

THE HJC AGREEMENT WITH ROVE AND MIERS

Here's the written agreement between HJC and the Bush Administration for Rove and Miers' testimony. Some highlights:

The House Judiciary Committee (the "Committee") will interview Karl Rove and Harriet Miers, but there will be no additional interviewees / witnesses (subject to the one exception [possibly William Kelley, who has reportedly been subpoenaed in the probe on this]).

On this, I wonder whether there isn't someone else in the White House who was the real fulcrum of the effort? Rove's denials have always been couched to say he didn't talk to DOJ, but leaving open the possibility that someone else did (at least on these issues). I wonder if they've included this requirement to protect that person?

The scope of the interviews will be limited to: (1) facts relating to the evaluation of, decision to dismiss, or decision to replace the former U.S. Attorneys in question; the alleged decisions to retain certain U.S. Attorneys; and any allegations of selective prosecution related thereto; and (2) testimony or representations made by Department of Justice officials to Congress on the U.S. Attorneys matter. For the period beginning on March 9, 2007 (the date of the Committee's first written demand for information from the White House), interviews will not include the content of conversations involving: (i) Mr. Rove and members of the White House Counsel's office; or (ii) Ms. Miers and members of the White House Counsel's office. In the case of Mr. Rove, the interview also

will include facts relating to the prosecution of Alabama governor Don Siegelman.

I've asked whether bullet (1) includes the alleged attempt to fire Pat Fitz—will let you know if I hear.

As to the rest—they've clearly carved out the White House Counsel Office, presumably to protect Attorney-Client privilege. Bill Clinton and his blow job, of course, enjoyed no such privilege.

As to official privileges, counsel will direct witnesses not to respond to questions only when questions relate to communications to or from the President or when questions are outside the scope of questioning set forth above.

Regarding the David Iglesias firing, of course, there are allegations that Bush intervened directly to give the order to fire him. Mind you the CIA Leak Case shows they'll do anything to protect President Bush's involvement in crime, so why should this be different? Plus this does count as privilege.

In addition, the former Administration will conduct a timely review to identify: (1) any documents sent to/from White House personnel to/from third parties other than Department of Justice personnel; and (2) any documents referenced in the aforementioned Scudder Memorandum or OLC chronologies shown to the Committee. The former Administration will consider making some or all of the above material available to the Committee (in the same manner as the other post-March 8, 2007 documents described above). This process will be completed and the issue resolved prior to the interviews described in this agreement.

I like this one. I suspect it's going to be a key issue in Siegelman and—if they're allowed to pursue the Pat Fitz attempted firing—that too.

Documents and their contents will remain confidential through the time of completion of the last interview. At that time, copies of documents provided to the Committee and/or contents of documents reviewed by the Committee may be made public. The transcripts discussed above may be made public after the completion of the last interview and after counsel has had a reasonable opportunity to review them for accuracy. No document or part of any document and no description or partial description of any document shall be disclosed to any other person until after the completion of the last interview.

So we get transcripts and documents after the interviews are over. No one hold your breath.