

# **HUNG OUT TO DRY: ONE FORMER VP CHIEF OF STAFF**

If I were Scooter Libby right now, I'd be X seething. I'd be utterly disgusted with the way Dick Cheney hung me out to dry, over and over and over, in his interview with Fitzgerald. Cheney denies any knowledge of issues he and Libby worked on together repeatedly and he denies that his own orders and instructions had anything to do with activities that ultimately (though Cheney of course didn't admit this) ended up outing Valerie Wilson.

There are three general categories of information about which Cheney hangs Libby out to dry.

These are:

## **Oppo research conducted during week of June 9, 2003**

While not asked directly, Cheney pretended to know nothing about Libby being tasked to collect information on the Wilsons starting the week June 9, 2003. Cheney claimed not to remember the document dump he received on June 9, 2003, compiled by John Hannah. (7) He went on to claim that he might not have seen Wilson's trip report until after Wilson's op-ed. (9) But not only did he receive a briefing on this material, but he was trying to get that information released even before the op-ed came out.

Cheney further claimed "he is unaware of anyone in the administration conducting any research or completing a research project on either Joe Wilson or his wife. He advised that he never directed anyone on his staff to conduct such a project and no one advised him they were working on one." (13) Of course, Libby kept a Wilson folder during the leak period and into the investigative period. Cheney, I guess, claims he knew nothing about that.

This allows Cheney to disconnect his own research at CIA (and elsewhere, probably) into Wilson's trip from Libby's activities. While Cheney admitted to having learned of Plame from Tenet (note, I have reasons to doubt this was his only source), he denied discussing Plame with Libby. (13) Yet, Libby reminded Cheney—in October 2003—that there was a note reflecting Cheney informing Libby of Plame's identity, so not only should Cheney have remembered the event itself, but he should have remembered the reminder.

And Cheney downplayed his involvement in responding to Walter Pincus' questions about Wilson the week of June 9. “[A]ny press inquiries about the trip that may have been made by Walter Pincus in preparation for his June 2003 article ... would have gone to either Libby or Cathie Martin.” (4) However, Cheney and Libby and Martin met on June 11, 2003 at 1:05PM about Pincus' requests, and from that meeting called Robert Grenier, ostensibly for a first explanation about how the trip had been generated (though at that point both Libby and Cheney almost surely knew of Plame's identity). Cheney went on to claim he could not remember discussing Plame with Cathie Martin, nor remember Martin telling him that she had learned of Plame's identity. (11)

Now, frankly, Libby himself never admitted how goal-oriented his actions were during this week. He downplayed the importance of a note, from first thing that Monday morning and just hours after Condi got beat up on ABC News, reflecting learning of Bush's concern about Wilson's allegations. Libby himself claimed to have forgotten being told three times that week of Plame's identity. And Libby also didn't explain that he and Cheney—at a time when they almost certainly knew of Plame's identity—called CIA to re-learn it for Cathie Martin's benefit. So to some extent, Cheney's denials may help Libby here. And Cheney may be feigning ignorance to protect his sources of Plame's identity—who are likely not limited (as Cheney claims) to George

Tenet. And, if Bush did order Libby to take the lead on this, then Cheney's forgetfulness may protect Bush here.

**Libby's interactions with journalists,  
especially during Leak Week**

Then there are Cheney's denials of any knowledge of events from Leak Week—including events that he ordered himself.

Cheney denied making inquiries about Wilson's contractual relationship with the CIA (a subject that may pertain to a 1999 AQ Khan trip Wilson took), though he did say "someone else might have made such an inquiry." (13-14). Of course, Libby **did** make such an inquiry—at a minimum, of David Addington. But he did so on the instructions of Dick Cheney.

Cheney claimed he wasn't closely involved in Libby's response to journalists during leak week and before. "He stated that Libby was not required to clear every public statement and press contact because the Vice President had confidence in Libby's abilities and experience in handling such inquiries. .... He had no specific recollection of any reporters being talked to by Scooter Libby prior to July 14." (14) Of course, Libby's notes show Cheney was directing much of this coverage directly, most notably with the Judy Miller meeting and on July 12.

Cheney then claimed he "was not aware of any attempts by Libby to complain to Tim Russert about Chris Matthews' coverage" (14; the redactions hide references to Matthews and Russert). But Libby had told Cheney of this conversation in October 2003, if not contemporaneously, and Matalin had advised Libby to go to Russert.

Cheney claims to have no memory of directing Libby's contacts with journalists on July 12, though in this context and in contradiction with earlier statements, he suddenly admitted to sometimes consulting with Libby on such subjects. "Though he cannot recall any specific

conversation, he would not be surprised to learn that he had such a discussion with his Chief of Staff. The Vice President advised that he sees Libby several times each day and the two have previously discussed communication strategies for responding to questions from particular journalists." (18) Just after Cheney claimed not to have directed Libby's actions, Fitzgerald asked him to read from Libby's very detailed notes of Cheney's dictated talking points. Oops.

Even after receiving that document, Cheney blamed Libby for the on the record and deep background instructions in the notes he dictated Libby to use with journalists. "Mr. Libby alone would be the judge of whether or not information was to be presented to any reporters with that caveat [deep background]. ... Any decisions about whether Libby, when talking to the media, provides information 'on the record' or 'on background' are made by Libby himself." (19-20) Yet, at least according to Libby, Cheney was the one directing what should be on the record and what should be deep background.

