

Opiate for the Mrs.

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You're U.S. Senator John McCain, and you've got a big problem. Your wife, Cindy, was addicted to prescription painkillers. She stole pills from a medical-aid charity she heads and she used the names of unsuspecting employees to get prescriptions.

The public is about to find out about it. Until now, you've managed to keep it all quiet. When Tom Gosinski, a man your wife fired, sued for wrongful termination and threatened to expose the whole sordid story, you didn't hesitate to call in the big guns.

John Dowd, the attorney who got you out of your Keating Five mess, worked on getting your wife a sweetheart deal with federal prosecutors. He also made Gosinski's lawsuit go away.

He didn't stop there. To help maintain your reputation and discredit your wife's accuser, Dowd called Maricopa County Attorney Richard Romley and complained that Gosinski was trying to extort money. Romley, your Republican ally, promptly launched an extortion investigation.

But now *New Times* makes a public records request for documents in the extortion case. It's only a matter of days before the story gets out.

Here's what the senator does. He calls in another big gun, political strategist Jay Smith, who conceives a rather remarkable plan.

On August 19--just three days before the records are to be made public--Smith parades your wife before a select group of journalist friends. She tells a tale of pain and triumph, and, incredibly, all the reporters agree to sit on the story until August 22. When Cindy McCain says her confession is intended to quell rumors and to inspire other druggies to turn their lives around, the journalists lap it up. They write about her "bravery." The first round of stories is one-sided. There is no mention of Tom Gosinski or Romley's extortion investigation.

But after a week, there is no glossing over huge gaps in the image that has been spun for the public:

- Cindy McCain lied about drug treatment she claims to have undergone. Although she told reporters she went into a residential drug treatment program earlier this year, she told investigators she had treatment during 1991 and 1992. Whom did she lie to-- investigators or reporters?
- If Cindy McCain did undergo treatment before 1994, as she told investigators, the senator's claim that he didn't learn of his wife's addiction until this January simply defies credibility.
- Cindy McCain and Jay Smith lied about her status with federal prosecutors. She told a Tucson reporter she had already completed a pretrial diversion program. Smith told another reporter that the case had come to "resolution." In fact, Cindy McCain hasn't even been accepted into a diversion program.
- Jay Smith misled the *Arizona Republic* when he said that Gosinski had, in an act of retribution, tipped federal Drug Enforcement Administration agents after failing to get a cash settlement. In fact, Gosinski was talking to the DEA 11 months before he ever filed his wrongful termination claim.
- Tom Gosinski no longer has a civil lawsuit against Cindy McCain. It died of neglect this summer.

While the stories told by the senator, his wife and his hired guns are rife with inaccuracies and inconsistencies, everything Tom Gosinski says seems to check out.

John and Cindy McCain are now attempting to return to lives of privilege and prestige. If she gets into a diversion program and lives by its rules, she'll have no criminal record.

Meanwhile, one volunteer doctor who wrote prescriptions at Cindy McCain's behest is under investigation. He could lose his license.

And Tom Gosinski, the man who knew too much, is under criminal investigation, working two jobs and trying to put his life back together.

From September 1991 to January 1993, Tom Gosinski was the director of government and international affairs for the American Voluntary Medical Team, a nonprofit organization headed by Cindy Hensley McCain.

Gosinski says McCain started behaving erratically in the summer of 1992. He says he and other AVMT staff members became convinced she was addicted to the prescription narcotics Percocet and Vicodin. They believed she was obtaining these drugs illegally in the names of her employees and the public charity she founded.

Gosinski's multiple claims--the knowledge of which, he says, led McCain to fire him in January 1993--were central to a federal investigation, a civil lawsuit, the extortion investigation and, finally, a statewide media circus.

New Times obtained a copy of Gosinski's private journal. It covers the period from early July 1992 through January 1993. Gosinski did not grant *New Times* permission to print excerpts from the journal, but neither did he disavow their accuracy. The 52 journal entries, recorded during Cindy McCain's drug meltdown, paint a disturbing picture.

July 27, 1992: I have always wondered why John McCain has done nothing to fix the problem. He must either not see that a problem exists or does not choose to do anything about it. It would seem that it would be in everyone's best interest to come to terms with the situation. And do whatever is necessary to fix it. There is so much at risk: The welfare of the children; John's political career; the integrity of Hensley & Company; the welfare of Jim and Smitty Hensley; and the health and happiness of Cindy McCain.

The aforementioned matters are of great concern to those directly involved but my main concern is the ability of AVMT to survive a major shake-up. If the DEA were to ever conduct an audit of AVMT's inventory, I am afraid of what the results might be. . . . It is because of CHM's willingness to jeopardize the credibility of those that work for her that I truly worry.

