

DOJ APPARENTLY DOESN'T KNOW WHETHER IT TOLD FIELDING THAT ROVE'S "OFFICIAL DUTIES" INCLUDE WITCH HUNTS

That's not exactly correct. Apparently they're **still thinking** about whether or not they told Fred Fielding that Rove's "official duties" include obstruction of justice and channeling oppo research from Alabama Republicans to the DOJ. I called DOJ at the following times today:

8:30

12:30

3:00

4:45

Each time asking them whether Fred Fielding's claim that,

We have been further advised that because Mr. Rove was an immediate presidential adviser and because the Committee seeks to question him regarding matters that arose during his tenure and relate to his official duties in that capacity, Mr. Rove is not required to appear in response to the Committee's subpoena. Accordingly, the President has directed him not to do so.

...Means that DOJ told the White House that the subpoena requiring Rove to testify about his actions in the Siegelman prosecution "relate[d] to his official duties" in his capacity as Presidential Advisor.

Did DOJ, I asked, tell the White House they

believed Karl Rove's alleged actions in the Siegelman prosecution were part of his "official duties" as Senior Advisor to the President? Because that is the implication of Fielding's representation to the House Judiciary Committee. If the matters the Committee seeks to question Rove about—the Siegelman prosecution, primarily—fall within his "official duties," then—at least according to an opinion from Steven Bradbury never validated by any court—Rove may choose not to appear in response to the subpoena. And Fielding strongly implies that DOJ has advised the White House as much—though to support that claim, he only provides documentation from a **different** subpoena seeking testimony about the hiring and firing of US Attorneys. I wanted to know—was Fred Fielding making that representation to Congress based on an eleven-month old memo dealing with a different subpoena entirely, or was the White House really advised—as Fielding asserts—that the matters the Committee subpoenaed Rove to testify about **this time** fall under his "official duties"?

Easy enough to figure that out, I thought! I'll call DOJ and see if they have any record of advising the White House that Karl Rove's alleged actions in the Siegelman prosecution pertained to his "official duties" while he was at the White House. It's an easy, yes or no question. I'm sure they'll be able to answer that question right away, I thought.

So I called. And I called. And I called. And I called.

More than eight hours later, they apparently still haven't been able to determine whether or not they really did tell the White House that Rove's alleged actions in the Siegelman prosecution pertained to his "official duties" in the White House.

I guess it's not as easy a question as I thought ... I guess they needed to take a weekend to think long and hard about whether or not they really did tell the White House that Karl Rove's duties

included the channeling of Republican oppo research to DOJ.

Worry not! I'm sure they'll be able to figure the answer to the question out by Monday; so rest assured I'll call back Monday to find out what the answer to this very simple question is. And I will let you know the results of my continued efforts to get DOJ to answer that very simple question.

Stay tuned ... as they say.