

Cliff Groh Interview Q&A

BRIAN LAMB: This is what it looked like last October 27 when Senator Ted Stevens left the U.S. District Court here in Washington after being convicted of seven counts. Cliff Groh, what was he convicted of?

CLIFF GROH: He was convicted of seven counts of violations of the Ethics in Governments Act – which is a law that requires members of Congress to disclose gifts or financial liabilities and he was convicted, like I said, seven counts, all felonies.

LAMB: That was October 27, the election was November 1. He lost. Where is he now?

GROH: Senator Stevens has not been seen much back in Alaska after the election. I have heard reports both that he has traveled from Washington to Arizona with a U-Haul full of belongings. I've also heard some reports that he's been in Washington at various times, perhaps assisting his attorneys, perhaps wrapping up his affairs.

But I think primarily outside of Alaska.

LAMB: When will he be sentenced and will he go to jail?

GROH: The sentencing, in my prediction has been, sir, that it will not occur before July given all of the post-trial questions that have arisen and matters for the District Court Judge, the trial judge to handle in this case.

And if he's ever sentenced which I think will probably occur the question of prison is a very interesting question both for an 85-year-old man but also for someone who's been convicted of these number of felonies. It's an interesting question for Judge Emmet Sullivan to face when he does actually get there, if he does.

LAMB: Why was this a historic event?

GROH: It was the first trial of a sitting U.S. Senator in about a quarter century. That was very interesting from a national perspective. These are very rare events. When members of Congress are charged there is not usually trials, particularly Senators. And so that was rare but also in terms of the Alaska context. Senator Stevens, Ted Stevens, has been an icon in Alaska for decades and has an enormous effect on the life of Alaska.

It was very hard for people who had never lived in Alaska or visited it to completely understand.

LAMB: As you know we're going to do two programs on this, you being the first, and Richard Mauer of the Anchorage Daily News the second. Our goal is quite simply to try to figure out all the stops along the way, checks and balances, how did this happen, and what was your role?

GROH: I am a lifelong Alaskan, I was born in the territory of Alaska. I'm a lawyer and a writer. I have worked for the Alaska legislature and Alaska Department of Revenue, for some local governments in Alaska. I was – have been very interested in law and politics in Alaska for a number of decades.

I used to be a prosecutor for the state of Alaska. And when the Alaska Public Corruption investigation started I became very interested and I decided to start researching a book on it and ended up writing – starting a blog on Alaska public corruption that I started at the beginning of the Stevens trial. And I covered the Stevens trial for that blog which was re-published on a number of the other posts - were published on another Web site during the course of that five-week trial.

I've continued to blog since then. I've also continued my research and writing.

LAMB: OK so if somebody wants to read that blog and your day-by-day description of what went on its Alaska...

GROH: [Http.alaska...](http://alaska...)

LAMB: Alaskacorruption.blogspot.com.

GROH: That's correct.

LAMB: People can see it on the – on our screen but I know also from experience you can go on Google and just type in Alaska corruption...

GROH: That's correct and I – it will show up and soon, quickly.

LAMB: Now he was convicted. He was not re-elected by...

GROH: That's correct.

LAMB: How close was it?

GROH: It was less than 4,000 votes which is, you know, a few more percentage points in Alaska than it would it have been you know in New York or California because there is a relatively small population of less than a million in Alaska. You know - not a big state like New York or California or Texas.

But he was re-elected by less than 4,000- I mean he was defeated by less than 4,000- votes in his re-election bid. It's clear given the closeness of the returns that if he had not been convicted if either the trial hadn't occurred yet or if it was still going on at the time of the election it's pretty clear that given the closeness of the results that he would have been re-elected.

LAMB: He served for 40 years, six full terms, 1968 to 2008.

GROH: Correct.

LAMB: And folks will be able to see this on the screen but his average was 70 percent that he won by.

GROH: It's difficult – one of the ways to understand how popular he was is that – as the commentator Michael Barone once pointed out - at least once Ted Stevens was re-elected carrying every precinct in Alaska.

He was a titan in terms of political popularity and success. And also as the Almanac of American Politics, the publication that Mr. Barone started, once said no one – no Senator in American history ever occupies as central a place in the political or economic life as Ted Stevens in Alaska and it's likely that no Senator ever has in the history of the Republic.

It's sort of difficult to explain as I said the power and influence and effect of Ted Stevens in Alaska during his career.

LAMB: Let's watch this, a little bit of video from his return home after he was convicted.

GROH: Sure.

LAMB: This is only about a minute but it'll give you the flavor of what he was saying to his constituency at the airport.

GROH: Sure.

VIDEO BEGINS

TED STEVENS: Thank you, thank you all, thank you very much. Catherine and I really thank you for coming out today. And I'm overwhelmed by this crowd and the show of support. You know it's really great to come home to a land you love and people you love.

UNIDENTIFIED PARTICIPANT: We're glad to have you home, Ted.

UNIDENTIFIED PARTICIPANT: It wouldn't have been the same without you.

STEVENS: Thank you. I'm here to tell you that I am innocent of the charges that were brought against me and I will be vindicated. And there is one thing you can really count on I will never stop fighting for the people of Alaska.

END OF VIDEO

LAMB: On the screen behind him on the right hand side is his wife Catherine and on the left his daughter.

GROH: It appeared that was his daughter; clearly that's clearly his wife, Catherine.

LAMB: So how do you – did you come out politically. What's your party?

GROH: I'm a registered Democrat and have been all my adult life.

