

Prominent Michigan Democrats Acquitted of Campaign Finance Law Violations

Detroit, MI

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In what he claims will be his last trial, Gerry Spence successfully defends the case brought by the U.S. Justice Department

A Federal jury in Detroit acquitted defendants Geoffrey Fieger, a prominent Democrat who ran for Michigan governor in 1998, and his partner, Ven Johnson, in a closely watched campaign finance trial. The U.S. Justice Department claimed that Fieger and Johnson illegally donated more than \$100,000 to the 2004 presidential campaign of Democratic candidate John Edwards by reimbursing employees and their family members after they had made a contribution to the Edwards' campaign. Fieger and Johnson were charged with 10 felony counts including conspiracy, making illegal campaign contributions, and causing false reports to be made to a government agency. If convicted, the two men faced substantial prison time and disbarment.

The basic facts in the case were not disputed. Everyone in the Fieger law firm was encouraged to contribute to the Edward's Campaign. Those that donated were then given bonuses by Fieger that were clearly recorded in the firm's financial books and reported to the IRS.

The defense focused on the lack of clarity in the law because nowhere in the campaign finance law is reimbursement directly prohibited. Section 441f prohibits giving in the name of another or allowing one's name to be used for that purpose. The defense centered on the fact that every person in the firm who contributed gave in his or her name and signed his or her checks. The prosecution centered on the fact that each person who contributed was given a bonus in the amount of the contribution, which prosecutors claimed was against the law despite the law's lack of specificity.

District Judge Paul Borman ruled that reimbursement of campaign finance contributions is illegal, and he so instructed the jury. At the same time he ruled that such violations had to be "knowing and willful." With that challenge, Fieger took the stand and convinced the jury that he had read the law before he acted and since the law said nothing that prohibited reimbursement, he saw nothing wrong with the it.

In the end, the jury favored a strict reading of the law; after five weeks of trial and four days of deliberations the jury acquitted both defendants on all counts.

LitStrat Inc. assisted Gerry Spence and David Nevin, who defended Mr. Fieger, in jury selection, witness preparation, and pre-trial strategy development.

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- Strategic Research
- Witness Preparation