During my short tenure at AVMT I have been surrounded by what on the surface appears to be the ultimate all-American family. In reality, I am working for a very sad, lonely woman whose marriage of convenience to a U.S. Senator has driven her to: distance herself from friends; cover feelings of despair with drugs; and replace lonely moments with self-indulgences.

As Gosinski observed in a September entry, the journal soon evolved into a "bitch pad" for his complaints about Cindy McCain. He also wrote at length of his concern for her well-being.

The journal entries don't tell the whole story. But certainly they add depth, providing glimpses of life with a drug-addled boss, and identifying previously unmentioned doctors who were associated with AVMT and who were drawn in--unwittingly or otherwise--to Cindy McCain's illicit activities.

Until now, Gosinski has not spoken on the record to the press. It has taken months of cajoling, Cindy McCain's public admission and the release of documents relating to the extortion investigation to convince him to open up.

Even now, he is nervous. He shows up at New Times over the weekend with an old friend at his side as a "comfort blanket." He won't sit for a portrait, although he had agreed to do so just days before. He's looking for a better job, he says, so he doesn't want his face on the cover.

And the county attorney's extortion investigation is ongoing. Although Gosinski is certain he has done nothing wrong--in fact, he may be one of the few in this story who hasn't--he also knows that might not mean much.

At 36, Gosinski is of medium build and below-average height. He's clean-shaven, with brown eyes, bristly brown hair. He knits his brow constantly, making deep grooves between the eyes. He laughs a lot, mostly from nerves, and wears a baseball cap with the hapless Wile E. Coyote embroidered on it. The cap matches his outfit: long-sleeved, hunter-green button-down and faded Pepe jeans. He's a hip, polished, well-spoken, conservative Republican.

His roots are in small-town Nebraska. Although he'd originally planned to study music, Gosinski majored in organizational communications at Concordia College in Minnesota, because he thought he'd earn a better living.

He moved to Phoenix "on a lark" 12 years ago and got a job with America West Airlines as a customer service representative. He worked his way up to middle management and a position in the airline's governmental and international affairs office. It was while he was in that post that he met Cindy McCain.

That was in 1991, and Desert Storm had just rumbled through Kuwait. McCain had asked America West for a government charter to take AVMT to aid war victims. As a reward for his assistance, she invited Gosinski along. He jumped at the chance.

When the plane touched down at noon in Kuwait City, the smoke was so thick the streetlights were on. The heat was searing. The AVMT crew slept on hospital floors and cots. Cindy McCain was a hard worker, Gosinski recalls. She slept in the hallway, lugged boxes and tended children with the rest of the volunteers.

Close friendships were formed, particularly because of the danger, Gosinski says. "People were still stepping on land mines. People were still being shot."

After Kuwait, McCain invited Gosinski on another trip--this time to Washington, D.C., to receive thanks from Vice President Dan Quayle and dine at the McCains' Alexandria home.

The day Gosinski met Quayle, America West Airlines filed for bankruptcy, and Gosinski fretted about his future. He stayed in touch with Cindy McCain and AVMT.

That September 1991, he quit America West and began working full-time as AVMT's first director of government and international affairs. Annual salary: \$48,000.

Over the next two years, Gosinski's job would take him on missions to Bangladesh, Vietnam, El Salvador and, in the wake of Hurricane Andrew, to Florida.

Most of his time was spent at AVMT's headquarters in Phoenix. He also grew close to Cindy McCain and her family. He took her and the children on outings, to the state fair. He gave one of her sons swimming lessons.

Things went swimmingly, indeed, until the summer of 1992. That's when things started getting weird at AVMT. It's also when he began documenting events at the workplace in his journal.

In addition to people already mentioned, the journal's cast of characters includes Cindy McCain's parents, Jim and Smitty Hensley; Cindy's aunt and former AVMT receptionist, Jeri Johnson; AVMT employees Kathy Walker and Tracy Orrick; Cari Clark McCain, Jeri Johnson's granddaughter and Cindy's adopted daughter; John Bircumshaw, a contract fund raiser for AVMT; and doctors John Max Johnson, Tom Moffo, Francis Fote, Dennis Everton and Daniel De La Pava.

(All the people mentioned in the passages *New Times* is publishing have been contacted by phone, and given the opportunity to respond to comments in the journal. Only one, Everton, chose to comment.)

July 20, 1992: Well, this morning I received a call from Francis Fote, a doctor who traveled to El Salvador with AVMT. Fote called to inform me that he had visited with Cindy on Friday regarding the use of his DEA number. He asked that I tell Cindy his number could only be used in the state of New York as that is where he is licensed. I do not know what Cindy is up to but it appears as though she is trying to use several doctors' DEA #'s so that she can acquire drugs for personal use. Kathy Walker has stated several times in the past that this has been going on for quite some time and that the DEA has questioned large acquisitions of drugs such as percocet. We know that 300 percocet have been missing from AVMT's inventory and that Cindy says they are locked up at her home. I really don't know what is going on but I certainly hope that Cindy does not get herself or AVMT in trouble. I also hope that if it is necessary, Cindy is able to get help before she does herself harm. . . .

