

THE FIRST DUDE REFUSES TO TESTIFY

The former mob and terrorism prosecutor in charge of the TrooperGate cover-up, Ed O'Callaghan, has upped the ante. The McPalin campaign announced yesterday that Todd Palin will not respond to the legislature's subpoena. It appears that the McPalin campaign did the math, and figured they could avoid any penalties for this contemptuous behavior by suddenly getting cooperative after the elections.

Todd, along with other witnesses, can stall without penalty for months, pushing this investigation well past election day. To bring contempt charges, which are punishable by a fine up to \$500, or up to six months in jail, the full Legislature must be in session. That happens after Christmas.

Even assuming the campaign doesn't catch heat for so obviously obstructing an investigation Sarah Palin once welcomed, I'm not convinced they've completely avoided any disclosures before election day. It seems that Steven Branchflower can still release an interim report.

Senate President Lyda Green, a Republican foe of Palin, said Wednesday that the investigation is still on track.

"The original purpose of the investigation was to bring out the truth. Nothing has changed," she said.

Without the testimony, **the retired prosecutor hired to head the investigation could still release a report in October as scheduled, based on the evidence he's already gathered.** As of today, Steve Branchflower had interviewed or deposed 17 of the 33

people he had identified as potential witnesses in the probe. [my emphasis]

And it may be that Branchflower has enough already to really hurt Palin.

Note the timing of the McPalin's recent ratcheting up of their cover-up:

August 30: McPalin campaign says Monegan's firing was a budgetary disagreement

September 9: The Senior Assistant Attorney General Mike Barnhill agrees to allow state employees would have to testify if they are protected for prosecution for having looked at Wooten's personnel file

September 10: Palin's attorney Van Flein calls the investigation unconstitutional

September 12: Investigator Steven Branchflower presents case for subpoenas, including the necessity of subpoenaing Murlene Wilkes, state Workers Comp contractor

September 15: McPalin campaign fixer Ed O'Callaghan announces Palin will no longer cooperate with investigation, cites politicization

September 16: Attorney General unrecuses and reneges on the agreement to have the state employees testify, then leaves for a "vacation" in Kansas

September 17: O'Callaghan introduces new explanation for Monegan's firing: insubordination and "rogue mentality"

September 18: Todd Palin refuses to testify

You see, I think there has been a shift in the McPalin campaign's response to the investigation, and it involves more than just

Palin's selection as the VP candidate. Since then, there has been a ratcheting up, with Van Flein first, on his own, trying to undercut a perfectly legal investigation> But things went still further when O'Callaghan took a more active role. With O'Callaghan, we've seen two new approaches: direct attacks on Monegan's credibility, an apparent attempt (one we saw in the US Attorney purge) to find a legitimate reason to fire Monegan. In addition, O'Callaghan has implemented a strategy that puts off the disclosure of evidence in this case (that is, the legislature can eventually force Todd Palin and state employees to testify, but not for several months).

Now, the change may well derive from O'Callaghan's legal analysis of the situation, an assessment that the investigation was perfectly legal, and therefore a determination that the best approach was to delay by ignoring the subpoenas.

But I can't help but wonder whether the campaign adopted this new approach when Branchflower announced that he believes Murlene Wilkes, the state contractor who was pressured to deny Wooten's Workers Comp claim, lied when he interviewed her. After all, with Branchflower's suggestion that Wilkes had financial incentive to lie to him, he suggested that the Palin team may have (and I stress "may," since the financial incentive may have been entirely unspoken) broken the law during its cover-up.

It's not the crime that takes down politicians, after all, it's the cover-up. And I'm wondering if the McPalin team just realized that.