

WHO TOLD THE TROOPERGATE WITNESSES TO IGNORE THE SUBPOENAS?

Here's an interesting question. Who told the Palin-friendly TrooperGate witnesses not to show up? It's relevant, you see, because two Democrats are thinking of asking the police to investigate whether there was any witness tampering in the case. It seems they're not focusing on the more incendiary possibility that Murlene Wilkes' financial incentive persuaded her to lie to Stephen Branchflower about being pressured to deny a Wooten workers comp claim. Rather, these lawmakers are considering whether the mere act of instructing witnesses to ignore a subpoena constitutes witness tampering.

Separately, two Alaska Democrats said they are considering asking state police to investigate why subpoenaed witnesses, including Palin's husband, did not testify before the legislative committee last week. The lawmakers, Rep. Les Gara and Sen. Bill Wielechowski, said state law bars witness tampering, but that they did not have enough information to file a formal complaint in the case.

In other words, the people who told Todd Palin and about seven state employees to blow off a valid subpoena may be on the dock for witness tampering.

I don't know whether that argument withstands legal scrutiny (bmaz?). But the McCain team is taking no chances. They say they didn't tell witnesses not to show.

Griffin said the campaign has not advised any witnesses on how to respond to subpoenas.

Which makes me wonder whether this is one of the reasons why Palin's lawyer, Tom Van Flein, is lying about having terminated his contract with the state.

Last week, Governor Palin's lawyer Tom Van Flein was quoted in the Anchorage Daily News as saying that his "firm last Friday terminated its state contract, worth up to \$95,000, to represent the governor's office."

Not true. The contract wasn't canceled.

Van Flein has a written contract with the State of Alaska. Like all such contracts with the State, it has provisions governing termination. Termination requires notice to the State, typically in writing.

According to my sources, Van Flein did not provide notice of termination to the state, either in writing or orally.

See, back when I was trying to count all the conflicts of interest among Palin's legal teams in Alaska, I speculated that maybe Van Flein had terminated his contract because it made it possible for him to represent **both** Sarah and Todd Palin, getting around the fact that 1) the state shouldn't pay legal fees for a non-state employee, and 2) the state shouldn't pay a lawyer to represent two parties whose interests may not coincide, and 3) the state should not pay a lawyer if the Attorney General decides to un-recuse and stick his nose in the case.

But Van Flein hasn't, apparently, terminated his contract with the state. Which means the state is still paying for badly conflicted legal representation even though one of the reasons they're paying for it (because the AG had supposedly recused) is no longer operative.

More importantly, Van Flein, at a time when he was employed by the state and consulting with McCain's fancy terrorism prosecutor, almost

certainly advised Todd Palin he could simply
blow off a valid subpoena.

Doing so on the state's dime, it seems, raises
the stakes on that advice.