

CHENEY/OBAMA JUSTICE: 3 DETAINEES + 1 JAILED WHISTLEBLOWER = 19,000 RICH TAX CHEATS

As a July 1, 2009 Wikileaks cable released by Norway's Aftenposten makes clear, the US and Switzerland included the acceptance of three Gitmo detainees and a settlement in a suit accusing UBS of harboring tax cheats—along with an effort to shut down a Swedish company's business with Iran—in negotiations “resolving all issues between our countries.”

1. (S) Summary: Swiss Minister for Economics and Trade Doris Leuthard called CDA in to advise that the Swiss Federal Councilors had decided in a special session to shut down Swedish firm Colencos commercial activities in Iran. The Minister also reaffirmed the commitment of the Swiss government to accept several detainees from Guantanamo Bay for resettlement in Switzerland. **Minister Leuthard made it clear that these two activities were linked to the achievement of a political settlement in the case of Swiss banking giant, UBS.** The US court is scheduled to hear arguments in the civil case on July 13 and it is clear that the GOS hopes a settlement can be reached before the hearing date. End Summary.

2. (S) **Minister Leuthard began the meeting by describing today's special session of the Federal Council which was focused on what steps the Swiss government could take to advance a political solution of the UBS case.** The

Council considered action on the Colenco case, long advocated by the USG and a major topic during the February meeting between Secretary Clinton and Foreign Minister Calmy Rey, was one proactive measure the Swiss government could take in this direction.

[snip]

4. (S) Leuthard then turned the topic of discussion to Swiss willingness to accept several detainees from Guantanamo for resettlement and encouraged us to provide as much data as possible quickly so that the Swiss could move forward. CDA advised that more bio and medical data had been received today and was being delivered via a separate channel.

5. (S) **At this point, Leuthard emphasized that these two actions were “elements showing that Switzerland is committed to resolving all issues between our countries.” To bring home the point, she reiterated that this resolve extended especially to finding a political solution to the UBS case.** [my emphasis]

One of the recipients of the cable was Deputy Assistant Attorney General Bruce Swartz.

Mind you, the Swiss minister in question has denied there's a “direct link.” So maybe not a direct quid pro quo—just Switzerland “indirectly” doing us two big favors in exchange for our DOJ limiting how many of the rich tax cheats we pursue in Switzerland. But the favors may go both ways: among those reportedly involved in the UBS scandal were American politicians.

It's bad enough that we traded 3 detainees (two were some of the Uighurs not even the US government claims had anything to do with terrorism, so we should have been able to settle them in the US) for a deal that ended up

shielding most of the tax cheats first targeted in the UBS probe.

But not long after the negotiations, we sentenced the whistleblower in the case, Bradley Birkenfeld, to 40 months in prison. I'm still wandering through the docket, but there's a bunch of sealed documents in it starting the month before this Wikileaks cable and continuing up to the point where the judge gave Birkenfeld more time in prison than prosecutors requested.

Birkenfeld's imprisonment is considered one of the most egregious examples of the government prosecuting whistleblowers rather than the criminals they expose. Perhaps there's more to Birkenfeld's troubling imprisonment than it first appeared?