

THE LISA MYERS SUBPOENA

I read Wilkes' motion to subpoena journalists and others with great interest. I'll return to three details later:

- The naming of Seth Hettena as the journalist who allegedly showed Mark Geragos a copies of two indictments; Geragos had earlier refused to give prosecutors Hettena's name.
- The lack of a subpoena for Dan Dzwilewski, the Special Agent in Charge who retired suddenly in the midst of this whole scandal and, presumably, one leading candidate to have leaked details of the potential indictments.
- The lack of a subpoena for anyone at Main DOJ, even though one of the leaks Geragos complained about came from there.

Lisa Myers Received a Leak from Main DOJ

But for the moment, I'd like to focus on the other revelation in Wilkes' motion to subpoena these people. Lisa Myers, a producer at NBC, is the person who claimed to have been told that Main DOJ could no longer exercise oversight over the San Diego investigation because of the earlier leaks. Here's how the request for subpoena describes Myers:

■ Lisa Myers is a senior investigative

correspondent for NBC Nightly News. 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.

And here's how Geragos described her—anonously—when he was first making a stink about the pre-indictment leaks (this is the only TV reporter Geragos describes; note that Geragos never alleged that Myers had reported this publicly, which pretty much undercuts his argument that the leaks prevented Wilkes from getting a fair trial).

Around the same time the print reporters were disclosing to me detailed knowledge of the draft indictments, and stating that government officials were showing them copies of draft indictments, 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.

This purported leak was central to Geragos' theory that Wilkes wouldn't have been indicted if it weren't for the tumult surrounding the Carol Lam firing.

The DOJ Leak as Spin and Damage Control

The leak is particularly significant for two reasons. First, because it's one of only two leaks tying Lam's firing to the Wilkes indictment. And second, because this leak was almost certainly deliberate spin to push back against Lam. As I point out in this post on the leak (click through for a timeline), Main DOJ had already taken active steps to prevent Lam

from finishing her ongoing cases, and the Gonzales crowd at DOJ had already been panicking about Lam long before any leaks appeared.

In other words, before the time when DOJ leaks its purported concern 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.

...they had already put a plan in place to ensure Lam left quickly—and had no opportunity to transition her cases to her successor:

I received a call from Michael Elston informing me that my request for more time based on case-related considerations was "not being received positively," and that I should "stop thinking in terms of the cases in the office." He insisted that I had to depart in a matter of weeks, not months, and that these instructions were "coming from the highest levels of the government." In this and subsequent calls, Mike Elston told me that (1) he "suspected" and "had a feeling" that the interim U.S. Attorney who would succeed me would not be someone from within my office, but rather would be someone who was a DOJ employee not currently working in my office, (2) there would be "no overlap" between my departure and the start date of the interim U.S. Attorney, and (3) the person picked to serve

as interim U.S. Attorney would not have to be vetted by the committee process used in California for the selection of U.S. Attorneys.[my emphasis]

DiFiand Conyers had repeatedly suggested that Lam had been ousted to disrupt the Wilkes investigation. Lam had already been contacted to serve as a witness in this Congressional investigation. And several members of Congress had requested that Lam remain on the case even after she left DOJ.

In other words, by early February, DOJ was already deeply involved in an investigation of whether they had fired Lam to disrupt the investigation into Wilkes.

Yet Main Justice propagated a leak—which never got published, it just got shared with Wilkes’ defense attorney—that they couldn’t exercise their normal supervisory role with respect to the Wilkes indictment because of the leaks related to the case.

This leak, then appears to be one giant attempt at spin, coming right in the middle of the burgeoning USA scandal, to either undercut the Wilkes indictment or to undercut allegations that Lam was fired because of the Wilkes/Foggo indictments.

Why Lisa Myers

I’ve long been interested in the recipient of this leak, because it sure seemed like an attempted leak to a friendly journalist (see also, Judy Miller). Which is why Lisa Myers’ history of shilling for Republicans makes her identity as the recipient worth of further mention. Here’s a short history of some of Myers’ work:

2007: Misrepresented the issues surrounding the Clinton archives to make it appear as if Hillary is hiding files pertinent to her election.

2005: Spins some Kathleen Blanco statements to suggest she screwed up, while ignoring the Bush Administration's stalling on responding to her.

2004: Propagates the Kerry Iraq funding flip-flop meme and quotes Kerry out of context to distort his position on Iran.

2004: Misrepresented something Richard Clarke had said about Condi, suggesting it discredited his book, *Against All Enemies*.

1998: Quoted Hubbell tapes out of context to make it appear as if the Hubbells were accusing Hillary of over-billing.

In other words, Myers has a long history of telling precisely the story conservatives want to be told—replicating the main spin of the mighty wurlitzer.

Which is why I find it so interesting that Myers was the recipient of that leak, of all people. I had guessed that it was a deliberate attempt to undercut the Wilkes investigation. And with the revelation of Myers' involvement, that seems much more likely.

Prior Leak Posts

Just to collect all my Wilkes-Lam leaks in one place.

- The response to Dan Dzwilewski's comments about Lam's firing
- An assessment of Mark Geragos' original claims about the leaks and Lam's response
- A first post on this Main DOJ leak
- A reconsideration of the

leaks after the Tommy K plea
deal was unsealed

- Mike Elston accuses Lam of
leaking something she
couldn't have leaked