

GERAGOS' INTENTIONALLY NON- RESPONSIVE SUBPOENA TO LISA MYERS

This is odd.

As I explained earlier, Brent Wilkes' lawyer Mark Geragos is trying to subpoena a bunch of lawyers and journalists, in hopes (he claims) of discovering who was leaking about the Wilkes/Foggo indictments before the indictments came down, and in further hopes of getting Wilkes' convictions thrown out because of governmental misconduct. I'm particularly interested in Lisa Myers' subpoena because she's a hack frequently targeted for GOP spin, and because I think the leak she received may have had as much to do with the Gonzales clique's attempts to bury their firing of Carol Lam as it had to do with sincere content. That is, the leak probably was misconduct, but not in any way that could help Wilkes.

Here's how Geragos first described the leak to Myers.

a television reporter told me that an attorney at the Justice Department main offices in Washington D.C. (Main Justice) had disclosed that Main Justice believed that it could no longer exercise its normal supervisory role because the leaks of the indictment would now make any action taken by Main Justice appear to be political.

[my emphasis]

But Geragos never contends that Myers reported on this leak—she just told him its contents directly.

Here's how Geragos describes Myers in his motion to subpoena her (and the others).

Lisa Myers is a senior investigative correspondent for NBC NightlyNews. She can testify that she spoke to **a person within the Department of Justice** who **told her that they had the seen the indictment(s)** and gave her other detailed information. [my emphasis]

And here's the language in Geragos' proposed order for the subpoena to Myers.

Lisa Myers
[Address Redacted]

a. To bring with you or to provide via mail or facsimile, any and all written or electronic information including but not limited to papers, notes, documents, correspondence, emails, records, internal memoranda, phone logs, and/or other documentation **pertaining to the sources you referred to in any news reports** about the pending indictment(s) against Brent Wilkes, Kyle Dustin Foggo, and/or John Michael.

b. To bring with you or to provide via mail or facsimile, any and **all draft(s) of the indictment(s)** against Brent Wilkes, Kyle Dustin Foggo, and/or John Michael **that you received** at any point in the investigation and in any format.
[my emphasis]

Given Geragos' two earlier statements, (a) would not be relevant, because Myers never did any news reports on the leak she received. And (b) would not be relevant, because Myers claims only that her DOJ source told her he had seen the indictment; Myers never claimed to have seen the indictment herself.

So, provided that the earlier two representations Geragos made about Myers' story are correct, then Myers will have nothing responsive to the subpoena. And Geragos knows it.

Of course, Geragos could ask for the identity of her DOJ source—about whom she never did a TV report. That person would certainly be a government leaker—and would have violated grand jury secrecy. But Geragos doesn't ask for that information, which is precisely the information he claims he needs.