

Special Prosecutor Dennis Wilenchik sought to put this newspaper out of business by going after our financial assets.

According to confidential grand jury records released by the court, Wilenchik adopted a scorched-earth policy when confronted with our misdemeanor.

These same documents also make it clear that Wilenchik lied when he said he had no idea who ordered my arrest and that of *New Times* CEO Jim Larkin.

In fact, Wilenchik personally demanded the arrests and confinement of Larkin and myself.

Incredibly, he also asked for the arrests of the paper's attorneys, Tom Henze, Janey Henze, and Steve Suskin.

Furthermore, he sought tens of millions of dollars in sanctions, fines that would have bankrupted *New Times*. He asked the presiding judge to penalize us by more than \$3 million for the issue published October 18 — with escalating assessments that would've reached a staggering \$90 million in the course of a year.

Not satisfied, Wilenchik and his law firm then took the law into their own hands.

It took County Attorney Andrew Thomas 36 months to unleash his pit bull prosecutor for the publication — purportedly a felony — of Sheriff Joe Arpaio's home address on our Web site in July 2004.

Yet when Larkin and I revealed in a cover story the existence of grand jury subpoenas — a misdemeanor — we were led from our homes in handcuffs within hours of publication.

Our article revealed that Wilenchik used grand jury subpoenas in an effort to obtain reporters' files on any story about the sheriff published in the last several years. The special prosecutor also demanded the identity of each and every reader who'd viewed our publication online since '04, as well as the Web-viewing habits of these readers.

The swift, bold roundup of this news-

paper's CEO and executive editor, however, was a redheaded stepchild.

No one admitted paternity.

Not the county attorney.

Not the sheriff.

Not the special prosecutor.

Well, we did not arrest ourselves.

One of those three men was a liar, and not a very good one at that, given the unambiguous evidence I've since uncovered.

Arpaio's jailers turned me out into the street at approximately 4 a.m. That very afternoon, County Attorney Andrew Thomas called a press conference, dropped the grand jury investigation, "fired" Wilenchik and alibied that "mistakes were made."

He made sure that voters knew that *he* had not ordered the arrests of two journalists.

The Sheriff's Office claimed no responsibility.

"Sheriff Arpaio had no participation in the decision to make these arrests," Captain Paul Chagolla, Arpaio's spokesman, told *New Times*.

In response to an e-mail asking who'd ordered our arrests, the disingenuous Wilenchik wrote to us, "Don't know. If I find out will be back..."

Wilenchik never got back to us.

But there is no need to clarify his instinct for deception; his signature is clear enough on the released grand jury paperwork.

Wilenchik demanded our arrests on the very day the article Larkin and I wrote hit the streets.

Over his signature, Wilenchik requested "that the court issue a warrant for the arrest and confinement of..." me and my partner.

That was the least-sinister move by Wilenchik.

In a lethal strike, Wilenchik sought to cripple *New Times* financially.

Had public indignation over our jail-ing not erupted, Wilenchik was prepared

to bankrupt the newspaper.

On October 18, as copies of *New Times* hit the streets, Wilenchik sought an emergency hearing in front of Judge Anna Baca, who presided over the grand jury.

He sought an immediate fine of \$3.5 million for the first week that *New Times* was on the streets and on the Web with our grand jury disclosure.

Wilenchik sought an additional \$1.68 million per week for each week the grand jury article remained on our Web site.

In our ongoing dispute with law enforcement over Arpaio's attempt to mask his commercial real estate investments, the sheriff's address has run on our Web site for nearly four years.

The math on Wilenchik's schedule of fines for just one year of grand jury disclosure is astounding.

Wilenchik sought almost \$90 million per year in fines.

For a misdemeanor.

For those of you not familiar with the economics of weekly newspapers, it is important to note that this paper bills approximately \$14 million annually.

That isn't the paper's profit; that's our revenue before printing, rent, supplies, salaries, benefits, and taxes.

The spotlight and the ensuing furor over the arrests of Larkin and me were more than misplaced. They missed entirely the larger point.

Wilenchik wanted us to choose between solvency and the First Amendment over a misdemeanor.

And because the media ignored the blunt offensive aimed at our checkbook, Wilenchik never bothered to cover his tracks.

He had the sheriff's deputies arrest us before the judge could rule on his emergency plea to have us jailed. He had us arrested before the judge could consider slamming us with multimillion-dollar penalties.

Dennis Wilenchik took the law into

his own hands.

I want you to stop reading and think about this for just one moment: Wilenchik asked a judge to bankrupt the paper and jail its leaders, as well as our lawyers, and that wasn't enough for him.

But ignoring the court and acting on his own to jail us backfired. Public outrage forced County Attorney Thomas to "fire" Wilenchik. And while Thomas' response was mostly cosmetic, it freed us from the grand jury probe and put Wilenchik on the hot seat.

On October 25, one week after our arrests, Wilenchik issued an eight-page press release that foreshadowed the defense he will raise in the State Bar's investigation into allegations that he committed ethical abuses.

The attorney offered not a single sen-

easily have served us there with the misdemeanor ticket. Instead, two teams drove halfway across town and arrested us in the middle of the night, took me downtown and drove Larkin all the way out to Mesa in an SUV with Mexican license plates.

What does he mean by “if they refused to accept the citation, they could be taken to jail . . .”? Did he think two journalists were going to get into a shootout over a ticket?

After demanding in writing that the judge “arrest and confine” us, Wilenchik then attempted to lay the blame for our arrests and confinement on a “misunderstanding” by a junior associate in his firm.

“The direction from me was apparently misunderstood,” wrote Wilenchik in his press release referring to the other lawyers in his firm.

Nonsense.

Wilenchik had requested an “emergency hearing” before Judge Baca to have us arrested and confined.

He was so filled with vengeance that he could not wait for Judge Baca to even schedule the hearing; he took the law into his own hands.

Now we are supposed to believe that he asked the judge to arrest and confine us, but when he took the law into his own hands later that same day and contacted the Sheriff’s Office, he merely wanted to serve us with a ticket? What does a reasonable person conclude after this grotesque circus?

Dennis Wilenchik had us arrested, then lied about it.

Lost in the drama of mug shots and a 4 a.m. release from jail, Wilenchik sought from the court a series of five escalating financial sanctions, beginning with a \$100,000 fine and moving onto \$10,000 for every hour our story was on the Web, and \$10,000 for every hour the issue was on the street.

He meant for us to choose between bankruptcy and the First Amendment.

And this is what makes Thomas’ press conference such a farce.

The county attorney took Wilenchik off prosecutions but retained the unteethered lawyer for civil actions. After all, “he’s an excellent attorney,” said Thomas.

So the lawyer whose sound judgment sought to put a newspaper out of business over a misdemeanor, sought to jail the papers attorneys, sought to, and did, lock up the paper’s leaders can still represent the county in civil matters.

When you examine the behavior of Wilenchik, Thomas, and Arpaio, it is apparent that only arrogance explains their attack on the constitutional right of readers to look at any newspaper without government interference.

Wilenchik, Thomas, and Arpaio were arrogant because they’d successfully mauled the constitutional rights of prisoners, Mexican migrants, political opponents, judges, writers, and editors. And if Wilenchik is willing to jail journalists who buy their ink by the barrel, can you imagine how he treats the little guys stuck in his dragnet?

We are all on Dennis Wilenchik’s enemies list.

And Dennis Wilenchik remains County Attorney Andrew Thomas’ hit man.

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