July 22, 1992: We haven't heard from Cindy today. Who knows what she might be up to. Kathy did find a DEA number from Doctor Everton on Cindy's desk this morning. . . . To date, Tracy, Kathy and I know that on Friday of last week she requested or received DEA numbers from Drs. Tom Moffo, Francis Fote . . . Max Johnson, De La Pava and Everton. I certainly hope that she does not get all of these guys in a lot of trouble.

(Everton says *New Times'* inquiry marked the first time anyone had asked him about his DEA number--a federally assigned code that allows doctors to dispense drugs internationally--despite his being interviewed by two DEA agents about a year ago. Everton says he doesn't recall giving AVMT his DEA number, although the organization might have had it. Everton adds that he found it odd that months after he went on his one and only AVMT mission, a staff member tracked him down on vacation and asked him to prescribe Tylenol 3--a drug similar to Vicodin--for an upcoming AVMT trip. Everton says he prescribed the drug anyway. He doesn't recall that the prescription was in any individual's name.)

July 29, 1992: Jeri Johnson said that Jim and Smitty are going to confront Cindy about her drug problem. I don't know what the end result will be but I fear that it may be the end of AVMT and my job. Should AVMT be closed down, I trust Jim Hensley will take care of all of us until we are able to find other means of income. I hate to have nasty thoughts, but this family cannot afford to have any of us leave the organization with negative feelings. We all know too much about the way Cindy and John conduct their personal lives. Not a pretty picture.

August 10, 1992: Work is the same. CHM is in Phoenix today and, as is common these days, is up to her old tricks. She told Kathy this morning that she has a call in to Dr. Moffo. I certainly hope she doesn't get him to write her prescriptions for pain pills. Also, we received a bill this morning from Professional Pharmacy for vicodin and Apap with codeine, 200 units each, the prescription written by Max Johnson. I cannot believe the amount of doctors who . . . continue to fill her prescriptions.

August 14, 1992: Work started off at a relatively normal pace this morning. And then-- Kathy received a call from Royal Norman at Ch 3 regarding a possible AVMT trip to Somalia. Before Kathy informed me of her conversation with Royal she told Cindy and Cindy jumped all over the issue. Now Cindy wants to airlift a load of supplies to Somalia and use Ch 3 to get the coverage she so desperately goes after. I think the whole idea is crazy as we have so much to do with the Navajos but Cindy seems intent on making it happen.

Kathy asked Cindy about the bill for the drugs I referred to in my 10AUG92 entry as Kathy has not received them for inventory for AVMT. Cindy told Kathy that those drugs and some antibiotics were sent to Micronesia with military personnel since AVMT was unable to make a trip to that area this year. To the best of my knowledge no drugs or supplies of any kind were sent to Micronesia. . . .

August 21, 1992: Cindy and John returned from the Republican convention today. John's speech last night was full of worthy messages but his delivery was less than inspirational. Cindy sounded as though she had a good time at the convention. I inquired what the president's intentions were for John and she stated that, off the record, the president may ask John to serve as secretary of defense. Everything is contingent upon the outcome of both the president's and John's campaigns--John being named as secretary of defense might mean that I would have an opportunity to move to Washington.

August 28, 1992: Work has been crazy--Cindy decided we should take a load of supplies to the Miami area to assist in the Hurricane Andrew relief efforts. It would be simple to complete the task if Cindy would not interfere with the rest of us doing our jobs, however, she is constantly stirring things up.

We are also contemplating a trip to Somalia--Mark Salter in John McCain's Washington office has stated that the State Department and the Department of Defense believe it is not safe to travel to Somalia or the northern regions of Kenya. Cindy insists that we are going to go on the trip and that it may be wise for us to pack guns.

She is absolutely crazy--I don't know how to load a gun let alone shoot one. . . .

September 2, 1992: This past week at AVMT has certainly been a challenge. All of us that work for Cindy have been asked to put in extended hours at night and on the weekend and have not even received a thank you. Cindy is the most demanding and thankless person I have ever met.

. . . . About Cindy's drug problem--Today Kathy asked Cindy about the invoice for drugs prescribed by Tom Moffo, the second such prescription in two weeks. Cindy stated the drugs had been sent to two different islands in the federated states of Micronesia with a Navy officer and that I had been aware of the request and AVMT's response. When Kathy told me about Cindy's statement I called Cindy to inquire about these two shipments about which I have no knowledge and Cindy changed the story and said that Kathy was confused and that what actually happened was that the shipment had in fact been sent with the Navy office but it had been so small that she had simply had him put it in his luggage--she stated the shipment was 'penicillin and a few items Dr. Moffo had put together for her'. . . .