LAMB: So if they read your blog would they know that you were for or against this man?

GROH: Well, I hoped you wouldn't know for sure what Party I belong to just as sort of a way CSPAN is sort of – it's my sense that the – that you would hope the viewers can't tell what parties the anchors belong to. Or the hosts of the programs.

I brought to this a very substantial experience with Ted Stevens, knowing him all my life. My father was a particularly close friend of his. And I had just associated with him some over the years, known him some and I just very much admired a lot of what he had done for Alaska.

I was also disturbed by the charges against him as I was the charges that had been brought against a number of individuals in the last Public Corruption investigation that have – some before and some after the charges against him.

LAMB: Before we talk about some of the others you had – you brought some pictures along of the area. Where do you live?

GROH: I live in an area near downtown Anchorage. And it's sometimes called Boot Legger's Cove. And it's just to the Southwest of downtown Anchorage. It's one of the older parts of Anchorage and it is – turns out to be the center of and near a lot of – near several other places and residences and former residences of people who have been prominent in this case.

LAMB: I haven't seen your photographs but we'll put some up on the screen.

GROH: Sure.

LAMB: What did you bring?

GROH: What I brought is, just sort of I walked around, and I was asked by the producers of this program to shoot Ted Stevens' ancestral home or, the home that he lived in, in the 1960s before he was appointed to the Senate in 1968 which include handprints in the front which the pictures is in the snow.

But when the snow is not there you can see handprints of his children in the concrete. If you go a mere three blocks away, two block west and one block north, it's the home of his chief accuser.

Well, not accuser, the chief witness against him, Bill Allen, the long time Chief Executive Officer of the Oil Services Company VECO was a long time friend of Ted Stevens who ended up being the key witness against him at the trial.

As well as, ironically enough, across the street from Mr. Allen's home is the judge who was handling almost all of the Public Corruption trials litigation that have arisen from this investigation that are being abroad in Anchorage.

LAMB: So how long was this trial?

GROH: This trial ran five weeks.

LAMB: And how much of it did you sit in on?

GROH: I was there for every day except the first, where I flew in that afternoon. And so a friend of mine had gone first the day and filled me in on what happened on that first day of the jury selection.

LAMB: Did you watch it in the courtroom or down in the pressroom?

GROH: Mostly in the pressroom because you could use your computer there with the Internet– they had Internet access- but for key events like back to closing arguments and the testimony Senator Stevens, I went up and sat in the courtroom itself.

LAMB: There are a lot of people in Alaska in politics that have been charged or convicted – I've got a list here. I'm just going to go down the list and have you tell us where – what the status is, to start with Ted Stevens' own son, Ben Stevens, has he been charged with anything?

GROH: Ben Stevens has not been charged, he has denied wrongdoing. He, himself, has said that he is being investigated by multiple federal investigation, multiple federal agencies including the FBI, the IRS and the National Marine Fishery Service.

He used to be President of the Alaska State Senate and was a state legislator for several years. And has run a – is a principal in a consulting company, and his financial dealings have come under substantial investigation by federal investigators.

LAMB: How was it that he was appointed by a Democrat, Governor Knowles?

GROH: That's a good question. There was a requirement under the Alaska law that a Republican be chosen. I don't know for sure why Mr. Ben Stevens was selected. But he was selected.

I would note that some people have thought it was odd that that vacancy was created when the former incumbent, a Republican state senator, was selected for a position in the George W. Bush administration here in Washington. And that's – it was an action in Washington that created the opening to which Senator Stevens – to which Ben Stevens was selected by the governor and appointed to be the state senator from that district.

He rose quickly to become first Majority Leader and then State Senate President.

LAMB: Who's Bill Bobrick?

GROH: Bill Bobrick was a longtime very influential lobbyist in Anchorage, did a lot of his work with the Anchorage Municipal Assembly. And he later got convicted in corruption charges and has served his prison portion of his sentence. He was one of the first people convicted in this Alaska Public Corruption investigation.

LAMB: Are these federal investigations or state investigations?

GROH: It's entirely federal. The state government has officially said the federal government wants us to get out of the way and make sure we're not even, you know, bothering them at all. And so it's entirely federal.

LAMB: And when did it start?

GROH: It started no later than April of 2004 although it may have started earlier than that. But it started, as I said, no later than April of 2004. Pretty soon it will have run for five years, at least.

And it started – its name betrays the origins. Its name – code name is Polar Pen and that is “pen” short for penitentiary. The original target or focus of the investigation appears to have been private prisons in correction in Alaska and later the investigation morphed into including examinations of both VECO oil taxes and fisheries, as well as, some other matters.

LAMB: Is my memory right that the House has 40 members in Alaska and the Senate 20?

GROH: That's correct.

LAMB: Thomas "Tom" Anderson, former House Representative and these are all Republicans, aren't they?

GROH: That's correct. Everyone charged at this point has been a Republican. To the degree that...

LAMB: And by the way they were charged by the Republican Justice Department.

GROH: That's correct. The Department of Justice under President George W. Bush.

LAMB: And by what section?

GROH: The investigation appears to be run by the Public Integrity Section. A – the group of, perhaps, 30 lawyers based here in Washington, D.C. that looks at public corruption at the federal, state, and local levels around the United States.

And it's obviously put a lot of resources to Alaska.

LAMB: And Tom Anderson, what's his status?

