

# THE ISEMAN COMETH, THE ISEMAN GOETH



BartCop/Political Humor

At the end of December last year, Emptywheel reported that noted high powered Washington lobbyist Miss Vicki Iseman had filed a defamation suit against the New York Times. At issue was a February 21, 2008 Times article that Iseman contended lead people to believe that she played hanky blankie with McCain; but, as EW noted at the time:

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.

That was exactly right then, and it is still right now and ought to be kept in mind in light of the news yesterday that Iseman's lawsuit was dismissed:

A lobbyist's lawsuit against The New York Times over the newspaper's account of her ties to Senator John McCain has been settled, both sides announced on Thursday.

The suit, filed by Vicki L. Iseman, the Washington lobbyist, was settled without payment and The Times did not retract the article. In an unusual agreement, however, The Times is letting Ms. Iseman's lawyers give their views on the suit on the paper's Web site.

Their opinion is accompanied by a joint statement from both sides and a note to readers, which is also appearing in Friday's edition of the newspaper.

Let me boil down to the bone what has been

accomplished legally as a result of Iseman's complaint. Not a damn thing; both parties are sticking to the same exact public positions they maintained before the meritless suit was filed, it is just that for the sake of their pocketbooks they have agreed to take the pissing match back out of the costly court litigation system. And, now that they are back into an ink fight as opposed to boxing with attorneys, let's take a look at how Times Editor Bill Keller describes the matter in a published statement today:

What the article set out to do, and did, was to establish that Senator McCain – a man whose career was ensnared by scandal and then rebuilt on a reputation for avoiding even the appearance of impropriety – was sometimes careless of that reputation. The story reported that a senator who cast himself as the scourge of lobbyists rode on the private jets of business executives with interests before his committee, and that a senator who disdained the influence of corporate money accepted corporate money to support that very cause.

The article also reported, in that regard, that the senator's behavior toward Ms. Iseman convinced some of his aides that his relationship with the lobbyist had become romantic; that the aides warned the senator this could endanger his reputation; and that they set out to limit Ms. Iseman's access to the senator. Our reporting was accurate.

Yep. The Times, in the joint spirit of both plaintiff *and* defendant wanting to get the heck out of court, also published a self serving piece from Iseman's lawyers, Rod Smolla and Coleman Allen (of the ridiculously named firm of Allen, Allen, Allen & Allen. What, couldn't they just be QuadrAllen or something?).

So, this suit has been conclusively established

to have been a big bunch of nothing, not that such wasn't patently obvious from the get go. And nobody has put a dent in John Weaver's proposition that it was bad optics for McCain to be seen playing hanky blankie with Vicky Iseman, even if that was all it was. Now I don't know the history of all those Allen boys, but Rod Smolla has a bit of a reputation for being very dogged on First Amendment plaintiff's cases and for persevering against odds to victory. But here, even Smolla knew this complaint was hopeless garbage that had to be bailed from fast.

The real question here is what real end was serviced by the imposition of this meritless and hopeless lawsuit by Iseman and her attorneys? It is impossible to see anything of material gain they netted out of the suit; they were complaining in the press before the suit, and they have been reduced to that after the suit. Was John McCain just that hard up to try to retaliate against John Weaver? Was there some other sub-surface purpose?