

VICKI ISEMAN: BLANKET DEFAMATION

I'm looking forward to Vicki Iseman's defamation suit against the NYT, if only because we're bound to see an argument over whether or not Iseman asked McCain to share a blankie with her. And an argument about the proper role of a lobbyist.

Iseman alleges two counts of defamation:

The first defamatory meaning was that Ms. Iseman exploited an alleged personal and social friendship with Senator McCain to obtain favorable legislative outcomes for her clients, engaging in "inappropriate" behavior that constituted a conflict of interest and a violation of professional and ethical norms in breach of the public trust. This meaning was communicated through the literal words of the article and also by implication, by what was intentionally suggested and implied "between the lines."

The second defamatory meaning was that Ms. Iseman and Senator McCain had engaged in an illicit and inappropriate romantic relationship while Ms. Iseman was a lobbyist conducting business on behalf of clients before the committee chaired by Senator McCain. This was also defamation per se under Virginia law. This meaning was also communicated through the literal words of the article and by implication, by what was suggested and implicated "between the lines."

Focusing on the second allegation first, they're going to be relying heavily on the "between the lines" meaning here, since the original NYT article clearly printed Iseman's and McCain's denial of an affair and instead focused on the

appearance of close ties—of any sort—with a lobbyist.

Mr. McCain, 71, and the lobbyist, Vicki Iseman, 40, both say they never had a romantic relationship. But to his advisers, even the appearance of a close bond with a lobbyist whose clients often had business before the Senate committee Mr. McCain led threatened the story of redemption and rectitude that defined his political identity.

What was at issue in the article was the appearance of an affair, not an affair itself, and the beliefs of McCain staffers about that appearance of an affair.

By then, according to two former McCain associates, some of the senator's advisers had grown so concerned that the relationship had become romantic that they took steps to intervene.

A former campaign adviser described being instructed to keep Ms. Iseman away from the senator at public events, while a Senate aide recalled plans to limit Ms. Iseman's access to his offices.

Sure, Iseman's lawyers may try to force the NYT to produce these two staffers, but the issue centers on whether these staffers did in fact **have the concern** that the relationship might or had grown romantic and whether they did in fact get orders to keep her away from McCain, not whether McCain did have a romantic relationship with Iseman, which the story does not allege.

Which brings us to their first allegation of defamation—which is fascinating for its structure and assumptions:

... that Ms. Iseman exploited an alleged personal and social friendship with Senator McCain to obtain favorable legislative outcomes for her clients,

engaging in "inappropriate" behavior that constituted a conflict of interest and a violation of professional and ethical norms in breach of the public trust ...

They're basing their claim on an "alleged personal friendship," but that's not what they're bugged about. Rather, Iseman's lawyers are arguing that doing so would be "inappropriate." Inappropriate, for a lobbyist. And further, they're arguing that the NYT insinuated doing so would be a "conflict of interest." For whom?!?!? For Iseman's clients, who got what they paid for, favorable legislative outcomes? And, finally, they're arguing that doing so would be a violation of professional and ethical norms. Thus, the paragraph suggests that using an "alleged personal friendship" to get legislative favors would be unprofessional and unethical.

You see, I think this suit is going to raise some interesting questions about the proper role of a lobbyist.

Which will, in turn, focus on Vicki Iseman's methods. Which, as the National Journal reported (apparently, without being sued for defamation), were noticed on the Hill.

Former Senate aides, speaking anonymously, say that they saw no evidence that Iseman had a personal relationship with McCain, but they add that she could be flirtatious while working the Hill.

The NYT story also made clear that one issue was Iseman's **claims** about her relationship with McCain, not her actual relationship with him.

Mr. Weaver added that the brief conversation was only about "her conduct and **what she allegedly had told people**, which made its way back to us." [my emphasis]

An allegation that Weaver repeated for the National Journal.

"The conduct I was talking about," he says, "was her telling people that she had unusual access to the [Senate] Commerce Committee and the Senate office" of McCain.

So Iseman seems to have fewer complaints with the National Journal story, which alleges she flirted and was saying that she had great access to McCain. Both of which would seem to go to the question of her approach to lobbying.

As I alluded, though, I'm most interested in the report that Iseman seemed to believe that John Weaver was behind allegations that Iseman invited McCain to share her blanket on her famous plane ride back from FL—something Weaver denied.

Curiously, though, Iseman knows **precisely** who might leak a story that she asked McCain to share a blanket with her once.

Iseman told *National Journal* that [John] Weaver was the unidentified aide who *The Times'* story said flew back to Washington on Paxson's corporate jet with Iseman and McCain after the Florida fundraising event in February 1999. She says that ***The Times* had asked her, in an e-mail, about an incident on the plane in which she reportedly asked McCain to share a blanket with her. Only Weaver, she says, could be the source for that allegation,** which she heatedly denied. *The Times* did not publish the allegation, and Weaver strongly denies being the source of that information. [my emphasis]

This is what I don't get. If she's certain that only Weaver could be the source of the allegation, doesn't that suggest she knows he—the only aide on the plane—was witness to something that only he would know? If she **hadn't** asked to share her blankie with McCain, couldn't **anyone** be the source for the allegation?

When Iseman first tried to defend her reputation, she went directly after Weaver—whose allegations have been on the record, but careful.

Interestingly, a lot of the language in this suit doesn't really apply to lobbyists—such as the claim that NYT reported that Iseman had violated the public trust. That's language straight out of the original NYT article—though used to refer to McCain, not Iseman.

Mr. McCain said that the relationship was not romantic and that he never showed favoritism to Ms. Iseman or her clients. "I have never betrayed the public trust by doing anything like that," he said.

[snip]

Mr. McCain's presidential campaign issued the following statement Wednesday night:

"It is a shame that The New York Times has lowered its standards to engage in a hit-and-run smear campaign. John McCain has a 24-year record of serving our country with honor and integrity. He has never violated the public trust, never done favors for special interests or lobbyists, and he will not allow a smear campaign to distract from the issues at stake in this election.

This suit seems to be an attempt to force the

NYT to reveal the anonymous Senate sources who may well be sources for the National Journal article as well, to which Iseman's lawyers appear to have no objections. But also, it seems to be an attack on the NYT for allegations that Iseman, at least, seems to believe come from Weaver.

All of which is my roundabout way of saying this seems to be an attack on Weaver.

At least according to the National Journal, there's no question that Iseman has suffered from the story about her lobbying efforts of McCain.

Former Senate staffers who know Iseman well say that she faces an uphill battle to re-establish her credentials on Capitol Hill. "This town can eat you up – and that's what happened to her," a former McCain aide says. "That's what happens sometimes in the Washington fast lane." Separately, another former Senate aide says that Iseman has become "kind of toxic" on the Hill. "She will be forever linked," he says, "as the lobbyist in question with John McCain."

But from the two main stories on her lobbying of McCain suggest that the suit will come down to the allegations about Iseman's own claims about her relationship with McCain as much as allegations the NYT reported. Which may well amount to an attack—one framed in terms used by McCain's team as much as anything else—on John Weaver.