September 3, 1992: Work is crazy as usual. The trip to Florida on Monday is on schedule--we are now traveling as a cleanup crew in blue hospital scrubs. I questioned wearing scrubs but Cindy insisted that the 'visual' is important, so--we are going to rummage through the rubble of Hurricane Andrew in scrubs.

Whatever . . . Per Mrs. McCain the AVMT schedule for the next couple of weeks is as follows: Miami cleanup from September 7 through September 11; Navajo Nation parade September 12; and depart for Somalia on September 13. Cindy must think that we have a staff of 20 as she has certainly not sat down, looked at a calendar and rationally thought about what she is suggesting we accomplish. . . .

September 29, 1992: Regardless of what happens with Cindy McCain, it is time for me to get out of AVMT. I have so little respect for Cindy and her objectives--she has made AVMT a media event--that even under the best of circumstances I do not think this organization merits existence. . . .

October 2, 1992: Well, it is done. Last night Jim and Smitty confronted Cindy regarding her dependency to prescription drugs and she admitted to her addiction. I understand that she told the Hensleys her addiction was rooted in her unhappiness--her marriage--and that she took the pills to mask her depression. The Hensleys told Cindy they knew she had a problem because of her severe mood swings and her change in character. They also said her meanness towards others was not excusable and must stop. . . .

October 6, 1992: All shit hit the fan yesterday!

Jeri Johnson called Dr. Moffo to ask him not to fill anymore prescriptions for Cindy McCain. Dr. Moffo said he had not been filling any prescriptions for Cindy--it seems Cindy has been using Tom's DEA number to obtain her drugs.

Jim Hensley called Cindy this morning and told her not to use Moffo's number again. She denied she had used the number and since then has been trying to contact Moffo. God knows what she will say to Moffo if she reaches him. Also, Cindy was trying to reach Dr. John Johnson. She is either trying to do some quick damage control or she is going to set somebody up for the fall. . . .

October 7, 1992: More of the same.

Yesterday the Tom Moffo issue became more complicated. After Jim Hensley confronted Cindy with information about her using Tom's name to obtain drugs Cindy called Moffo to question him. Moffo told Cindy he would not do any follow-up, i.e., turn her in, but told her to never do it again.

This morning Cindy called me to inform me that she and Max Johnson had contacted the DEA and asked that an investigation be conducted to 'investigate allegations made against her.' She said a 'bogus' phone call had been received which made wild accusations about her and that she believed the phone call was 'political.' Cindy also said she had called the supposed originator of the call and that the individual denied ever making the call. . . .

October 28, 1992: I am still concerned about Cindy McCain's drug problem--it seems her parents are falling into a denial mode and believe that time will heal Cindy's problem. . . .

November 3, 1992: Tonight I am attending an elections return party at the McCains' home. . . . John is expected to win his race by a landslide. . . .

January 11, 1993: Cindy was in the office today--first time in a couple of months. She and I met with John Bircumshaw to discuss an April fund raiser and John's grant-writing efforts. Shortly after the meeting, Cindy, very casually told me that I won't be traveling to Calcutta next week, instead I am to stay in Phoenix to work on the Navajo Nation project. God only knows what all of this means. . . .

January 13, 1993: Chalk up another day at AVMT.

Yesterday was going great until I got a call from Cindy McCain who stated that she heard I was mad because I wasn't going to India.

I explained to Cindy that when she told me I was not going to be traveling to Calcutta I was upset because of the inconvenience that the last-minute change in plans had caused.

. . . It is evident to me that AVMT is in serious need of an organizational change. . . . Our shot gun approach to providing medical care has minimal impact when a focused approach on a specific area or type of care could significantly impact the target constituency. . . .

January 15, 1993: Well yesterday was certainly a bang!

For the first time in my life I was fired from a job. Cindy asked me to come to her office so that we might speak. She immediately handed me a termination letter and began a speech of praise. She thanked me for my contribution to AVMT, for my loyalty and stated she would be 'forever thankful' for what I had done for her newest daughter, Bridget McCain.

End of chapter.

Tom Gosinski knew something was up that day, because Cindy McCain was actually in the office. His co-workers would later tell a county attorney investigator that he took the news well, but Gosinski says his outward appearance was deceiving.

"I don't know that I was that well-composed on the inside," he says. McCain allowed him to stay through January, at his request, and offered a month's severance pay.

Typed on AVMT stationery, McCain's letter read in part: "It is with deep regret and a heavy heart that I must terminate your position with AVMT. Your termination is due to the decline in contributions and our inability to continue to pay you at this time. Your service both to a small nonprofit such as we are and more importantly to the suffering peoples of the world is commendable. . . ." She offered her assistance in finding another job and signed the letter "Respectfully."

