

# FIGER UPDATE

I am really overdue to give you all an update on the Geoffrey Fieger case, where the government mobilized 80 FBI agents (presumably pulling them off terrorism investigations) to go sniff into Trial Lawyer Geoffrey Fieger's donations to John Edwards. The government has been trying to convince the judge in the case that there was nothing improper about their investigation in a series of *ex parte* meetings. But when Fieger's team pointed out how, um, unusual all these secret meetings were, the government decided to take it all back, and ask the judge to pretend he never saw any of the explanations the government had already offered.

I'll come back and update you on that in the next few days (particularly if my trip to Philly continues to be postponed). In the meantime, let me confess that I was really remiss in that I didn't go to the hearing in Detroit on Friday. Which looks like a damn shame, because every time the government shows up at a hearing, they dig the hole they're in deeper and deeper. In particular, they keep changing their story about whether this case was started when an ex-Fieger employee waltzed into the FBI a year and a half after the fact and complained about being pressured to donate to John Edwards, or whether the case started from somewhere else. From this report on Friday's hearing, it sounds like they changed their story again on Friday, to say they simultaneously started investigations in Detroit and in the Noel Hillman led Public Integrity section. (Btw, if Noel Hillman received a subpoena in the woods and nobody heard it, would he really have received a subpoena?)

Assistant U.S. Attorney Lynn Helland said Friday he made a mistake by not consulting with U.S. Department of Justice headquarters before opening the investigation, as required by departmental rules.

Helland acknowledged he was unaware of

the guideline. But he said the mistake was inconsequential because the Justice Department's public integrity section was independently opening its own investigation.

Borman also expressed concerns after Helland confirmed claims by Fieger's lawyers that witnesses called before the grand jury for the case were asked for whom they voted in certain elections, the newspaper reported.

"That again seems to be a highly invasive probing by the government" Borman said.

Helland said such questions are relevant in campaign finance cases.

"Was it invasive?" Helland asked. "Yes. Was it improper? I don't think so."

Borman said he might allow some pretrial exploration of Fieger's claims that he was maliciously singled out for prosecution because of his politics. The Justice Department denies that claim.

Nice to see that the principle of secret vote is not yet dead in this country.

In other news, they've moved the trial to March so as not to start on **the same day** as Michigan's ill-fated "primary" in which John Edwards is not on the ballot. Perhaps in the interim 2 months we'll have some interesting discovery about the curious genesis of this investigation.