GROH: Tom Anderson is a former state legislator in Alaska who was convicted of corruption involving private prisons, as I said. It was essentially an FBI sting. And there was a cooperating – a couple of cooperating witnesses. One that went to prison, Mr. Bobrick, and one who did not that ended up having Mr. Anderson go to prison. Mr. Bobrick eventually cooperated.

But Mr. Anderson now is in federal prison in Sheridan, Oregon.

LAMB: Pete Kott, former Alaska House Speaker, convicted September 2007 and sentenced to six years in prison for extortion, conspiracy, and bribery. What did he do?

GROH: He essentially sold his office and took bribes from Mr. Bill Allen involving the petroleum production tax which is the main oil tax at the time in Alaska and VECO was an oil services company was the political arm of the oil industry in Alaska.

Mr. Bill Allen was the CEO and Chairman of the company, the head of it. And Pete Kott took bribes to influence that legislation.

LAMB: And where is Bill Allen at this moment in all of this?

GROH: Bill Allen lives three blocks from me. He travels around the United States and maybe other places around the world, as well.

LAMB: Still today?

GROH: Still today. He's a cooperating witness for the United States government and he is being kept out along with his key political lieutenant Mr. Rick Smith to testify against others. And they have already testified in multiple trials, Mr. Allen and Mr. Smith.

And so they're out awaiting, after being convicted of corruption, awaiting their dates for sentencing.

LAMB: How close were Ted Stevens and Bill Allen?

GROH: They got very substantially close in the last six to eight years – eight to ten years - to the point that they regularly went on vacation together. They called them Boot Camps where they went off and to the desert, originally Palm Springs, California.

Later repeatedly to Wickenburg, Arizona and the testimony at trial from Mr. Allen, not disputed by Mr. Stevens at all, was that they went repeatedly to these desert get aways on the order of a week a year just the two of them and hung out, essentially.

And apparently avoided hard liquor, drank wine, took walks in the desert, talked to each other, just the two of them.

LAMB: And Bill Allen turned against Ted Stevens?

GROH: The federal government flipped him. The federal government at approximately the end of August 2000, a state senator cooperating with the FBI said he was going to take Bill Allen to breakfast, instead delivering him to the hands of the FBI.

The FBI quickly explained to him, you might call it the facts of life, cooperating with us or face a much worse fate. And Bill Allen shortly then started cooperating with the FBI and has his life run by the FBI since then.

LAMB: In our next hour, by the way, which will be the week apart from this program, we're going to run some of the audio of your conversations between Bill Allen and Ted Stevens that were heard in the courtroom.

I want to move through these quicker, Victor Kohring, former House Representative. What happened to him?

GROH: Vic Kohring is now in prison, federal prison, in Taft, California. He was convicted of charges involving corruption.

LAMB: And he was in the Alaska House?

GROH: He was in the Alaska House, elected for seven terms. And he was, unlike some of these other people, actually in the House when he was charged and resigned before his trial.

LAMB: Do you know these folks personally?

GROH: I know, I think, more than half of the people who have been charged. I have known, you know, some more than others. And I – I've been in Alaska all my life and I've worked in Alaska law and politics and active as a citizen.

LAMB: Jim Clark, former Chief of Staff to Governor Murkowski, his daughter is in the Senate now, Lisa Murkowski.

GROH: I – correct, right. Frank Murkowski's daughter, Lisa, is in the Senate. Jim Clark was a very smart, sharp lawyer who was the Chief of Staff, as you said, to Governor Murkowski and did not take any money. This is not bribery, took – arranged illegally to have VECO donate illegal campaign contributions for the purpose of polling and consulting services during Governor Murkowski's unsuccessful re-election bid in for governor in 2006.

LAMB: Is he in prison?

GROH: No, he's awaiting sentencing himself.

LAMB: Bill Weimar, former Private Prisons Magnate...

GROH: Bill Weimar went from civil rights activist and political activist to a entrepreneur picking very successful – a multimillionaire, and running halfway houses and drug testing in Alaska. He's now in prison, himself, as I recall, in Tucson, Arizona, in federal prison.

He was convicted of illegally making campaign contributions to the Alaska legislative candidate, with basically the attempt to – that he know it would support what Mr. Weimar wanted regarding private prisons.

LAMB: Former Alaska Senator John Cowdery.

GROH: He has plead guilty and has not been sentenced yet, to conspiring to get an illegal campaign contribution to another legislator – conspiring VECO, with Mr. Allen.

LAMB: What role did the FBI play in all this?

GROH: The FBI spent an enormous amount of resources to make this investigation work. And through dozens of FBI agents at this, over time, as I understand it, it's been revealed that they had system wide calls for help, for people to come out for something like three-month stints to work in Alaska.

And so people came from Florida, California, Texas, New York to go up and learn wiretaps over a period of – over months and months period of time. And the FBI had such a big investigation. One way of seeing how large it is is that the FBI agents testified the FBI has intercepted more than 17,000 conversations in the course of the Alaska public investigation – public corruption investigation.

LAMB: Did you feel their presence when you were up in Alaska?

GROH: Only when they acted, right? I mean, it's not as though they're driving large black SUVs all around the streets. It was more that when they would make what civilians or citizens might calls raids – they would call executions of search warrants – on legislative offices, which they did the day after Mr. Allen and Mr. Smith turned and cooperated, the FBI executed search warrants on the order of 20 offices, including offices of six legislators in 20 locations.

Many, many search warrants got executed. And then when they, obviously, come in and testified about their work you get a sense of just how many there are.