Fellow workers Orrick and Walker took Gosinski to Lombardi's restaurant at Arizona Center for a farewell lunch on his last day; McCain was invited, but didn't attend. Gosinski was hurt.

Hurt turned to disbelief, he says, when he learned he was not eligible for unemployment benefits because AVMT, as a nonprofit organization, has the luxury of opting not to pay into the kitty.

Gosinski suspected that prescriptions had been filled in his name without his knowledge. So in February 1993, a month after his termination, Gosinski met with a representative from the DEA whose name he refuses to reveal. A DEA official confirms that Gosinski first contacted the agency in "early 1993."

He says he did not go to the DEA intending to blow the whistle, but was concerned that his name might become embroiled in a future investigation. He posed what he calls a "what if" scenario: "If a person knows that prescriptions have been written in their name, and they never met with the doctor and they don't know the whereabouts of the drugs, what is their responsibility? And I was told it was my responsibility to turn it in. So at that moment I began to cooperate with the DEA."

Gosinski says he told the DEA of his suspicions, and an agent called Gosinski back to show him copies of two prescriptions written in his name, by Dr. Max Johnson at Cindy McCain's behest. Gosinski says he told the DEA he had no knowledge of the prescriptions. Gosinski says he went to Lahr Pharmacy in north-central Phoenix and asked if any prescriptions had been filled in his name. Indeed, two had; the pharmacist gave him copies, he says.

It had been months since his departure from AVMT, and he couldn't find a job. After sending out hundreds of résumés for positions in government relations and personnel, he took a part-time job at a gift shop owned by friends. He was humiliated and broke.

In late 1993, he was hired as a salesman at Borders Books & Music in Phoenix. He applied with his old employer, America West, as a new hire and got a job selling tour packages. Gosinski works 80 hours a week and makes half of what he made at AVMT.

The more he thought about AVMT, the more he became convinced that he had been wrongfully terminated. He believed that after Cindy McCain learned that he was bellyaching about prescription-writing practices--and after John McCain had been sworn into the U.S. Senate--he became expendable.

Under state law, he had just one year from the day he was fired to file a civil lawsuit against his former employer. A local labor attorney, Stan Lubin, agreed to take his case on a contingency basis, but warned Gosinski he wouldn't represent him if the case went to court--unless Gosinski could scrape together the money to pay him up-front.

Gosinski filed his lawsuit in January 1994, but kept his complaint vague and withheld specific allegations about Cindy McCain. In February, Lubin wrote a letter to one of McCain's attorneys, Gary Stuart, asking for a \$250,000 settlement.

After Lubin withdrew, Gosinski searched for a new attorney, but none would take on a case against Cindy McCain. He missed subsequent deadlines to file amendments to his complaint and keep it alive.

"There is no lawsuit. It expired July 11," Stuart tells *New Times*.

While his civil claim was withering away, a criminal investigation of Tom Gosinski was going strong.

Cindy McCain can thank her attorney, John Dowd, for thrusting the story of her drug addiction into the public realm. If Dowd had not insisted that the county attorney investigate Tom Gosinski's alleged extortion of Cindy McCain, accounts of her pill-popping likely would have remained on the cocktail circuit.

But that's Dowd's style. He's got lots of political muscle and he doesn't hesitate to flex it. The former federal prosecutor, now in private law practice in Washington, D.C., has become a fixture on the Arizona political landscape in recent years.

He represented John McCain during the Keating Five hearings, and although McCain was rebuked for his role, the senator was treated with relative lenience.

Dowd orchestrated Governor Fife Symington's favorable settlement of a \$210 million suit filed against the governor by the federal Resolution Trust Corporation. Symington and Dowd attacked the governor's accusers. At one point during the ruckus, Dowd got an enterprising *Mesa Tribune* reporter yanked off the story by challenging him to a fistfight. When the reporter accepted--in front of a group of horrified editors--Dowd achieved his goal. (The reporter, John Dougherty, now writes for *New Times*.)

Dowd also served as Major League Baseball's special prosecutor in the Pete Rose and George Steinbrenner cases, relentlessly pursuing and eventually getting both men suspended. But in demolishing his quarry, Dowd's heavy-handed tactics also bloodied the office of baseball's commissioner. In his book *Lords of the Realm*, which examines baseball's labor history, author John Helyar describes Dowd as a "blunderbuss."

That description seems apt in the Cindy McCain case.

Without Dowd, Tom Gosinski's claims against McCain and AVMT were going nowhere. His fleeting contacts with reporters were bearing no fruit. *New Times* interviewed Gosinski on several occasions, but he was unwilling to go on the record with his allegations. The *Arizona Republic* caught wind of the story and made inquiries, too.

