

MUELLER'S CHRONOLOGY

Did you ever notice that if you take a log recording the events regarding an illegal surveillance program, and redact the heck out of it, it looks like a chronology that a dirty fucking hippy blogger might write? Below you can read what's left of Mueller's log, with my notes. The big takeaways are:

- Mueller refers to a "program," singular. Which backs up what everyone has been saying: Gonzales is a lying sack. There was one program that was the subject of a DOJ revolt, not the parsing tidbits of programs Gonzales would like to pretend there were.
- All Cheney, no Bush. With the exception of the famous meeting where Mueller met Bush directly, Bush was uninvolved, at least from Mueller's perspective. Cheney, on the other hand, attended all the group meetings (though Card was in charge of twisting Mueller's and Comey's arms). And the final meeting Mueller felt the need to record was one with Cheney. Is there any doubt, then, when Gonzales say "at the behest of the President," he really means,

“Dick”?

- Mueller almost seemed to be a go-between between those in DOJ preparing to resign and the White House, with Gonzales as the point of contact.

Monday 3/1/04, 1700: Meeting with Comey in his office.

This was actually before the meeting at which Comey and Ashcroft decided not to reauthorize the program, which he said occurred on March 4, the same day Ashcroft was hospitalized. That means two things—Comey was not acting AG when the meeting occurred, and that it happened before the final decision was made. Note that Mueller draws a line after this entry, suggesting some kind of separation between this meeting and subsequent meetings.

Tuesday 3/9/04, 1000: Meeting with Fedarcyk, Pistole, Caproni (and perhaps Wainstein and Gebhardt).

These were then all top FBI people, most with a focus on counter-terrorism—Wainstein is now the AAG in charge of Counter-Terrorism. Fedarcyk, who has since retired, was quoted after Mueller’s testimony as suggesting Mueller was “throwing Gonzales under a bus.”

Mike Fedarcyk, a retired senior FBI official called Mueller’s shot at Gonzales a “jawdropper inside the bureau.”

Mueller, who was not in the hospital room, spoke to Ashcroft

right after Gonzales left and testified he took notes about the incident. Fedarcyk said that appeared to be insurance against a White House counterattack.

"Usually you take notes to protect yourself. He used them to throw Gonzales under the bus. That's huge," Fedarcyk said.

"This is not partisan politics. It's a bold, strategic, calculated move."

Presumably, this meeting served to finalize the FBI position on what they needed from the program, just before Mueller went and represented the FBI's position at a White House meeting on this.

Tuesday 3/9/04, 1200: Meeting at Card's office, VP, [CIA Deputy Director] McLaughlin, [NSA Director] Hayden, Gonzales and others present.

Note that it appears Mueller was there, but Comey was not, which suggest they thought of Mueller, but not Comey, as a key member of National Security policing.

Tuesday 3/9/04, 1600: Meeting at Card's office with Comey, attorneys from OLC, VP, Card, Gonzales, Hayden and others.

I wonder how long the earlier meeting was, since it includes most of the same people as the last meeting, plus the people at OLC to explain to Cheney why they couldn't reauthorize the program. Interestingly, Jack Goldsmith was not mentioned by name.

Wednesday 3/10/04, 1920: Called by DAG while at

restaurant with wife and daughter. He is at AG's hospital with Goldsmith and Philbin. Tells me Card and J. Gonzales are on the way to hospital to see the AG but that AG is in no condition to see them, much less make decision to authorize continuation of the program. Asks me to come to AG's hospital to witness condition of AG.

This is one of just two unredacted passages in this log—but it reveals certain things. **First, there is one program**, not a set of several programs, some legal, some not, as Alberto Gonzales has claimed before Congress. But also, note that Mueller is very clear that he is to “witness condition of AG.” You only get a witness for something if you know it’ll be needed for testimony later. Comey knew they’d try to lie their way around this.

Mueller appears to have been uninvolved in the events that happened between late afternoon on the 9th and evening on the 10th, most notably, when Comey told Cheney no. And also, when the Gang of Eight were briefed on the program's problems.

Wednesday 3/10/04, 1940: At hospital. [click through for the description]

It took Mueller twenty minutes to get to the hospital, and Card and Gonzales had come and gone by the time he got there—suggesting they were in the hospital for just minutes. Also note—this is when Comey had Mueller order Ashcroft's detail to keep visitors out, which seems to contradict Comey's testimony slightly.

Wednesday 3/10/04, 2010: Saw AG. Janet Ashcroft in the room. AG in chair, is feeble, barely articulate, clearly stressed.