I guess I see the results of their work almost more in the courtroom than I would in, sort of, the streets of Alaska.

LAMB: One last one on the list. Bruce Weyhrauch.

GROH: Bruce Weyhrauch was a former legislator from Juno who is charged with corruption counts involving VECO. His case is sidetracked and is apparently, could be on the way to the United States Supreme Court on a pretrial appeal about what evidence may be allowed evidence in this trial.

LAMB: We started talking about Ted Stevens and all this. What started this?

GROH: It looks like multiple strands came together. The first one as the name Polar Penn suggests. It appears as though it may well be the bankruptcy, fraud and Mr. Weimar's company. The fraud that a judge later determined was committed by Mr. Weimar in that case involving some of the assets of the corporation solely owned that got the FBI initially working on it.

And that case was in 2002 - 2003 that it appeared that the fraud occurred. Remember that we know this investigation started no later than April 20, 2004.

Then other strands came together. There was some very good journalism that had occurred to help propel this case forward by Richard Mauer, and others that the Los Angeles Times had on this network. Chuck Neubauer and Richard Cooper of the Los Angeles Times appeared on this network, talking about some articles they did, some of which focused on the financial dealings of Senator Ted Stevens and his son, then State Senator, State Senator Ben Stevens.

Some excellent work also by the Anchorage Daily News by Richard Mauer who, apparently, you will have also on this network, and Sean Cockerham on some of the aspects that later became very strongly investigated.

LAMB: Our motive in this is to try to identify the places along the way and anything like this. It doesn't matter whether it's this group of Republicans or another group of Democrats, on how the folks in government are checked and balanced.

So you've identified the public integrity section in the Justice Department, the journalists, the judge in the trial of Mr. Weimar up in Alaska. What other things...

GROH: I think that there was a citizen who helped to push this forward. You might call him a crusader. Others might call him a gadfly – Ray Metcalfe – who had been going around for years making allegations of public corruption in Alaska by various officials, and been laughed at some. He even is holding three-hour tours on a bus to take people into real estate locations in Anchorage that he saw as centers of corruption.

But I guess the people don't laugh at him as much now, given with what some of the accusations he would make about VECO and about Senator Ted Stevens.

LAMB: Were they laughing at him when he did this tour?

GROH: There were a number of people who did. And he used to be a state legislator, but later he became a repeat and unsuccessful political candidate, including in this most recent U.S. Senate race. He lost in the Democratic primary, although he was formerly a Republican – Republican moderate.

And I guess my point is, is that some of the worst statements people have made were considered wild and outrageous years ago when they were made now look more vindicated in terms of what was true about particularly VECO's corruption of public officials in Alaska.

LAMB: And you're an Alaskan native, was born there?

GROH: I was born and raised in Anchorage, Alaska and lived in Alaska all my life.

LAMB: And your dad was a big Republican?

GROH: My father was a Republican official. Both a Republican State Legislator for a term and also held some other positions with the Alaska Republican Party.

LAMB: All right. We've got 45 seconds from a radio show that's conducted by a gentleman by the name of Steve Heimel. You know him?

GROH: I know Steve Heimel.

LAMB: And he runs an Alaska public radio?

GROH: He is the host of the Talk of Alaska, which is the, you may call it the premier or maybe only statewide public affairs radio program in Alaska which has call-in.

LAMB: And here's Senator Ted Stevens on August the 19th, which was a couple of days before the primary in Alaska.

GROH: That's correct. And a couple of weeks after his indictment.

LAMB: OK. Let's listen

BEGIN RADIO PROGRAM

STEVENS: If I made a comment on this program that could be interpreted as influencing a potential juror, I could be accused of...

HEIMEL: Yes.

STEVENS: ...of being involved with restraint of...

HEIMEL: Absolutely. Absolutely.

CALLER: Excuse me, Steve, but the Senator is a big boy and can take care of himself...

STEVENS: I know that.

CALLER: ...He's been in the game a long time.

STEVENS: You're damn right I can take care of myself. Anytime you want to come, friend.

HEIMEL: All right, then...

CALLER: Well, I'm here right now. And I'd like to keep talking about why you weren't accountable to the people of the state of Alaska?

STEVENS: I am accountable. I will be accountable next Tuesday, and I'll be accountable on November 4. I'm sure you won't be voting for me, but I know thousands and thousands of Alaskans who disagree with you.

CALLER: Well Senator, I think you've acquitted yourself in a way that will inform a lot of voters today. Thank you.

END RADIO PROGRAM AUDIO

LAMB: There he is. Combative.

GROH: Pugnacious, and actually someone who, the month of the election, last November, which was obviously a few weeks after the trial verdict, Senator Stevens turned 85. And one of the ways I think he's gotten to that age, which is way more than I think anybody would have said he was supposed to live the day he was born, is because he is tough, both physically and mentally.

And he has survived all kinds of things that other people, you know, almost would never imagine. Primarily both service as a military pilot in the war, in which apparently half the pilots in his unit did not survive. But also a terrible plane crash in 1978 that killed his wife and a number of other people, and left him seriously injured.

He has been a devotee of physical exercise, including boxing and punching a light speed bag for much of his life. And I think that that's one of a number of qualities, as I said, that's allowed him to get to his age.

LAMB: I want to get to some of your observations of the trial itself. One of the things you notice when you go in and out of the courtroom, all you ever saw of Ted Stevens during that time what is the perp walk, or whatever you

want to call it, in and out, in and out of the U.S. District Court. Networks would put cameras there and they'd be there for hours and hours on end, and all they would get this clip.