Gosinski's assertion that Cindy McCain was addicted to painkillers required corroboration, some kind of official documentation, and when Dowd persuaded County Attorney Richard Romley to launch his extortion investigation, Dowd unwittingly provided it.

In a "confidential" April 28 letter to Romley, Dowd blurted, "We believe that Mr. Gosinski is aware that in the past Cindy had an addiction to prescription painkillers. . . . Given Cindy's public position, exposure of this sensitive matter would harm her reputation, career, the operation of AVMT, and subject her to contempt and ridicule."

There it was. On the record. In John Dowd's own words.

What was in it for Romley? To Romley, the extortion investigation must have appeared to be a no-lose situation. He could take comfort in the knowledge that the DEA and the U.S. Attorney were already probing drug acquisition and handling at AVMT. The feds normally refer cases of prescription fraud to state courts, but federal sources say that because of the possibility that ill-gotten drugs had been transported out of the country, the DEA and U.S. Attorney retained jurisdiction.

That left Romley free to go after Gosinski without much fear of damaging the McCains. On May 12, Romley's office launched its extortion probe.

An edited version of the investigative report was released August 22, jarred loose by a *New Times* public records request. Because the McCain camp was informed that the report was to be released, there was time to set up Cindy McCain's confessions before the agreeable journalists, none of whom was aware that the report was to be released.

Barnett Lotstein, special assistant county attorney, says the office has prosecuted an average of 14 extortion charges each year since 1988. He says the Gosinski investigation is "substantially complete," but that no decision has been made on whether Gosinski will be prosecuted.

Lotstein also says it is common to provide complainants--in this case, Dowd, et al.--with opportunities to edit investigative reports before they are made public. Lotstein says Dowd and company were not shown the report, "but they did assert their privacy interests with regard to certain privacy issues."

Asked repeatedly to cite another example where complainants had been allowed to such access, Lotstein says, "I don't have a specific case, but I can tell you that it's the normal procedure."

As a sometimes-special prosecutor is wont to do, John Dowd left his mark on the county attorney's investigation. About one-fourth of the 200-plus pages in the report consists of Dowd submissions, including a 26-page diatribe dated June 14 that reads like an insider's summary of the investigation to that point.

Dowd met with the investigators on at least one occasion, June 27. And the phone lines between Dowd's D.C. office and the County Attorney's Office apparently were buzzing.

The report indicates that Dowd landed some blows, and took some as well. Portions of it seem to buttress Dowd's claim that Tom Gosinski was attempting "a shakedown." Gosinski's colleagues at AVMT heard him say he would be willing to use what he knew about Cindy McCain to enrich himself.

AVMT employee Tracy Orrick told investigators Gosinski "would make comments like, 'I wonder how much Cindy's father would pay to keep this quiet,' referring to gossip around the office."

Kathy Walker--who is identified in the report as being "employed by Hensley & Company as Cindy McCain's Administrative Assistant and Director of Operations" of AVMT--told investigators that Gosinski told her in November 1992 that "I'm going to get her [McCain], I'm going to blackmail her if she ever fires me."

Gosinski denies ever threatening to blackmail McCain, and says he's saddened by Orrick's and Walker's statements. Gosinski claims that Walker and Orrick often joined in speculation about their job security, based on their observations of Cindy McCain.

"I truly don't understand that," he says. "I think it's noteworthy, though, that Kathy Walker is still employed by Mrs. McCain, as is Tracy [Orrick], and that Kathy Walker, in fact, picked up prescriptions written in [Walker's] name by a doctor and had them filled even though she had no need for them."

Indeed, both Orrick and Walker told investigators that they became aware that prescriptions for controlled substances were being written in their names, and Dr. John Max Johnson, AVMT's medical director, admitted writing prescriptions in the names of Orrick, Walker and Gosinski.

Orrick told investigators that when Gosinski learned that prescriptions had been written in Orrick's and Walker's names, he declared, "They'd better not be doing that in my name."

Some prescriptions were for quantities of 400 and 500 pills. Sometimes, Cindy McCain would go to Johnson's home to pick up the prescription. Sometimes, she would send an underling, Johnson said.

Johnson told investigators that he never dispensed any painkillers during overseas missions, and that Cindy McCain carried the drugs in her personal luggage. Gosinski says he knew of no doctors who prescribed them on an overseas mission. Dr. Dennis Everton, however, tells *New Times* that on his sole AVMT mission--to Kuwait in 1991--he did prescribe pain medication.

Johnson told investigators that he wrote prescriptions in employees' names even though he knew it was improper. Johnson said he also wrote two prescriptions for painkillers for Cindy McCain, although he was unaware that she was addicted to them. Johnson is being investigated by the Arizona Board of Medical Examiners, which has the power to revoke or suspend his license.

