both of my long period of unemployment and a continuing period of underemployment, my wife has had to shoulder more responsibility for paying the family's bills, both during this awful time and for the foreseeable future. While dealing with our own emotional states, my

wife and I also have had to be sources of reassurance, support and stability for our daughters.

The processing of explaining to my young daughters what was going on and why, and counseling them about how to continue with their lives in the meantime, forced me to confront what I have done and the damage it has caused to the most important people in my life. My life and the lives of my family will never be the same. This is not only because of the permanent financial and professional consequences of my conduct, but also because of the psychological and spiritual fallout of these events. My focus is on helping my family to heal and helping them rebuild healthy, happy lives.

I understand the Court must impose punishment for my conduct. My only meaningful request is that the Court's sentence not unnecessarily impedes my ability to help my family rebuild and heal. I accept that my conduct means that my future will be very different from what I, not too long ago, expected; my overriding concern is that I make every effort to limit the damage done to my family.



Brian Burke
November 15, 2005