

WAXMAN STILL AFTER FITZ'S FBI FILES

Well, it turns out that Waxman has been no happier than we are about Bush ~~obstructing~~ justice ~~pardoning~~ commuting Libby's sentence. Turns out he asked Fitzgerald for his FBI files (that is, testimony not before the Grand Jury and therefore not subject to secrecy laws) back in July, not long after the commutation. But Bush won't let him have the files. So now Waxman has sent Mukasey a letter asking for some help getting the files.

I'll update this shortly, once I make sure the new digs are working...

[Shew, they're working]

So here's the key detail from Waxman—defining what he wants, and what he has already gotten:

Transcripts, reports, notes, and other documents relating to any interviews outside the presence of the grand jury of any of the following individuals:

- *President George W. Bush*
- *Vice President Dick Cheney*
- *Andrew Card*
- *Stephen Hadley*
- *Karl Rove*
- *Dan Bartlett*
- *Scott McClellan*

Since the Committee's letter was sent on July 16, Mr. Fitzgerald and his staff have cooperated with the Committee's investigation and have produced a number of responsive documents to the Committee. Among the documents that Mr. Fitzgerald has produced to the Committee are "FBI302 reports" of interviews with

CIA and State Department officials and other individuals.

So, let's see here. George Bush won't let Waxman get the details of the (rumored to be contentious) interviews with Dick and Bush. Nor will he let us have evidence of Karl Rove's first story—before it became his second story and then his third story. And Stephen Hadley, who was definitely in the middle of things the week of the leak (you know—he's the guy who told Libby that Bush "was comfortable" with the response to Wilson after they had begun to leak Valerie Wilson's identity)? Well, Bush doesn't want Waxman to have that either.

But I'm just as interested that Fitz already has turned over the CIA and State files. That means Waxman—and surely Tom Davis, no stranger to leaking if it suits his political agenda—have already seen Richard Armitage's first interview with the FBI. Haven't heard any triumphant details of that interview leaking out, somehow.

Two names are notably absent from this list. Ari Fleischer, and David Addington. I think in both cases, there was no substantive interview until we got to the grand jury stage. In Ari's case, it's because he shut up until he knew he could incriminate Libby and probably others. In Addington's case, I think it's because no one realized he had substantive testimony about Bartlett telling him that Cheney was forcing Scottie McC to exonerate Libby publicly until much later in the process.

Two more points.

First, understand the scope of this. As Waxman explains, he's only asking for details of interviews not conducted in front of the grand jury. Anything conducted in front of the grand jury is protected by grand jury secrecy; anything before that (like early FBI interviews) or not conducted before the grand jury (like Dick and Bush's interviews in June 2004, after both had lawyered up) is "fair game." There's a

delicious irony in this last bit, since it means that the deference Fitz showed to Bush and Dick—by letting them avoid the stress of a grand jury appearance—is precisely what would make their interview transcripts accessible here.

Also, remember the logic to Waxman's inquiry. He's investigating how it was that Valerie Wilson's identity was leaked, but none of things that are supposed to happen happened—like internal investigations and the removal of the security clearance from those who have not fulfilled the terms of their Non-Disclosure Agreements (Rove would qualify, as would Armitage). So his request is going to be somewhat more narrow than it might otherwise be, since he claims to be interested primarily in why BushCo just sat on its hands after Valerie Wilson's cover was ruined.