

# FIGER MAKES ALLEGATIONS ABOUT ARKANSAS

I admit—I'm getting sucked into the Geoffrey Fieger case. I will have more to say, but the short version is this:

The government alleges that Fieger and his partner got employees from their law firm to donate to John Edwards in his 2004 election. And then, the government further alleges, they reimbursed those people. From the government's perspective, Fieger laundered a lot of money to give big dollars to Edwards. From the perspective of this Administration's seeming pattern of politicized prosecutions, they went after Fieger (and other trial attorneys) to disincent trial lawyers from making political donations.

The big scandal (besides the possibility that BushCo is prosecuting Fieger as part of a political prosecution) is that **it appears the government may be using tools designed for national security prosecutions in support of a campaign finance investigation**—basically, Fieger alleges the government is abusing the tools Congress gave them to investigate terrorism in order to punish Democratic political activities. And he's trying to get the evidence to prove that case.

At present (Fieger's trial is due to start at the beginning of December), Fieger is dealing with four issues related to selective prosecutions.

- BushCo got a bunch of subpoenas for financial information—apparently under grand jury subpoena—without having to reveal those subpoenas; Fieger's team

thinks they used National Security Letters or some other improper subpoena to get that information

- Bush's DOJ sent a small army of people to search Fieger's firm (and his employees' homes), serious overkill for a white collar crime investigation
- The top three people in the USA office in Eastern Michigan recused themselves from the case; Fieger's team thinks there's some hanky-panky behind the recusal
- The only investigation into campaign finance violations for the 2004 Edwards campaign that ended in a civil—as opposed to criminal—penalty was a lawyer in Arkansas—but the agreement was signed at the same time that Bud Cummins was fired, a coinkydink that Fieger alleges was the reason Cummins was fired

Here's the court's opinion summarizing the last three of these issues (look on page 1 for Judge Borman's description of three of four of these issues, he reviews these issues in camera before making the ruling on these three issues; he refuses to show Fieger the subpoenas in another order). On the issue of the army of FBI agents to investigate the firm, Borman allows Fieger to see dates of such overkill investigations, but not the names or details. On the issue of

recusal, he orders the government into further discussion of the reasons behind the recusals. And on the issue of the one trial lawyer campaign finance investigation that did not end in criminal sanctions, Judge Borman refuses to provide the name to protect the innocent accused.