Most egregious of these "lapses" in memory, though, is Cheney's claim to know nothing about Judy Miller. "The Vice President does not recall any member of his staff, including Scooter Libby, meeting with New York Times reporter Judith Miller during the week of 7/7/03, just after publication of Joe Wilson's editorial in the New York Times." Libby has the note reflecting Cheney's order that Libby leak information to Judy at this meeting. And Libby explained that note away (only somewhat plausibly) by saying Cheney instructed him to leak the NIE. Cheney says, though, he "cannot specifically recall having a conversation with Scooter Libby during which Libby advised the Vice President that he wanted to share the key judgments of the NIE with Judith Miller. Although the Vice President cannot recall having such a conversation, if one did occur, he would have advised Libby only to use something if it was declassified." Cheney went on, "When asked if ever had a conversation with Scooter Libby

wherein Libby informed the Vice President that certain material within the NIE needed to be declassified before it could be shared externally, Vice President Cheney advised that he does not recall." That's when Cheney started refusing to answer based on presidential privilege. In any case, Libby's notes show that not only did Cheney know of the meeting with Judy Miller, but Cheney gave Libby a detailed order of what to do at that meeting. But Cheney simply can't recall those details less than a year later.

Now, if I were Libby, this is where I'd begin to be really furious. Cheney's pinning all the secret back-channel discussions with journalists (including Libby's meeting with Judy at the St. Regis, which wasn't put on Libby's official schedule) on Libby. But Libby has notes showing that Cheney gave him meticulous instructions on many of those exchanges. And Cathie Martin also testified that Cheney directed Libby to work with journalists that week.

Of course, given how central the Judy meeting is (and, potentially, the July 9 Novak conversation that was hidden by the parties even more assiduously), I can understand why Cheney would want to pretend he had nothing to do with the events. What I don't understand is how Libby would let Cheney sustain that claim.

#### **The cover-up conversation he and Libby had in October 2003**

And then there's Cheney's denials of any knowledge of or participation in a cover-up in October 2003. As a general matter, Cheney claims to have "no specific memory" of conversations with Libby about the leak in October 2003—even though they were in Jackson Hole together during one of their later discussions on the subject. I guess that's why he disclaims all knowledge of the things Libby told him at that time.

Cheney claims "no one told him [after the investigation was announced] of talking to any reporters about Joe Wilson or Wilsons wife."

(23) But Libby claims he told Cheney—at the least—about his fictional conversation in which Tim Russert told Libby about Plame. And Cheney claims he “has no specific memory of … a conversation [when] Libby told him he was not Novak’s source.” (24) But the “meat-grinder note” shows Libby making that claim in writing, with Cheney writing instructions to Andy Card and/or Scott McClellan in response!

Cheney denies knowing “if Scooter Libby independently attempted to get the White House press office to make a statement clearing him prior to discussing it with the Vice President.” (24) Admittedly Libby’s “recall” on this matter was as spotty as Cheney’s, but in his grand jury appearance, he made it clear he talked to Cheney about his inability to get an exonerating statement on his own before Cheney called himself.

All this is the more ridiculous given Cheney’s claims that he has no memory of writing the “meat-grinder note” and especially has no memory of why he wrote “Tenet / Wilson memo” next to Libby’s note where he claimed he hadn’t leaked classified information. When Addington reviewed this note as it was collected for discovery in fall 2003, **he called Cheney’s lawyer Terry O’Donnell to warn him about it!** So not only must Cheney be aware of this note, his lawyer must be too. Though perhaps that explains Cheney’s lack of all recall about it.

Most of all, though, Cheney claims to have no knowledge of what can only be described as their cover-up conversations, in which Libby told Cheney his fictional story about Russert, but then later reminded Cheney that he—Cheney—had really been the source of his knowledge of Plame’s identity.

He cannot recall Scooter Libby telling him how he first learned about Valerie Wilson. It is possible Libby may have learned about Valerie Wilson’s employment from the Vice President after the Vice President’s phone call with

George Tenet, but the Vice President has no specific recollection of such a conversation. The Vice President also cannot recall ever waving Libby off, at a certain point in time, when Libby offered to tell him everything he knew about the Wilson matter. The Vice President has no recollection of Libby saying that he'd learned about Valerie Wilson from a reporter, nor does he have any recollection of Libby indicating that anyone else in the administration knew about Valerie Wilson's employment at the CIA. Moreover, Vice President Cheney does not have recollection of Libby indicating that reporters with whom Libby was speaking about the Wilson matter, ever informed him of Valerie Wilson's employment with the CIA.

Now, I don't blame Cheney for denying any memory of these discussions about a cover-up. The conversations were utterly damning, and perhaps both Libby and Cheney are better off that Cheney didn't confirm Libby's version of that story. At the same time, though, as someone who sat in Jackson Hole with Cheney devising a story (and also a strategy about hiding behind journalists), I'd feel betrayed if I were Scooter Libby, seeing Cheney disavowing that close cooperation. This cover-up was always about faithfulness to the cause, but even while Libby spent four years holding up his side of the bargain, Cheney was selling him out with Fitzgerald.

Ironically, in his Fitzgerald interview Dick Cheney treated his trusted former aide in much the same way Cheney treated Joe Wilson after he revealed his trip: Cheney denied having made orders and inquiries that set in motion the whole process, and then later claimed that, since he didn't get a specific report back, he had nothing to do with the whole thing.

How's it feel to get the Joe Wilson treatment, Scooter? I know when Wilson got treated that

way, he got mighty chatty. Are you getting that urge to hit the talk shows?