



## Michigan Official's Blackmail Claim, Affair May Help Democrats

By Margaret Cronin Fisk

Nov. 28 (Bloomberg) -- Sex, money and politics have collided in Michigan, and the fallout may help state Democrats.

Attorney General Mike Cox, a Republican, said this month he had had an extramarital affair and accused multimillionaire lawyer Geoffrey Fieger of forcing the revelation by threatening to make it public. The attorney general said Fieger, a potential Democratic rival, was trying to stop an investigation by Cox into alleged campaign-finance violations.

Cox's accusation of attempted political blackmail did more than cause a sensation. Political analysts say it may remove two threats to Democrats in 2006: Cox, who is running for a second term, and Fieger, a failed Democratic candidate for governor who is seeking the party's nomination for attorney general.

Cox, 43, may have been crippled by his revelation of infidelity. Fieger, 54, who lost the 1998 governor's race by 62 percent to 38 percent against incumbent Republican John Engler, may have seen his own chances of taking Cox's job torpedoed.

"Cox is toast," says Rich Robinson, executive director of the Lansing-based Michigan Campaign Finance Network, a non-partisan research group. "Here's someone who's made a lot of political hay as a staunch defender of traditional marriage. It doesn't mesh with his being an

adulterer."

In 2004, Cox campaigned for a successful amendment to the Michigan constitution that banned same-sex marriage, and this year he issued a ruling that the new law barred state and local governments, including state-supported colleges, from paying health benefits to domestic partners.

Robinson calls the controversy unique in statewide Michigan politics.

"People here don't feel it's a discredit to the state, just a reflection on these individuals," he says. "It's quite unusual to have these elements -- sex, adultery, blackmail. That's pretty gritty stuff."

Cox and Fieger declined to comment for this article.

### Going Negative

Fieger had a questionable future as a political candidate even without Cox's accusation, says Bill Ballenger, editor of Inside Michigan Politics, a Lansing-based newsletter. "This makes it easier for the Democrats to turn their backs on Fieger," Ballenger says.

During the 1998 campaign against Engler, Fieger was quoted in published reports as calling the governor "fat," "racist" and "brain-dead" and the "product of barnyard miscegenation between animals and humans." Fieger also claimed Engler dragged his triplet daughters on the campaign trail "like sideshow monkeys" and doubted Engler was the father of the girls, "unless they have corkscrew tails," according to the reports.

### 'Gutter-Ball Politics'

Engler didn't respond directly. His spokeswoman, Maureen McNulty, was quoted in the Chicago

Tribune as calling Fieger's comments `` gutter-ball politics."

`` He was a disaster," Ballenger says of Fieger. `` Not only do the Democrats remember that, but they remember that he dragged the rest of them down to defeat." The Democrats lost eight seats in the state House of Representative in the 1998 election, enough to result in the party losing its majority. The party also lost control of the state Supreme Court, whose members are elected.

Fieger has also been a lightning rod for controversy in the state for his representation of Jack Kevorkian, now 77, the pathologist who assisted in the suicides of more than 130 people. Kevorkian was convicted by a Michigan court in 1999 of second-degree murder for giving a fatal injection to a terminally ill man, whose death was shown on CBS television's `` 60 Minutes." He was sentenced to 10 to 25 years in prison.

As a trial lawyer, Fieger has won more multimillion-dollar verdicts than any Michigan attorney and has long been at war with the state's appellate courts, which have reversed several of those verdicts. Among the reversals were a \$21 million award against DaimlerChrysler Corp. in a sexual-harassment case and a \$25 million wrongful death verdict against the company now known as Warner Brothers Entertainment Inc. over the murder of a talk- show guest shot by another guest.

`` Mollusks and Lizards'

Fieger and his clients sued in federal court over the Daimler and Warner rulings, claiming four judges on the Michigan Supreme Court shouldn't have heard the cases because they had received campaign donations from supporters of the companies.

In her December 2003 opinion dismissing the lawsuit, U.S. District Judge Marianne Battani said

Fieger called Michigan's appellate judges "squirrels, mollusks and lizards."

His opposition to one Michigan Supreme Court judge led to the attorney general's investigation. Fieger contributed funds to an unsuccessful campaign to defeat Justice Stephen Markman in the 2004 election. His donation is part of the attorney general's probe of a political action committee that ran ads attacking Markman.

#### \$453,000 Expenditure

The PAC missed filing deadlines and failed to provide sufficient information about its donors to election officials, says Ken Silfven, a spokesman for the Michigan Department of State, which turned the case over to the attorney general. Fieger was added to the investigation after he filed a statement in June saying he had spent \$453,000 on anti-Markman ads, an amount that mirrored reported expenditures by the committee.

Late filings and other campaign-finance violations are rarely turned over to the attorney general's office, says Robinson of the Michigan Campaign Finance Network. The penalty for such violations is usually a \$1,000 fine, he says.

Fieger filed suit against Cox and the secretary of state's office, calling the investigation "illegal," says Fieger's attorney, Neil Rockind. "Geoffrey didn't break the law," Rockind says.

The campaign-finance probe was overshadowed Nov. 9.

#### Infidelity Revealed

Cox, with his wife by his side, said during a press conference that he had had an extramarital affair that had ended by 2003 and that Fieger, through an associate, was attempting to use his infidelity to intimidate Cox into dropping the investigation.

Cox said he informed the local prosecutor's office in Oakland County, just north of Detroit. Cox said the prosecutor was considering bringing charges.

Fieger's attorney says the allegations are ``pathologically untrue."

``It's not how Geoffrey Fieger fights any of his battles," Rockind says.

Two days after his initial accusation, Cox released a tape recording of what he said was a phone message from the associate, attorney Lee O'Brien, to a Cox aide, Stu Sandler. In it, O'Brien says, ``Fieger wants me to deliver a threat to your boss."

#### Taped Conversation

The Oakland County prosecutor, David Gorcyca, reviewed the taped phone message and a recording of a meeting between O'Brien and Sandler, where Sandler wore a hidden microphone set up by the county sheriff's department. Gorcyca said at a Nov. 15 press conference that he wouldn't bring charges against Fieger or O'Brien because O'Brien's recorded statements weren't admissible against Fieger, and there wasn't enough evidence to prove a conspiracy between Fieger and O'Brien at trial.

Still, he said, he was ``100 percent confident there was a meeting of the minds" that Fieger wouldn't reveal the affair if Cox dropped the investigation.

``The decision wasn't flattering, but we're obviously very pleased with it," says Vince Colella, O'Brien's attorney. O'Brien denied any attempts at extortion, Colella says.

After Gorcyca's decision, Fieger called on Cox to resign. Fieger denied any threats or extortion attempts.

Cox said he respected the prosecutor's decision. ``It was his call to make," he said in a

statement.

` Just a Vendetta'

Gorcyca's decision against bringing charges doesn't help Cox and might create public skepticism about Cox's eventual findings in the campaign-finance investigation, says Ballenger, the newsletter editor. `` If he indicts, people will say, `Of course, it's just a vendetta against Fieger,'" he says.

Fieger says he isn't dropping his bid for the nomination, which will be decided by party convention in August 2006. Two other Michigan politicians, state representative Alexander Lipsey of Kalamazoo and state court Judge Scott Bowen of Wyoming, are also seeking the nomination.

`` Cox is the serious casualty in this affair," Ballenger says. `` Cox is the Republicans' only viable statewide office- holder. This is giving some Democrat a good chance against him."

To contact the reporter on this story: Margaret Cronin Fisk in Southfield, Michigan, at 2947 or [mcfisk@bloomberg.net](mailto:mcfisk@bloomberg.net).

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