

# SEEING THE (ASPEN) TREES THAT MAKE UP THE FOREST

I bypassed to the link to the Judy-Libby lawyer correspondence this early morning, thinking it'd be more boring lawyer letters. Silly me. Nothing has been boring in this Plame Affair. Thanks to pontificator for encouraging me to look further and providing the PDF link to the letters, which has been removed from the front page of the NYT (it's now two layers down attached to this story).

Much has (rightly, IMO) been made of the cryptic last paragraph of Libby's letter to Judy.

You went into jail in the summer. It is fall now. You will have stories to cover—Iraqi elections and suicide bombers, biological threats and the Iranian nuclear program. Out West, where you vacation, the aspens will already be turning. They turn in clusters, because their roots connect them. Come back to work—and life.

I think the best guess about the aspen reference is Quicksilver's, which suggests this refers to the Forstmann Little Aspen Conference, which was starting just as Libby wrote his letter. Perhaps Libby was trying to encourage Judy to make an immediate deal so she could join Rove and Novak and (possibly?) Libby at an off the record gathering, where they could compare notes.

So yes, the aspen reference is pretty darn curious. But I think the rest of the letter is just as damning—and supports the notion that Libby was trying to send a message to Judy.

I say that, primarily, because the letter doesn't correlate with even what Libby (or his surrogates) have claimed to be reality. Let's

compare, for a moment, what a Libby friend or lawyer leaked to Steno Sue Schmidt with what he wrote in his letter. In Steno Sue's column:

According to a source familiar with Libby's account of his conversations with Miller in July 2003, the subject of Wilson's wife came up on two occasions. In the first, on July 8, Miller met with Libby to interview him about weapons of mass destruction in Iraq, the source said. At that time, she asked him why Wilson had been chosen to investigate questions Cheney had posed about whether Iraq tried to buy uranium in the African nation of Niger. Libby, the source familiar with his account said, told her that the White House was working with the CIA to find out more about Wilson's trip and how he was selected. Libby told Miller he heard that Wilson's wife had something to do with sending him but he did not know who she was or where she worked, the source said. Libby had a second conversation with Miller on July 12 or July 13, the source said, in which he said he had learned that Wilson's wife had a role in sending him on the trip and that she worked for the CIA. Libby never knew Plame's name or that she was a covert operative, the source said. [emphasis mine]

But in his letter Libby refuses to admit he and Judy discussed Wilson:

...I had voluntarily waived the confidentiality of discussions, if any, we may have had related to the Wilson-Plame matter.

[snip]

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.

[snip]

If you can find a way to testify about discussions we had, if any, that relate to the Wilson-Plame matter, I remain today just as interested as I was a year ago. [emphasis mine]

Now, there are several funny things here. First, in mid-September, Libby wouldn't say definitively that he had had a conversation about Plame, even though he had already testified to Fitzgerald that he had, and even though Fitzgerald had already told Judy he knew who she had spoken with on July 8. But Thursday, he sent a friend or lawyer out to make sure just such an admission was in the press.

Second, it should be news to Judy—to all of us—that “every other reporter” said they didn't discuss Plame's identity. Because we know Cooper, at least (and Russert, too, although his testimony is famously unclear) did discuss Plame's identity with Libby. As Cooper describes:

In that testimony, I recounted an on-the-record conversation with Libby that moved to background. On the record, he denied that Cheney knew about or played any role in the Wilson trip to Niger. On background, I asked Libby if he had heard anything about Wilson's wife sending her husband to Niger. Libby replied, “Yeah, I've heard that too,” or words to that effect. Like Rove, Libby never used Valerie Plame's name or indicated that her status was covert, and he never told me that he had heard about Plame from other reporters, as some press accounts have indicated.

Sure, Libby didn't tell Cooper Plame's name, but he did discuss enough to affirm her identity as

a CIA employee (but not a NOC)—and since Cooper raised the issue of Wilson’s wife, he certainly knew of her before the call! Libby’s letter, then, simply can’t be read as transparent communication.

Update: kainah points out below that I misread Libby’s passage. He’s saying the public reports of all his conversations with journalists either indicate that Plame did not come up at all OR Plame came up because the journalist (Cooper, for example) already knew of Plame’s identity. Someone needs to teach Libby the principle of parallelism. In any case, does this mean he’s trying to pin this all on Rove, since Cooper only knew of Plame because Rove told him?

These two cryptic bits seem, to me, designed to send two messages to Judy. First, she should feel free to talk about the parts of their conversation that related to Wilson and Plame. Which is, of course, precisely what she insisted on doing. By specifying, twice, that she should testify about their conversations relating to Wilson-Plame, he was telling her to refuse to discuss related items (trumping up WMD claims, probably?).

Second, he was giving her clear instructions on what to say in her testimony—that she hadn’t known about Plame before the call, and that Libby did not discuss Plame’s name or her NOC status. Which, since we’re living in 1984 leads me to believe that Judy did come to Libby on July 8 2003 already knowing about Plame and that Libby did tell her of Plame’s name and NOC status.

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## **DID LIBBY TRY TO TELEGRAPH TESTIMONY**

# TO JUDY, AS ROVE DID WITH COOPER?

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## LET'S MAKE A DEAL: A WORD ON JUDY'S TIMING

There's been a lot of discussion on the timing involved in Judy's deal with Fitzgerald. Was it Franklin's plea bargain? Was it DeLay's indictment? Of course, none of these make sense, since she has been working on a deal for almost a month and a half.

Actually, Murray Waas tells us what the catalyst to Judy talking was. In large part, his own article.

A short time after that story appeared (indeed a very, very short time— about a week later), Miller's attorneys and Libby's attorney, Joseph A. Tate, began prolonged negotiations that would lead to Libby finally providing her a personal waiver that would lead to her release and testimony. There is quite a backstory there, and my then unnoticed Prospect story paved the way, in large part, I am told for those negotiations.

My guess, from this, is that Judy used the news that Scooter had already talked about the meeting himself as an entre to start negotiations. Moreover, I imagine she felt a little exposed here. Imagine going to jail to protect a source, but in so doing, allowing him to tell his side of the story but not you to tell your side of the story. I think that'd make

me a whole lot less willing to take the fall,  
particularly if I felt Libby had misrepresented  
the story. Particularly if I were as interested  
in self-preservation as Judy.

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**I MAY NOT KNOW WHY A  
CAGED BIRD SINGS-BUT  
I'VE GOT MY GUESSES**

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**GET OUT!! AND STAY  
OUT!!**

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**THE MANLY NORQUIST  
APPROACH VERSUS THE  
EMASCULATING LAURA  
APPROACH**

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**WHAT DO WE LEARN**

**ABOUT FRED FLEITZ  
FROM THE BOLTON  
TESTIMONY?**

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**SPECTER TRIES-AND  
FAILS-TO FIND ANOTHER  
SCOTTISH COMPROMISE**

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**WHAT THE BOLTON  
TESTIMONY TELLS  
ABOUT THE PLAME  
AFFAIR**

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**THE JAILED JUDY SHOW**