What did you see inside the building and inside the room?

GROH: You saw a battalion of lawyers. I mean, it was a stunning thing. Ted Stevens had, throughout most of that trial, six lawyers, never fewer than four, almost always five, sometimes six lawyers. And sometimes it would appear nine lawyers at various points. Plus paralegals. At one point there were, I counted 13 lawyers and paralegals, combined, on his team. In the courtroom.

You saw a high tech operation in terms of where the courtroom was set up and saw some good lawyering and some people who worked very hard to make that trial –the prosecutors had clearly with the FBI agents for a very long time and other federal agents.

The defense had worked an enormous amount of time in a short period in terms of how that trial worked.

Ted Stevens is not one, he's of a touchy, feely I feel your pain generation type – he's not that type of politician. And in terms of looking for reasons for the verdict, that might be one of them. He did not relate well to the jury on a number of levels. And that would, as I said, would be one.

LAMB: So when you sat in the courtroom, what did you see in terms of the jury, the judge, the prosecutor, and the defense?

GROH: More TVs than a sports bar. That was very surprising as I said high tech. The defense looked sort of – they had a table with the defense attorney and the defendant, Senator Ted Stevens and the lawyers had actually talked in court on a table and then they had bench of people that were the lawyers and paralegals who aided.

And the prosecution had its own table of three prosecutors plus an FBI agent, the lead agent in the case plus a bench. Sociologically the people on the prosecution bench in particular sort of looked like the people that you probably see maybe on a Saturday afternoon in a suburban hardware store whereas the defense bench looked more like singles night at the country club because just in terms of sort of the vibe of them.

The Williams and Connolly and Senator Stephens defense firm is – that's the premier white collar criminal defense around the United States, has very high rates in is – and as I said both sides pour an enormous amount of resources into this trial.

LAMB: Well, from my contextual standpoint it was 40 something years ago that Bobby Baker was on trial in that same building with Edward Bennett Williams...

GROH: Right.

LAMB: ... who was an attorney, same law firm, Brandon Sullivan, anybody that's something in my age remembers Oliver North's defense at the hearing here in Washington. It was his lawyer. He was the lawyer that said "what do you think I am, a potted plant" when he was ignored.

So what role did Brandon Sullivan play?

GROH: Brandon Sullivan was the lead attorney but he was sort of like the CEO or commanding officer. I compared him in my blog The Williams & Connolly Defense Team. It's sort of like a Delta Force patrol, you know, in hostile territory. They were highly professional, ruthless and every role on the team is clearly designated.

You could see whose, which job everybody had, and what they were supposed to do. And the prosecution sometimes struck me a little bit more, especially a little bit at weaker moments, as sort of like a nuclear armed battleship or attack warship which was run by a trio of co-captains.

There was a less of a hierarchy in a different sort of relationship between the people there at the table.

LAMB: The racial mix of everybody in the room?

GROH: Well the jury was predominantly black, a fact that was much commented on in Alaska, obviously as well as by other people who covered the trial.

LAMB: Do you have many people of color in Alaska besides the Eskimos?

GROH: Well the native population is a significant minority which would include Eskimos, Indians, and Aleuts. Blacks are a distinct minority in Alaska. I don't have a number in front me but it's a distinct minority in Alaska. The jury composition in Alaska would have been very, very different if, as the Stephens defense team tried very hard, if the trial had occurred in Anchorage as opposed to Washington D.C.

LAMB: What about the judge? What about the prosecution?

GROH: The Judge is a distinguished lawyer who happens to be African American, former lawyer now a judge, Judge Emmet G. Sullivan. The lead defense attorney is a native of the District of Columbia as I understand it from a Web site about she teaches at.

And the other people on the prosecution were Caucasian. Now it wasn't me, it was another commentator noted when Williams & Connolly, which otherwise had all white defense team, added one of its partners and was an African American to the defense team.

But it was – it had a certain feel. It was interesting. The security guard force in that, the U.S. Marshalls and other security personnel in the courthouse, were very much predominantly African American as was the judge.

And it was interesting sort of different feel because most of the lawyers who clearly come in and out of the courthouse are obviously not.

LAMB: We had talked to one of the jurors, and the reason I go to this is because if you were a civilian watching this, you couldn't keep track. I mean, jurors number four, number nine, and number 11 turned out to be somewhat controversial. Explain that. I mean juror number four was the one that said her father died.

GROH: Right. She said that, and that was a very emotional moment, as Paul Singer of Roll Call pointed out, the judge said that and reported that in the courtroom (INAUDIBLE)

And I (he) told that jury, "I had lost my own father last year." There was about a minute that passed in silence. It was a very emotional situation and a very sad situation when a juror told the story. It turned out to be completely false. The juror went to the Santa Anita Race Track in southern California. And had tickets to go to a horse race at a horseracing event and blew off the trial and told this terrible lie to the judge.

That was just sort of – I wrote my blog, "reality and strangled invention" to quote the old sportswriter Red Smith. It's beyond what anybody could make up in terms of fantasy.

LAMB: Were they in deliberations then?

GROH: That was correct. The deliberations had started and the juror left and said, "I'm going off to my father's funeral out of state." And then ultimately there was a selection of the juror – that was replaced with the juror that later started her blog, the one that you apparently interviewed for this network.

LAMB: And then juror number nine was the one that seemed to have some problems inside the jury itself.

