

KARL ROVE: THAT'S WHY THEY CALL IT A LIMITED HANG-OUT

Corn and Isikoff took to Hardball today to treat the information that Luskin selectively leaked as credible and complete information on Rove's role in the US Attorney firings (to Isikoff's credit, he makes it clear that all this—including the emails—did come from Luskin), opining based on that information that Turdblossom's probably not in any legal trouble.

Meanwhile, a number of people finally noted—after I kept insisting on this all afternoon—that the WaPo and NYT stories yesterday were just big spin from Luskin. Some even judged that NYT got spun much worse than the WaPo (IMO they both got spun badly, and at least NYT made Luskin's centrality to the story explicit—my favorite comparison, btw, was from a lawyer or law professor that I've since misplaced).

But few people seem all that interested in why. Why—after claiming, implausibly, that Rove couldn't speak publicly for years—Luskin arranged this nice limited hang-out just in time to pre-empt anything from HJC. Luskin went to some trouble to orchestrate yesterday's media blitz. Don't you think that suggests he's got something to pre-empt or distract from? Don't you think that ought to be the story, the proper response to such a transparent ploy from a defense attorney?

Now, there are, I think, three factors here. First—note two things Isikoff and Corn don't mention, taking as they did the scope laid out by Luskin. They don't mention the Don Siegelman case (which was big news in the negotiations over this testimony). And they don't mention the two sworn witnesses (plus another witness talking to the press) who said Rove was going to fire Pat Fitzgerald (which didn't get much

coverage, but for which Isikoff has been very accommodating to Luskin on in the past). Both were within the scope of questions permitted to be asked by HJC.

I don't guarantee that either of these will come to any fruition in the HJC inquiry. I think GregCraig pretty much set up the Siegelman inquiry to go nowhere (thanks GregCraig). And I think the timing of the attempt to fire Fitzgerald may not work out, given the scope of the HJC inquiry (that is, much of the effort took place in 2004, before the scope of HJC's questions were permitted). But they are two areas of potential questioning that Luskin left out of yesterday's limited hang-out.

And then there's this, from Scott Horton (who also compares the NYT and WaPo coverage of Luskin's blitz and finds the latter appropriately skeptical).

Indeed, the headline tells the whole story: "Rove Says His Role in Prosecutor Firings Was Small." The problem, of course, is that the evidence the Judiciary Committee has collected, and the investigation by special prosecutor Nora Dannehy, show precisely the opposite. They put Karl Rove squarely in the center of the effort to remove the U.S. attorneys fired in the December 7, 2006 massacre, and they show that the firings were motivated by improper partisan political considerations. Rove was positioned as the enforcer of Republican Party discipline—ensuring that U.S. attorneys implement the party's electoral program, including voter intimidation and suppression, or be forced to walk the plank.

I furnish some insights into the twin investigations and where they're headed in "Will She or Won't She?," (sub. req'd) a piece appearing tomorrow in the August *American Lawyer*. Bottom line: the special prosecutor is studying possible

indictments, recognizes that she is in essentially uncharted territory, and is still some distance short of a final decision to seek them. Alberto Gonzales, Karl Rove, and New Mexico politicians Pete Domenici and Heather Wilson are names that figure prominently in the probe.

This is, of course, the most obvious purpose for the limited hang-out: to get damning information out there in such a way so as to pitch its interpretation. And, at least according to Horton, pitch Luskin did (yeah, I know, shocker). That is, Rove has released a bunch of information that admits he was centrally involved in the Tim Griffin hiring and the Iglesias firing, but he doesn't explain precisely why those firings and hirings happened—why the vote cager, Tim Griffin, had to be given a job in Hillary's home state with some urgency after the 2004 elections, and why Domenici was so hot to have Iglesias fired just weeks before an election. That's the story that didn't get told yesterday, thanks to Luskin's artful manipulation of the press.

If I had to guess, I **don't** think Dannehy will indict Rove—at least not yet. She'd have to get Gonzales and Domenici to flip to really get Rove (and if she did, she might be looking at Bush's involvement, too). But make no mistake—Rove is worried enough by that information that his attorney is resorting to the same tactics he used to get Rove out of trouble for leaking Plame's identity.