IT’S CALLED R-E-C-U-S-A-L

Tom Maguire usually takes himself more seriously than this. After reading the WaPo’s series on Dick, he chose to ignore the widespread criticism on the part of hardcore conservatives of OVP’s dismantling of the Constitution and instead claim that the WaPo article was proof—proof at last!!!—that "Fitzgerald’s prosecution of Libby may have been politically motivated."

To prove that "Fitzgerald’s prosecution of Libby may have been politically motivated," Maguire ferrets out the abundant evidence that John Ashcroft didn’t get along with his Imperialness. He picks one event involving Ashcroft from 2001, another event involving the no-longer AG Ashcroft (and Gonzales) from 2005, then nods to the Comey hospital confrontation from March 2004.

All cited as evidence that "Fitzgerald’s prosecution of Libby may have been politically motivated"—that a guy who was not appointed or supervised by Ashcroft, who brought an indictment a year after Ashcroft’s resignation, was politically motivated.

Look. Using this evidence, you could (if you really wanted to) make the argument that Ashcroft’s decision to continue the investigation past Armitage’s confession and Libby’s first lies was political. You might argue that Ashcroft’s decision to—gasp!—recuse himself in December 2003 was political. (You’d of course have to ignore the centrality of Comey’s decision to appoint a real prosecutor, since that happened days after his own appointment; it—and his February clarification of the scope of Fitzgerald’s inevstigation—preceded the March 10 event Maguire cites.)

But then there’s the other problem. Maguire has

found his evidence that this was a political prosecution—political for Ashcroft, mind you. Yet all the while, he's making an argument that Fitzgerald operated with no effective oversight and therefore was unconstitutionally appointed. So apparently, Ashcroft simultaneously directed Fitzgerald to mount a political prosecution (even a year after he resigned), yet he had no legal authority over Fitzgerald in the least.