

TROOPERGATE: COUNT THE CONFLICTS OF INTEREST

Wow. In addition to the McPalin campaign's decision to have a terrorism prosecutor cover up their corruption problem in Alaska, they've been shuffling the legal talent in some mighty confusing—and conflicted—ways.

As a reminder, a few days ago we **thought** the following was the state of the lawyering: Alaska Attorney General Talis Colberg, who had spoken to Monegan at Todd Palin's request before she fired him, had recused himself from the issue. Since Colberg couldn't represent the Governor, she asked Tom Van Flein to represent her, at state expense. There were reports that Todd Palin had a separate lawyer, which made sense since he and Sarah were involved individually in the case.

But that's not how things curently stand. Here's an update.

First, it appears that Van Flein is still representing both the Palins—though he is no longer employed by the state. Someone else (perhaps McCain's Sugar Momma?) is paying his fees.

Tom Van Flein, an Anchorage attorney **representing the Palins**, said a decision could be made by early this afternoon on whether Todd Palin will testify.

[snip]

Van Flein said his firm last Friday terminated its state contract, worth up to \$95,000, to represent the governor's office.

Now, Van Flein said, **his firm is representing Todd and Sarah Palin** personally and no bills will be sent to the state.

The reason for the change is because Gov. Palin is now part of a national political campaign, and there is a need to avoid any appearance that the state is paying for anything that might benefit a political candidate, Van Flein said.

Asked whether the McCain campaign will help defray legal bills for the Palins, Van Flein replied: "I don't know the answer to that." [my emphasis]

Now, having the Palins pay Van Flein for their apparent joint defense makes some sense. But it appears that the whole point of having Van Flein there has now been mooted, since Colberg—after having been interviewed in the case—has reinserted himself into the legal decisions here and then reneged on common understanding about who had to testify in response to the subpoenas.

In a Wednesday letter to Colberg, [Kim] Elton said he agreed with Colberg's staff on certain points of law as a precondition for the attorney general agreeing to allow several state employees to honor the legislative subpoenas to testify.

But on Tuesday, Elton said, **Colberg reneged on the deal.**

"Bluntly, I feel like Charlie Brown after Lucy moved the football," Elton wrote to Colberg.

Colberg's office said he was traveling Wednesday and unavailable for comment.

- **Colberg himself on Sept. 11 submitted to questioning** from the Legislature's Troopergate investigator, Steve Branchflower, Van Flein said.

[snip]

Van Flein early this month was quoted as saying one reason the state hired his

firm to represent the governor's office was because of Colberg's potential conflict of interest. [my emphasis]

Note, it appears that Colberg un-recused himself substantially **after** he was questioned by Branchflower.

And get this: Van Flein—formerly but no longer employed by the state—was not only conducting his own interviews of witnesses back when he was still being paid by the state, but he was also sitting in on Branchflower's interviews of them.

But Van Flein said Wednesday that **after listening in on Colberg's interview with Branchflower**, he believes Colberg is not a "material witness." [my emphasis]

I'm beginning to think Ed O'Callaghan's relevant experience for managing this cover-up doesn't have as much to do with his terrorism prosecutor background, or his oil corruption prosecutor background, but his mob prosecutor background. Because it sure looks like he has made sure the lawyers involved are playing both sides of the fence.