

BOB NOVAK IS ONE KEY TO LIBBY'S ASPEN LETTER

Alright. Admittedly this discovery is rather dated. But hell—what are blogs for, if not to rehash that old Aspen letter Libby sent Judy in September 2005? Especially if, after rehashing the letter, you discover that Bob Novak may be there hiding among the Aspen trees?

Back when I first analyzed the letter, I compared how Libby's description of the testimony of journalists matched up against published accounts about that testimony.

Because, as I am sure will not be news to you, the public report of every other reporter's testimony makes clear that they did not discuss Ms. Plame's name or identity with me, or knew about her before our call.

I compared that statement to the public reports from Tim Russert and Matt Cooper and agreed (after some coaching from readers), that Russert "did not discuss Ms. Plame's name or identity with [Libby]" and Cooper "knew about her before [Libby's] call." Surprise! Even in a cryptic letter, it appeared, Libby was being transparent and honest with Judy. Which struck me as rather suspicious—that Libby might tell such transparent truths in such cryptic language.

But I did that analysis a month before I first speculated that Libby had spoken to Bob Novak the week of the leak, and a full year before Libby's and Novak's conversation on July 9 was confirmed in court filings. That is, when Libby wrote the Aspen letter, we didn't know that Novak was among the journalists who had testified about a conversation with Libby, but Libby knew it. And if my reading of the script Libby sent Judy via Steno Sue and Pool Boy was correct, then Judy would have known about the

conversation, though not that Novak had testified. As a reminder, here's how I first speculated that Libby and Novak had spoken:

Steno Sue's Secret Message

The morning Judy testified the first time to the Grand Jury, one of Libby's allies managed to get the following passage inserted into the newspaper that will replace the NYT as the nation's newspaper of record.

[snip]

The Novak Surprise

Now we come to far and away the most curious part of this coaching session:

Libby did not talk to Novak about the case, the source said.

Is this still a message for Judy? Why would Libby's friend need to remind Judy that Libby hadn't spoken to Novak in the case? Unless she knew that he had spoken to Novak? I think it highly possible that Libby's friend is telling Judy not to mention the fact that she knew Libby spoke to Novak about this case.

On the morning Judy testified, one of Libby's friends inserted a script for Judy into the WaPo (which Judy testified at trial to preferring over the NYT), telling her not to let on that she knew Libby had spoken to Novak "about the case." Before trial, it was not clear to me exactly when Libby would have told Judy about his conversation with Novak. But since we learned that Richard Hohlt sent Rove a copy of Novak's column on July 11—the day before Libby and Judy spoke twice by phone about these issues—it is possible that Libby told Judy about Novak's column on July 12, warning her she had just a few days to scoop Novak on the Plame story he had given her earlier in the week.

With our knowledge now that Libby knew that

Novak had testified and that public reports of Novak's testimony protected Libby entirely, and the supposition that Judy knew Novak and Libby had spoken—but not that he had testified, read the passage from the Aspen letter pertaining to Libby's earlier conversations with journalists.

As you know, in January 2004 I waived the privilege for purposes of allowing certain reporters identified by the Special Counsel to testify before the Grand Jury about any discussions I may have had related to the Wilson-Plame matter. The Special Counsel identified every reporter with whom I had spoken about anything in July 2003, including you. My counsel then called counsel for each of the reporters, including yours, and confirmed that my waiver was voluntary.

[snip]

As noted above, my lawyer confirmed my waiver to other reporters in just the way he did with your lawyer. Why? Because, as I am sure will not be news to you, the public report of every other reporter's testimony makes clear that they did not discuss Ms. Plame's name or identity with me, or knew about her before our call. I waived the privilege voluntarily to cooperate with the Grand Jury, but also because the reporters' testimony served my best interests. I believed a year ago, as now, that testimony by all will benefit all. [my emphasis]

If you're Judy, reading this in jail, you learn two vitally important pieces of information from this cryptic passage. First, that Fitzgerald had identified every reporter—everyone—that Libby had spoken to in July 2003. If I'm right and Judy knew that Libby had spoken to Novak, she would have known from this that Fitzgerald had discovered Libby's and Novak's conversation. In

addition, Judy would have some reason to believe that Novak testified that he "did not discuss Ms. Plame's name or identity" with Libby "or" that Novak "knew about her before our call." As it turns out, Novak both testified that he did not discuss Plame's name or identity with Libby, and testified that he knew about Plame before Novak's call with Libby. Now this passage seems to serve a hidden purpose more appropriate to its cryptic tone.

Particularly since Plame's name and identity are two of the elements of Novak's story that have changed over time, which are currently explained only through Novak's dubious claims about "Who's Who" and congressional campaigns in Wyoming. And particularly since we know that Libby was planting precisely that information—Plame's name and identity—with Ari Fleischer a day before Libby spoke with Judy and two days before Libby spoke with Novak.

When Fitzgerald asked Judy about the Aspen letter, he focused on two passages in particular. There was the passage that said, "Out West, where you vacation, the aspens will already be turning," and which Judy explained away as a reference to a chance meeting she had with Libby in August 2003. If you read my book, you know that when I asked Judy whether she had also seen Cheney on that trip to Jackson Hole, she did not answer the question (it was the only question she did not answer at all).

But Fitzgerald also asked Judy about the line about Plame's name and identity.

Mr. Fitzgerald asked me to read the final three paragraphs aloud to the grand jury. "The public report of every other reporter's testimony makes clear that they did not discuss Ms. Plame's name or identity with me," Mr. Libby wrote.

The prosecutor asked my reaction to those words. I replied that this portion of the letter had surprised me because

it might be perceived as an effort by Mr. Libby to suggest that I, too, would say we had not discussed Ms. Plame's identity. Yet my notes suggested that we had discussed her job.

If you didn't suspect that Judy knew about Novak's and Libby's conversation, you might well believe that this passage was an effort to coach Judy to say Libby had not spoken about Plame's identity—and it may well be that and nothing more, though that wouldn't explain why Libby's message here conflicts with the message in the Steno Sue/Pool Boy script. But if you suspected that Judy knew that Libby had told Novak Plame's name and identity, then the passage might read like a code to tell her that Novak had managed to cover up Libby's role in leaking Plame's name and identity.

In either case, with the knowledge that Novak would have been included in that reference to "every reporter with whom I had spoken about anything in 2003," it sure does seem like Novak is one key to deciphering the Aspen letter.