GROH: The other jurors had all complained earlier before the juror went to California to the horse race. That all jurors apparently signed statement saying please, judge, remove this juror. This juror is disruptive. It's been having, I think the phrase is, violent outbursts.

So there was this serious question at that point whether that juror would be removed. There were a lot of jury issues that arose in this trial. This a very long trial compared to most trials in America and in terms of the four weeks or so of testimony and argument and then to go into jury deliberations had a lot of wild twists and turns.

LAMB: And we're talking about jury deliberations almost ten days before the election.

GROH: That's correct. The, as I recall, the verdict came down seven or eight days before the election.

LAMB: And this man 84-years-old at the time.

GROH: Correct.

LAMB: ...had been President Pro-Temp of the Senate, had been Chairman of the Appropriations Committee in the Senate.

GROH: Correct.

LAMB: Could end up being the single vote that would change everything in the Senate in a 60 to 40 vote.

GROH: All those things had enormous contributions to Alaska and enormous power in the Senate, I mean as your account suggests also was the longest serving Republican Senator ever.

And one of the reasons one of the longest serving Senators ever in the history of the body, I mean Ted Stevens' career was remarkable in so many ways.

LAMB: Here is just a clip. We did an hour interview and it will be seen on the internet on this network with one of the jurors, juror number 11. Who did juror number 11 turn out to be and – her name is Colleen Walsh but what impact did she have.

GROH: She came in to replace the juror who had left to go to California and within a couple of hours after her arrival, the jury reached a verdict. And she had not been deliberating with them before. She had taken a number of notes and she had been known to be attentive and, as I seem to recall, she had some sort of background in information technology.

Her obviously starting a blog sort of suggests there is some comfort with that. And she came in and almost immediately the jury reached that verdict which we now know was guilty on all seven counts.

LAMB: Let's watch a little bit of the interview with her.

(VIDEO CLIP BEGINS)

COLLEEN WALSH: Look the only problems that we had through deliberation was the, juror number nine, during the deliberation, it seemed like they done some tension beforehand, before I got in there. And I know that she, she had mentioned a couple of times that she had some doubts about just coming up with a guilty verdict for Senator Stevens because he was old and she didn't want him to go to jail.

And so we were all discussing that. But this was after we had actually told the judge that we had made our decision. So that's when she mentioned she felt bad for almost sending Senator Stevens to jail. And it was like well you can't really – we were all like discussing it. It was like, you can't really think about it. You have to go with the evidence about if he was guilty or not. See.

And she didn't feel bad that she had chosen that he was guilty. She just felt bad that by choosing him or coming up the verdict that he was guilty that he would end up going to jail. And she was sad about that.

LAMB: So she was more worried about jail then she was about him getting reelected to the Senator.

WALSH: Yes, I don't think anyone knew that he was up for reelection. That never came up during the trial. During the deliberation or anything.

LAMB: So you don't think you knew that he was up for reelection?

WALSH: I don't think anyone in the jury room did. I know I didn't until at the end.

(VIDEO ENDS)

LAMB: You know one of the things I keep thinking about when I listen to this is how precarious it all is. She was picked one of 16 out of 180 people and she was an alternate and she had been dismissed basically to go home and didn't – you know when they went into deliberations, gets the call, which we learned in the interview, comes back and then could she have made the difference if she decided or either juror number nine to say not guilty.

Would that have been – what would have happened if that had ...

GROH: Well, if she held out for not guilty; the ultimate would have been a hung jury unless she convinced the rest of the jury to join her in that verdict. Right? This is sort of like the *Twelve Angry Men*, which ironically I think, I know played during the jury deliberations, the old version of that classic movie played in Washington DC.

And we're hearing here locally during jury deliberations. You know in a category that I can't make this up.

I've actually had people tell me that they've turned a whole jury around. I mean sort of like *Twelve Angry Men*. Yes, it was – I agree precarious although obviously given the way it turned out it would be unlikely for any one person to have turned the entire group into, around to not guilty.

LAMB: Now, in case people joined us late, Ted Stevens is walking the streets. He's free.

GROH: Correct.

LAMB: There is still some hearings going on with this judge.

GROH: That's correct. Some very unusual things have happened to keep this trial and give it even more markers of uniqueness. And the two most unusual things that have occurred are a FBI agent, was sort of a junior lead agent, who worked with the agent or has been at all Alaska public corruption trials and sat at the Government's counsel table.

That more, junior FBI agent has written an eight page complaint, I think it also reads sort of like a grievance. And his name has now been publically revealed. It's Chad Joy. And that complaint has roiled the trial, in the post trial proceedings, because it came out in December after the conviction but before any sentencing – would normally occur and did occur. Since you know, still hasn't occurred.

And that complaint included a number of allegations of misconduct by his co-worker, another FBI agent, as well as various allegations of misconduct by the prosecution team in the Stevens case.

And that has been like many things in American life, unfortunately, the things that have gotten the most attention are the least significant for Senator Stevens and for the actual outcome of his trial. The things that could bite here and have a big effect are actual abuses in the discovery process by the prosecution that are alleged in this complaint filed by Mr – and his family released it, Mr Joy wrote.

The other major thing that has occurred is – there's been substantial litigation about what the Department of Justice did with that complaint. And it's created almost sort of whole satellite litigation but during that process of that litigation Judge Sullivan, the trial judge, has held three federal prosecutors in contempt including the high ranking officials of the Department of Justice which is just unusual and very surprising and striking.

