

THE MISSING EMAILS AND THE OVP COVERUP



The only email introduced at the Scooter Libby trial that was among those that had been lost in the White House email purge loss was an email from Jenny Mayfield (Libby's Assistant) to Cathie Martin highlighting the part of the October 1 gaggle where Scottie McC refused to exonerate Libby. (You can tell it was reconstructed because it was printed out on February 2, 2006, just days before Fitzgerald received the batch of reconstructed emails; also note it was printed out from David Addington's account, not Mayfield or Martin's—both were gone at that point.)

Fitzgerald introduced the email at the trial to prove that Libby had reason to lie in his FBI interviews and, later, his grand jury appearances. Fitzgerald argued that the gaggle transcript, along with other pieces of evidence introduced, showed that Libby was panicking about being a suspect in the Plame leak. Fitzgerald also introduced the October 12, 2003 version of the 1X2X6 article on which someone (presumably Libby) had underlined key passages, including a denial similar to one that had appeared in the Isikoff and Thomas article published on October 6 (though dated October 13). Fitzgerald also entered an October 4, 2003 Pincus and Allen article into evidence, one that had no underlines and—unlike three other Allen articles from that period, no mention of Libby. But it did note that, "FBI agents yesterday began attempts to interview journalists who may have had conversations with government sources about Plame and Wilson."

The defense introduced some of the articles from this period too: An October 27 NRO column, with notations (it's not clear how this was printed out, but shows as pages 35 and 36 of a packet); an October 1 WSJ editorial, with markings (note,

it's not clear when this was printed out or where); and an October 1 email from Laura Mylroie to Jenny Mayfield sharing Clifford May's October 1 column, with no markings (printed out October 1, which is presumably why it wasn't lost).

✘ Not included among the articles introduced at trial and discussing OVP in regards to Plame are:

- An October 1 Hotline mention of Libby's and Cheney's visits to the CIA
- The October 1 Daily News article reporting Democrats in Congress would like Libby and Rove to testify
- Fox, MSNBC, and CNBC transcripts from October 1 reporting McClellan's refusal to exonerate Libby, with MSNBC also featuring Larry Johnson nodding in Libby's direction
- An October 2 White House Bulletin piece noting that Allen appears to know who the "2" leakers were—and that he named Libby in another article
- An October 2 Paula Zahn transcript with this exchange:

ZAHN: I found it interesting your phraseology just now. You said people in the White House.

There are a number of reports this evening saying that there is one person

being looked as the potential leaker. And that's Vice President Cheney's chief of staff, Scooter Libby? Can you confirm that?

[JOE] KLEIN: Right.

Well, yes, Libby is one of the names that you hear most prominently around town. Libby and Karl Rove have been the names that have been out there. And I don't know if they are or not. But here's why people put it together with Libby. Libby is to Dick Cheney as Paul Wolfowitz is to Donald Rumsfeld. He is a very prominent neoconservative, who has – I've heard and everybody knows – been very upset with the CIA's performance leading up to Iraq.

- The October 3 Schmidt and Allen story described here
- The October 3 "Meat-Grinder" Boehlert piece connecting the dots on Libby

In other words, a long list of articles and transcripts insinuating Libby was the leaker were not introduced into evidence at the trial. Significantly, this would have been the media coverage that precipitated Cheney's urgent call to Bush on either October 3 or at the crack of dawn (Cheney's time) on October 4 to get Libby exonerated. And remember—at least on Friday October 3 and Saturday October 4, Libby and Cheney were together in Jackson Hole, devising a story to tell the FBI (which may be why Libby didn't annotate the October 4 article).

Now, perhaps Libby didn't read any of those articles. Or perhaps he didn't collect them in his little "Get Wilson" file. Or perhaps they were turned over as evidence but they were just less interesting to Fitzgerald than the Mike Allen WaPo articles he did introduce (though of

course, this list does include one Allen WaPo article). But if you look at the spreadsheet (20MB PDF) of days in which the White House—or offices within it—were missing emails, you see one other possible explanation.

Those were also the days when all of OVP's emails disappeared.

Now, we already knew that the OVP emails had disappeared for precisely the same days as when Libby and Cheney were devising their cover story (Libby claimed to have "found" the note indicating Cheney had told him of Plame's status on October 3, though why he found it in Jackson is beyond me). But now we know that the emails are gone from the period leading up to Cheney's urgent call to have Libby exonerated.