The report raises questions about Walker's veracity. Orrick told investigators that after Gosinski was fired, she received four or five inquiries from prospective employers. She says he forwarded the calls to Walker after specifically informing her of their nature. When Walker was interviewed separately, however, she denied receiving inquiries from prospective employers. Instead, she stated that unidentified people had called, asking where Gosinski could be located.

"Ms. Walker seemed somewhat confused on this issue but stated that no prospective employers had called her," the investigative report states. "It should be noted that Tracy Orrick previously stated that four or five prospective employers did call AVMT requesting to speak with the personnel manager. Tracy said she turned these calls over to Kathy Walker."

The discrepancy may be significant, because although he has yet to offer solid proof, Gosinski believes that AVMT sabotaged his job prospects elsewhere.

It also seems noteworthy that throughout the wide-ranging county extortion probe, nobody from AVMT was asked to verify the condition of the organization's finances at the time Gosinski was fired because of a funding shortfall. AVMT appears to be intertwined with Hensley & Company, the beer distributorship owned by Cindy McCain's father. In fact, when Gosinski was hired at AVMT, he filled out an employment form from Hensley & Company.

In letters urging county investigators onward, Dowd asserts that Stan Lubin, who initially represented Gosinski in his lawsuit against AVMT and Cindy McCain, was persuaded to quit the case after meeting with Dowd and fellow AVMT attorney Gary Stuart in February and March of 1994. "We informed Mr. Lubin that Mr. Gosinski's allegations were false and presented facts refuting the allegations," Dowd wrote. "As a result of the meetings, Mr. Lubin decided to terminate his representation of Mr. Gosinski."

Not so, says Lubin.

"For him to say that I withdrew because of so-called irrefutable evidence is an absolute lie. I never said that," Lubin tells *New Times*.

In his February 4 demand letter to McCain's lawyers, Lubin wrote, "Due to the sensitive nature of the circumstances surrounding her actions, Mr. Gosinski has kept the allegations in the complaint very general. . . . I am sure you recognize what he has done to keep the sensitive matters from exposure."

He also stated that Gosinski was willing to settle the suit for \$250,000.

What John Dowd views as extortion, Gosinski and Lubin view as compassion.

"Based upon what I knew at the time, and what I think today, he [Gosinski] was wronged," Lubin says. "He was treated badly. And I think he has some legal remedies.

"What's wrong, then, with writing a demand letter and saying in it, 'Hey, nobody needs publicity. Let's resolve this. We have a legitimate claim. Let's resolve this quietly.' . . . And so I said what I said with that in mind. And I'm not going to retract one word of it.

"Dowd is trying to make a lot of noise with it, but, good God, look at what he's doing. He's threatening someone with criminal action if he files a lawsuit. . . . There's a lot of things that get done that you try to keep quiet, not because of any evil motive but because you have some compassion. And this is what's happened to Gosinski, who said to me, 'Good idea, yes, let's keep it quiet. I don't need any ink. They don't need any ink. This woman is ill. We don't need ink. I just want to be remedied.'

"That is not extortion. To claim that it is is bullshit."

John Dowd may have unleashed the media hounds on Cindy McCain, and he might never get an extortion charge filed against Gosinski. But local defense attorneys who have monitored the case say there is little doubt that he has secured a highly favorable deal for his client with federal prosecutors. First and foremost, the case has remained a federal one. That's unusual.

"Federal prosecutors routinely throw this stuff to state prosecutors," says one Phoenix attorney. "The DEA and the U.S. Attorney's Office are not in the habit of popping penny-ante drug offenders."

Second, the federal pretrial diversion program requires complete confidentiality, which is required at this stage of the investigation in any case. Moreover, although it is not clear what laws the feds believe Cindy McCain has broken, it seems likely that her offenses would be treated as misdemeanors.

"At worst, she probably could have gotten ten to 16 months," says one defense attorney who researched federal sentencing guidelines. He adds that under federal guidelines, McCain looks like a good candidate for diversion.

Another defense attorney says that in cases like McCain's, it is not uncommon for prosecutors to attempt to seize the offender's property, which, among other things, would include an interest in Hensley & Company and the McCains' North Central Avenue residence.

That attorney also says that Cindy McCain and John Dowd have done a service to other drug offenders.

"We're certainly going to jump on this when we have a client in a similar position," he says. "When we have a client that's charged in this same kind of 'script' writing, if the behavior is milder than Cindy McCain's, we should be getting diversion."

State courts would have offered a much greater challenge for Dowd and his client.

"If she were charged in state court--and there is an offense that fits her case to a T--she's looking at Class 3 felonies," says one defense attorney. "If we assume conservatively that there were six separate counts, her liability in state court is astronomical. She could have been looking at ten to 20 years, with a presumptive sentence of 11.25 years and two-thirds served before she would be eligible for parole.