And for purposes of this issue, the question of the handling of the investigation of the misconduct complaint all the prosecutors that worked on the Stevens trial, they've been publically identified, had been for purposes of that issue alone, been replaced by a new group of three prosecutors who are now working on this case for the Department of Justice.

LAMB: There's an April 15th date that's set for one hearing and another I read in your blog is in March?

GROH: There is a status hearing I think on March 10th and then there's an April 15th hearing which was set up for the evidentiary hearing, the beginning of an evidentiary hearing for Judge Sullivan to try to sort out what to do.

This is basically created a mess. That, as like I said, it will take months to sort out. And as I said sentencing I predict will not occur before July for Senator Stevens.

LAMB: Let me show another clip from Colleen Walsh. She was interviewed, juror number 11 and just see what you think of her answer about what impacted the jury.

GROH: Sure.

LAMB: ...and their deliberations.

(VIDEO BEGINS)

LAMB: When you look back on it, Brandon Sullivan, did he matter in this process?

WALSH: Not really. I know I went to the evidence so he could have, he couldn't have really done anything as a defense lawyer, but if the evidence was there for me I still would have gone either way. Like whatever the evidence said.

LAMB: Brenda Morris and her techniques as a prosecutor, did it matter?

WALSH: Not to me, no. And it didn't seem to matter to any of the other jurors.

LAMB: Were you aware at all during the trial that the judge was unhappy with the prosecution from time to time?

WALSH: No.

LAMB: Not at all? You didn't ...

WALSH: No.

LAMB: Because that was all done when you were in the – back in the jury room.

WALSH: Yes. I just found out later because I was going through all the newspapers articles to see what was going on, because a lot of my friends had kept them for me. They were like, "This is why you had your hang- man sessions because you had three hours of nothing."

So in the jury room we had like just three hours and we were supposed to be like, we were be on a 15 minute break so a lot of times we were just playing games or making jokes or talking about things that were going on.

(VIDEO ENDS)

LAMB: What do you think of her answer?

GROH: It's what lawyers would expect. It's like somebody saying when they're looking in the jungle a long distance at birds and saying the quality of the binoculars don't matter. It's just what birds I see.

Well if you have lousy binoculars you're not going to see the birds far away or you're going to just be maybe just a little bit green or red or blue. And if you have great binoculars, you're going to see them sharp so you can pick out, you know you can pick out hey, there is a feather off on that small little macaw on the left side.

And one way that you could tell that Brenda Morris had affected the jury was not, not just looking at the verdict but then when in the number of post trial interviews that's been conducted by a number of news organizations after the trial, the jurors repeated things that Brenda Morris had said in closing argument and that showed they had adopted subconsciously her, Brenda Morris' view of the case.

LAMB: Now did other jurors talk besides Colleen Walsh?

GROH: Several did is my understanding from accounts in the Associated Press, the *Washington Post* and *The Legal Times* and maybe other...

LAMB: Is that normal that jurors talk?

GROH: Some do and some don't. In my experience, I've had, maybe on the order of 30 jury trials and sometimes you can get people to talk and sometimes they won't. It just, it depends.

LAMB: We kind of culled your blog to see what you thought the reasons were that Ted Stevens was convicted and I'll just read one of them. "The low thresholds in the annual reporting requirements turned out to make this an easy case to prove, at least to a jury composed of people from Washington, DC." Explain that.

GROH: The actual limits that were in the law had to be the number Congress had to report, either as a gift or a liability, were on the order of \$300 for each year.

Well \$300 is not very much money in terms of some of the substantial amounts of items in the high price items that were talked about in terms of home renovations, professional gas grill, a lot of lightning tools, a fancy chair to help somebody with their back that came in the course of this trial.

So it wasn't that hard to prove a technical violation and then if it gets to be a very substantial amount of things then it gets to be easier to show that someone should have known that they intentionally hid it, given the amount of evidence that their prosecutors presenting to Stevens trial.

LAMB: We'll put your blog up on the screen so people can go to it and it still there and – when did you actually start the blog?

GROH: A few days into the Stevens trial, right around October 1, 2008.

LAMB: And how many different days did you blog? And you're still blogging.

GROH: I still am. I blogged about the Stevens trial, I blogged Steven's first trial motions on some other cases that have been originally including Mr. Cowdery and Mr. Weimar's and some other matters.

LAMB: And who reads it?

GROH: Variety of Alaskans and non-Alaskans from what I can tell. I've never done sort of the analysis of who it is or market survey, a variety of people who are interested in Alaska politics or law generally.

LAMB: You tell – of course you were an Alaskan native, where did you get your law degree?

GROH: University of California, Berkley it's called Boalt Hall.

LAMB: What year was that?

GROH: Nineteen eighty-five.

LAMB: And other areas that we we're talking about on why Ted Stevens was convicted you said, "The critical question in this case was all about what was in Ted Steven's mind?"

GROH: Correct.

LAMB: "The guilty verdicts on all seven counts made it clear that the jury saw him as a liar who schemed to get hundreds of thousands of dollars of benefits for free."

GROH: Well that's what the charges said. I mean that's what – especially the count that had the sort – of the count of the conspiracy, the element of conspiracy in the first count in terms of all the years and in terms of and that's what the evidence that was presented.

And if they had – if the jury had convicted on one or two of the counts and acquitted on others – because the evidence as you might imagine was seven counts were stronger in some than others. Some there was evidence of ten's, and ten's, of thousands of dollars of money in renovations where Senator Stevens had written back and forth a number of e-mails about the progress he had to know what was happening.

