

CHENEY GOT THE KEYS TO DOJ ... BUT DID ROVE?

One more detail about the Ashcroft and Gonzales guidelines on contacts between DOJ and the White House. While the latter explicitly gives Cheney the authority to communicate with DOJ about ongoing cases, I don't believe it gives Karl Rove—or any of the people who work in Office of Political Affairs save its head—that authority. When the more expansive Gonzales memo lays out whom the AG and his staff may communicate with, it says:

Notwithstanding any procedures or limitations set forth above, the Attorney General may communicate directly with the President, Vice President, their Chiefs of Staff, Counsel to the President or Vice President, Assistant to the President for National Security Affairs, Assistant to the President and Homeland Security Advisor, or the head of any office within EOP regarding any matter within the jurisdiction of the Department of Justice. Staff members of the Office of the Attorney General, if so designated by the Attorney General, may communicate directly with officials and staff of the White House Office, the Office of the Vice President, the National Security Council, the Homeland Security Council, and the Office of Management and Budget.

Now, Karl Rove is Senior Advisor to the President and I think he retains the title Deputy Chief of Staff, but he lost his Policy portfolio in April 2006, when Josh Bolten was named Chief of Staff. He has headed Political Affairs, Office of Public Liaison, and Office of Strategic Initiatives. As the head of these offices ("head of any office," he presumably

could interact with the Attorney General if the AG initiated the communication. But he doesn't serve in that role anymore, and the Deputy Chief of Staff (unlike the Chief of Staff) is not named among those the AG can choose to communicate with. Nor does Karl fall under the subordinate offices (NSC, HSC, OMB) with which AG staff members can communicate. And Karl certainly doesn't fall under the list of people who can communicate about an ongoing criminal investigation.

...all initial communications that concern or may concern such an investigation or case pending at the trial level should take place only between the Office of the Counsel to the President and the Office of the Deputy Attorney General (ODAG)...

Now, before I move on to the ways that Karl can communicate with DOJ, let me point out that what holds true here for Karl also holds true for Scott Jennings and other lower ranking members of the Office of Political Affairs. If I'm reading Gonzales' memo correctly, the only people who get to communicate with the AG are heads of offices. So Sara Taylor would have counted, back when she headed the Office of Political Affairs, but her subordinates like Jennings would not.