"If I had a client named José Lopez, I'm not so sure we wouldn't be looking at that."

Doug McEachern, a reporter for Tribune Newspapers, was one of the chosen few who was leaked the Cindy McCain saga. The resulting August 22 lead paragraph: "She was blonde and beautiful. A rich man's daughter who became a politically powerful man's wife. She had it all, including an insidious addiction to drugs that sapped the beauty from her life like a spider on a butterfly."

As most East Valley residents were fathoming McEachern's piece that Monday morning, *New Times* and the *Arizona Republic* were securing copies of Romley's investigative report. (The *Republic*, acting on a tip, made a public records request for the report that very morning; *New Times*' had been made 19 days earlier.)

Armed with the report, the *Republic*, which had been left out of the Cindy McCain exclusives, carried a front-page story on Tuesday morning that told of Tom Gosinski's lawsuit and the extortion investigation.

McEachern, a veteran political reporter, knew he had been had. "I'm not so sure it was a lie," McEachern says of the spin job. "It was hedging the truth."

McEachern dashed back to the subject like a lemming on a cliff. In an August 24 analysis, he attempted to explain why he'd only reported half the story the first time around. Again, he employed imagery: "News is not static. It flows like summer rain down a wash. The first bubbling rivulets coming down over the rocks may carry just a few nuggets of a big story. Later, as details become clear, the story eventually may build into a raging, foaming torrent."

If there was no torrent, a steady trickle fell on the McCain camp over the next week. The *Republic*, apparently piqued at being stiffed on the initial story, carried reports about Cindy McCain's drug habit on the front page every day during the week, and ran another piece on B1 on Saturday.

And all the while, key facts were out of whack. Steve Meissner of the *Arizona Daily Star* reported that Cindy McCain had completed "a diversion program established by the U.S. Attorney's Office."

Meissner says both Smith and Cindy McCain told him that she had completed a diversion program. "Then they put out a statement saying that--quote, inaccurate press accounts, unquote--had made it sound as though she had already completed the diversion program," Meissner says. "So I confronted them to that effect, and Jay Smith said that he was telling me what the lawyers were authorizing him to say and he said he didn't know what a diversion program was."

All of the McCain camp's wild talk of the diversion program and twisted investigation chronology no doubt rankled federal prosecutors and DEA agents, who are not able to comment on a case under investigation. The U.S. Attorney's Office in Phoenix actually issued Cindy McCain's statement about the inaccurate press accounts. The release went on to say that she had merely applied for the diversion program. The statement also indicated that McCain had agreed to reorganize AVMT, and pay for the cost of the federal investigation.

Accounts of Cindy McCain's drug treatment and exactly when her husband learned of her addiction don't jibe.

Phoenix Gazette columnist John Kolbe, who compared Cindy McCain's addiction to her husband's captivity in a Vietnamese POW camp, devoted a paragraph to the revelation that it was John Dowd who informed the senator that his wife was an addict in January 1994. County records show that Dowd was representing Cindy McCain in talks with the DEA in May 1993.

Both Kolbe and McEachern reported that McCain had checked into a drug rehab clinic in Wickenburg earlier this year.

But in their report, county attorney's investigators state flatly: "Mrs. McCain admits that she acquired a drug dependency for Percocet because of a back problem and received rehabilitation in Wickenburg Arizona in 1991 & 1992."

Dowd, after agreeing to a phone interview with *New Times* on Monday afternoon, changed his mind. Jay Smith and John and Cindy McCain did not respond to requests for interviews.

As is his habit, Tom Gosinski rose on Monday, August 22, and turned on a morning news show. He was nearly floored by what he heard.

"They announced that in the next segment they would be discussing Mrs. McCain . . . and that she was a drug addict," he says.

"I had no idea the story was coming out."

After more than two years of tumult, Gosinski felt a tremendous burden slip from his shoulders. That morning, co-workers at America West who had doubted Gosinski's claims approached him to apologize.

"I felt really good that the story was out. . . . I also felt like this thing was coming clean-- everything that I had said, everything that I had suggested to the DEA when I first went to them and everything that I had been talking about for a year and a half."

That was Monday. On Tuesday, news of Romley's extortion investigation broke. Reporters flocked to Gosinski's workplace, seeking interviews. By Thursday, the papers were quoting John McCain as calling Gosinski a liar.

By Saturday, Gosinski was almost too rattled to tell his side of the story. But he did. After nearly five hours of answering questions, he struggles to answer a query about his feelings toward Cindy McCain.

"I feel bad for Cindy. And I truly do. Cindy was an addict; she's admitted to it. [But] I don't think that excuses the things she's done to obtain drugs or the way she treated people."

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