On the other hand one year if they weren't going of loans but just on gifts. One year it would appeared because the seven counts partly involved year by year. One year it was one runty husky that appeared to be the only gift he got that year.

And you know may be on the prior year's liabilities but if it's only on the gift he got that year they convicted him on one tea husky.

LAMB: By the way did you think he was guilty? When you got to the end?

GROH: I thought that the United States Government – I'm going to give you a lawyerly answer. The United States Government had clearly presented enough evidence to allow a jury to fairly conclude that he was.

LAMB: Another reason he gave for his conviction, "The judge made a number of rulings over defense objections to let in evidence that appears to have hurt Ted Stevens badly."

GROH: That's correct. There were statements made by his friends about their conversations with him and his mental state that made him look bad. Both from the sense of conversations about when and which two friends talk about – they struggle for minutes and minutes about a way try to keep him from having to pay a bill on a renovations or repairs at his house.

And they say, "Well Ted Stevens doesn't pay a lot money because he doesn't have much." And secondly also, the thing that hurt him so much is the people talking here – his friends talking on tape almost sounded like underworld figures.

LAMB: In your opinion what moment in the trial did you say to yourself this isn't going to work for him? He's not going to make this.

GROH: I thought that he damaged his chances very badly during his own testimony ironically. It is one of the very ironic features of this case that both defense and prosecution often scored the most when the other people – the other side was talking.

The prosecution and defense scored when they could show how the prosecution had committed various acts and misconducts in which are still in litigation as I said. The prosecution scored when both Senator Stevens and his wife who both had privileges not to testify both testified in their testimony and each of them I thought hurt the defense very badly particularly, Senator Stevens testifying himself.

LAMB: Another reason you gave, "The prosecutors turned out to be the equal of the superstar Brendan Sullivan in the top flight Williams and Connolly Firm."

GROH: I thought that in previous years as you mentioned some earlier example that you had seen say in the '60s and '70s sometimes that it looked as though as one commentator said having the top lawyers in Williams and Connolly, the original Edward Bennett Williams, came up against the government lawyer which sort of showed the superiority of government enterprise over government ownership.

That was not what occurred here. The prosecutors did a fine job in court.

LAMB: I got one more here, but when's your book coming out?

GROH: Sometime in the next year, I hope. I'm still working on it. It's complicated by having events still going on. As well as it takes longer to write (INAUDIBLE)

LAMB: Almost want to ask what's in the water up in Alaska because the Mayor of Fairbanks and his wife are in jail in Texas.

GROH: I understand the Mayor of Fairbanks and his wife were convicted in a public corruption case that doesn't have anything to do with this. It was a federal case but it had nothing to do with this.

LAMB: What's going on in Alaska?

GROH: I think that Alaska was idealistic and brave and new state that had a lot of idealistic office holders in the beginning. I think that a combination of getting away from the idealism of the statehood and some of the corrosive effects of the oil money have both contributed to problems.

As well as the Mayor of Furbanks is in prison off of federal appropriation that was not oil money. That was money that was channeled to him from Senator Stevens.

LAMB: Last on this and then we're going to end shortly with a clip of Senator Stevens again going back to Alaska after he was convicted, right before he lost the election by about a percentage point.

You say, "The defense strategy pushing for a speedy trial and mounting a fact base defense particularly one featuring Senator Stevens testimony seemed to had backfired?"

GROH: I think that's right given as I said of the four main witnesses as I said in my blog that the defense presented. One of them gave damaging statements on cross-examination that hurt the defense. One a key friend of Senator Stevens was the caretaker on this home renovation project looked shifty on cross-examination.

And Senator Stevens and Catherine Stevens his wife the two key defense witnesses both could not explain away some of the damaging evidence against him. And with Senator – not Senator but former Secretary of State Colin Powell as his chief character witness and an impressive roster of character witnesses maybe Senator Stevens would have done better to rely only on the character witnesses and on his excellent defense team as opposed to trying to bring in his own witnesses who often seem to hurt him.

LAMB: Quick response to this. Of all things we've talked about the FBI, the public integrity section, the newspapers, the jury, the judge, the defense lawyers, the prosecutors, what stands out for you as the single most powerful thing that led to his conviction?

GROH: The evidence that the federal government mounted through many years of work.

LAMB: Is it really true that - you brought this with you but- people have this on their cars?

GROH: I borrowed that from a friend who has it in his home office. Some people in Alaska, not all obviously, not some of the people who are at Senator Ted Stevens rally, have that bumper sticker on cars in Alaska.

It's a far cry from an old bumper sticker you use to see in the '70's and '80's a lot which would say, "We don't give a damn how they do it outside."

LAMB: Cliff Groh thank you very much, and as we sign this off and we'll have another hour of this with Richard Mauer from the Anchorage Daily News but let's watch the flavor of the event that was held for Ted Stevens when he returned to Alaska after the conviction.

STEVENS VIDEO BEGINS: My future is in God's hands. Alaska's future is in your hands. For many years the people of Alaska have put their faith in me and I have put my faith in the people of Alaska. I promise the people here at home that I was going to tell my story before Alaskans cast their ballots in November.

I kept that promise and I testified in my own defense. Like most people I'm not perfect. I naively trusted someone who I thought was an honest friend, when he was neither honest nor a friend.

That naïve trust, however, has put all Alaskans and my family through an ordeal that I deeply regret.

End