The timing on this suggests that Comey

and Mueller had a half hour to speak before Mueller went into see Ashcroft. That may not all have been a discussion of the program and Card and Gonzales, but it's curious that this time period is longer than Card and Gonzales were at the hospital. Also note Mueller's description of Ashcroft: clearly stressed. Suggesting he was pissed about more than just being interrupted in the ICU.

Wednesday 3/10/04, 2020: Departed the hospital.

Mueller didn't stay long with Ashcroft.

Thursday 3/11/04, 1200: Meeting at Card's office with him at his request. [6 paragraphs are redacted]

Note the timing of this meeting—1200. In the interim period, Card had demanded that Comey come to his office—he and Olson had gone at “about 11 at night” after the hospital meeting. It appears that Mueller was alone with Card, and that whatever transpired, Mueller had a lot to say about it. The meeting lasted 40 minutes.

Thursday 3/11/04, 1240: Stopped by J. Gonzales' office after meeting with Card.

Clearly, this wasn't a substantive discussion—just one sentence description. Which suggests Card was the one really taking the lead on the 11th.

Thursday 3/11/04, 1315: Meeting with Comey, et al., at his office.

No mention of who is included in “et al,” which is particularly interesting since everyone at DOJ was considering resigning en masse. And this meeting would have occurred immediately after

Mueller returned to DOJ from the White House—was everyone together all day, or did they pull the meeting together after Mueller returned? Also remember—sometime in this time period, Tom DeLay was briefed on the program.

Thursday 3/11/04, 1450: Telephone call from J. Gonzales.

Friday 3/12/04, 0945: The President called me into the side office off the Oval Office after we had concluded our morning briefing of him. [7 paragraphs redacted]

Curiously, Mueller doesn't mention (at least in the unredacted section) that Comey met with Bush first. Nor does he suggest the meeting happened at Comey's insistence, as Comey claims.

Friday 3/12/04, 1045: Met with Comey and others at DOJ.

Comey provides this description of what happened after the meeting with Bush:

After those two sessions, we at his direction to do the right thing, to do what we believed DOJ was necessary to certify as to its legality, we set out to do that.

So this meeting (which may have directly followed the meeting with Bush, given the timing) must have been DOJ's first stab at "doing the right thing."

[Update] Friday 3/12/04, 1606: Mueller first saves this file. Hat tip to Austin Cooper on this thread.

"H:\RSM_Docs\Miscellaneous\Program.wpd
March 12, 2004 (4:06PM)"

Mueller did not record these thoughts

until after the conversation with Bush.
Did something about that conversation
make Mueller think he had to start CYA-
ing?

Friday 3/12/04, 1650: Called Judge Gonzales.

Friday 3/12/04, 1700: Met with Comey and others.

Friday 3/12/04, 1845: Called Judge Gonzales.

Saturday 3/13/04, 0955: Called General Hayden.

Sunday 3/14/04, 1500: Meeting at DOJ with Comey,
et al.

Sunday 3/14/04, 1820: Called Comey.

Sunday 3/14/04, 1845: Called Gonzales.

Monday 3/15/04, 0850: Discussed issues with
Tenet after morning briefing in Sit Room.

Monday 3/15/04, 0930: Called Comey.

Tuesday 3/16/04, 1345: Call from Judge Gonzales.

Tuesday 3/16/04, 1840: Call from Comey.

Tuesday 3/16/04, 2000: Call at home from Judge
Gonzales.

Tuesday 3/16/04, 2030: Comey called.

Wednesday 3/17/04, 1105: Comey called.

All these contacts appear to be the
negotiation between (primarily) DOJ and
WH on how to "do the right thing."
Hayden and Tenet were contacted just
once each, at least by Mueller. Several
times, Mueller refers to "Comey et al,"
suggesting Mueller has an idea of the
key people working with Comey on
this—presumably Philbin and Goldsmith.
And note that Mueller makes a point of
noting the Gonzales call at home. This
appears to have taken place just as
things got settled—then why the call at
home? Why the Comey follow-up?

Altogether it appears that this

negotiation period went on for about 5 days. Was the program inactive during that period?

Tuesday 3/23/04, 1200: Meeting with Vice President at his request in his Office.

I love the "at his request" here and in the reference to the Card meeting. That's probably code for Dick called me into his office to chew me out.

Which is likely what happened, and why this meeting, a week after the program appeared to get settled and two weeks after the hospital confrontation, got recorded as the last entry in Mueller's log.