

# DICK CHENEY'S LAWYER SPIKES THE PHONE- JAMMING CASE

McClatchy has a long story out detailing how indictments for the New Hampshire phone-jamming case got stalled.

In early 2004, Hinnen got approval from John Malcolm, the deputy chief of the Justice Department's Criminal Division, in early 2004 to investigate Tobin. Malcolm left the department soon afterward.

Hinnen then sought approval from Malcolm's successor, Laura Parsky, to prosecute Tobin but wasn't told until late summer to write a formal, detailed prosecution memo, which he did in early September.

On Oct. 1, 2004, Hinnen got the green light to prepare an indictment, but was directed to first give Tobin lawyer O'Donnell a chance to make his client's case. O'Donnell requested delays and then told Hinnen, Parsky and other senior officials that an unidentified lawyer had advised Tobin that the jamming was legal.

Hinnen argued to his superiors that it was irresponsible for the department to allow Tobin to serve as a Bush campaign official when it had evidence that he'd hindered people from voting.

In late October 2004, Justice Department officials told Hinnen it was too close to the election to bring such a politically sensitive indictment, putting it off until late November.

In early 2005, Hinnen submitted a lengthy memo arguing for a criminal

indictment treating the New Hampshire Republican State Committee as a corporate entity. Hinnen noted that the party lacked an ethics policy at the time of the phone jamming and that its officials had refused to share with prosecutors the results of an internal investigation of the scheme.

Craig Donsanto, the chief of the department's Election Crimes Branch, objected to an indictment, arguing that the state GOP's "shareholders" are the voters.

Ultimately, John Keeney, a career deputy assistant attorney general, directed Hinnen to drop the idea.

Which translates into the following timeline:

2003: Manchester police forward evidence against GOP to DOJ

Early 2004: DOJ starts investigating Tobin

Late summer, 2004: Laura Parsky (any relation to big-time CA donor, Gerald Parsky?) asks prosecutor Todd Hinnen to write a prosecution memo

September 2004: Hinnen writes the memo

October 1, 2004: Hinnen told to indict—but first he had to consult with Tobin's lawyer

October (?) 2004: Hinnen's supervisors tell him to ask a judge to halt the Democrats' civil suit against the GOP

Mid-October, 2004: Tobin resigns as Bush-Cheney regional director

Late October, 2004: Craig Donsanto tells Hinnen it's too close to the election to indict

December 1, 2004: Tobin indicted

December 2005: Tobin convicted

I'll come back to the timing later. But what I noticed immediately is the name of the lawyer who successfully convinced the DOJ to hold off on the indictment: Terry O'Donnell.

The official said that Terry O'Donnell, a former Pentagon general counsel who was representing Tobin, was in contact with senior department officials before Tobin was indicted.

[snip]

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Now, that Terry O'Donnell is the same Terry O'Donnell who is Dick Cheney's long-time personal attorney—the guy who got calls when evidence directly incriminating Dick in the Plame outing showed up. Curiously, O'Donnell doesn't show up on the docket for Tobin's eventual trial (though Tobin was represented by a bunch of lawyers from Williams and Connelly, O'Donnell's firm).

Does it strike anyone as odd that the regional chair for Bush-Cheney's re-election campaign would have Dick Cheney's lawyer calling around DOJ to postpone his indictment until after the election?