

THOSE DEMOCRATIC COMMITTEE CHAIRS AREN'T COORDINATING, ARE THEY?

Here's a little timeline, just for fun.

May 30: Conyers troubled by McClellan's revelations

June 3: Waxman writes to Mukasey, demanding Bush Cheney reports by June 10

June 9: Conyers schedules McClellan testimony for June 20

June 11: Mukasey has his underling reply to Waxman

June 16, 2008: Oversight subpoenas Mukasey for Bush Cheney reports

June 20, 2008: During McClellan hearing, Conyers announces he's going to request the Bush Cheney reports

June 23, 2008: Due date on Oversight subpoena

June 24, 2008: DOJ tells Oversight to fuck off

June 26, 2008: HJC votes to subpoena Mukasey for a laundry list of documents

June 27, 2008: HJC delivers subpoena, including demand that Mukasey turn over the FBI reports on the Bush and Cheney interviews

June 27, 2008: Oversight requests documents from Fitzgerald

July 3, 2008: Due date for documents from Fitzgerald

July 7, 2008: Due date on HJC subpoena

Now, far be it for me to suggest that Henry Waxman and John Conyers—members of the same political party (!)—are in cahoots. In fact, all my experience with the Democrats since they've been in the majority makes me believe that the chances they're working in tandem here are extremely small.

But still. Look at the dates. HJC only voted to subpoena Mukasey for the Bush and Cheney interview reports (and a laundry list of over materials) after Mukasey had already told Waxman to fuck off. And conveniently, Waxman has given Fitzgerald a deadline that comes before Mukasey's deadline to hand over the reports to HJC.

You see, I can't help but think that Oversight has a relatively weak claim to those interview reports. Ostensibly, they have asked for the reports to answer the following questions:

(1) How did such a serious violation of our national security occur? (2) Did the White House take the appropriate investigative and disciplinary steps after the breach occurred? ' And (3) what changes in White House procedures are necessary to prevent future violations of our national security from continuing?

In other words, Waxman has described the rationale of his request in terms of strict oversight roles—ostensibly to prevent someone else—besides the Barnacle, I guess—from outing CIA spy with impunity. DOJ has allowed Oversight to see (but not keep) interview reports showing clearly that Bush and Cheney not only didn't launch an investigation into the leak. They obstructed justice, by exonerating Rove and Libby publicly. But if, given what Mukasey has seen and we haven't seen, Bush and Cheney can claim they had declassified Plame's identity before Libby and everyone else leaked it, well, then, the whole question of why they didn't do an investigation is moot. Ditto the question of

why they didn't discipline Libby for leaking they had ordered and sanctioned. Furthermore, since Bush (and, the Barnacle would argue, Cheney) have absolute authority to declassify, it's not like Oversight has a clear cut interest in seeing those interview reports.

Okay, I don't buy that argument. But I channeled Steven Bradbury for a few minutes, and that's what I came up with.

But HJC's subpoenaing those documents pursuant to its inquiry into whether or not Bush's Libby commutation was an improper attempt to cover up his own role in the outing of Valerie Wilson. If it was—as Kagro reminds us—it would constitute something our Forefathers found to be unacceptable.

The 1974 post-Watergate report of the House Judiciary Committee sez:

In the [Virginia constitutional ratifying] convention George Mason argued that the President might use his pardoning power to "pardon crimes which were advised by himself" or, before indictment or conviction, "to stop inquiry and prevent detection." James Madison responded:

[I]f the President be connected, in any suspicious manner, with any person, and there be grounds to believe he will shelter him, the House of Representatives can impeach him; they can remove him if found guilty...⁶³

And footnote 63?:

3 Elliot 497-98. Madison

went on to [say]
contrary to his position
in the Philadelphia
convention, that the
President could be
suspended when
suspected, and his
powers would devolve on
the Vice President, who
could likewise be
suspended until
impeached and convicted,
if he were also
suspected. Id. 49

And not only does HJC have oversight authority over DOJ—including the pardon authority. But HJC also happens to be the proper place to investigate just these kinds of abuses of authority. In fact, if HJC would just entertain the notion of impeaching Bush and Cheney for commuting Libby's sentence so as to cover up their own role in the leak of Valerie Wilson's identity, then they would have a rock solid case for those reports. As it is, they have a much stronger case for the reports than Oversight.

At least that's what I conclude when I'm channeling Steven Bradbury.

Now, like I said, I don't tend to see much evidence of coordination between committees in this Congress. And I don't yet know precisely how Mukasey worded his "fuck off" response to Oversight—and specifically, whether he challenged Oversight's rationale for requesting the documents. But if he did question their rationale, having HJC make their own request might be a sound strategy.

If you were part of an organized political party, that is.

Update: Additions to timeline per WO and WO.