

# HEAD IN A CLOUD

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## HOW FITZGERALD MIGHT EXPOSE THE NIGER FORGERY SCANDAL THROUGH HIS PLAME INVESTIGATION

I've said on multiple occasions that I don't think Fitzgerald has evidence yet from the Plame investigation pertaining to the Niger forgeries. I've said that Fitzgerald needed to flip Bolton and not just Judy to get to the Niger forgeries. But I think I was wrong. I think Fitzgerald may be able to get to the Niger forgery scandal too. Here's how.

Judy's discovery of a possible uranium forgery

As I described twice in my Judy series, on her ridiculously staged Indiana Jones expedition into the depths of the Mukhabarat, Judy "found" a document detailing a potential deal between Iraq and a Ugandan businessman to buy uranium. Here's the description she gives of that memo:

Of even greater interest to MET Alpha was a "top secret" intelligence memo found in a room on another floor. Written in Arabic and dated May 20, 2001, the memo from the Iraqi intelligence station chief in an African country described an offer by a "holy warrior" to sell uranium and other nuclear material. The bid was rejected, the memo states, because of the United Nations "sanctions situation." But the station chief wrote that the source

was eager to provide similar help at a more convenient time.

Note, this paragraph is a logical non-sequitur in the story. The paragraph before describes all the wacky items they find suggesting Iraq wanted to attack Israel. And the paragraph following reads:

The discoveries, which American military officers called significant but which did not by themselves offer documentary evidence of direct Iraqi links to terror attacks on Israel, were the serendipitous byproduct of one of the strangest missions ever conducted by MET Alpha.

I wonder, now, whether Judy managed to slip that paragraph in after it had been edited. Either that, or the NYT is just an even shittier newspaper than I had thought. Both equally possible, I guess...

One more important detail. Whether or not this really is a forgery, this discovery was almost certainly staged. I say that partly because of the sheer absurdity of the circumstances through which it was discovered (read this post if you want to see what I mean). But also, we know the INC had already cleared truckloads of documents out of Mukhabarat. From a May 6 article:

In an interview today, he said his supporters had seized as much as 60 tons of documents from the Baath Party and Iraqi secret police and intelligence services. The files document Mr. Hussein's relationship with Arab leaders and foreign governments, he said.

But then, that's what you'd do with a forged document, right? Stage the discovery of it in a place where it might plausibly be found?

Finally, one more reason I think this is a

forgery, rather than a legitimate, unsuccessful attempt to sell uranium to Saddam. Known forger Ahmed Chalabi and suspected forger planter Harold Rhode were with Judy in Baghdad at the time she wrote this story. Not good enough evidence to admit into court, I know. But a remarkable coincidence nevertheless, don't you think?

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## **JILL ABRAMSON, WHAT WAS JUDY WORKING ON IN JULY 2003???**

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### **SWEET JUDY BLEW LIES**

By now you've all heard that Judy discovered some forgotten notes from June 2003. It seems she and Fitzgerald are going to have a lot to talk about the next time they get together.

It's looking increasingly likely that the outtamyarse speculations I made in July and expounded on in my explain-it-all Plame narrative are at least in the close proximity of the money. So I'd like to take this moment to expand on the thoughts I had in July about what I think happened and what I think it means.

I'll start with a fictional reenactment of what might have happened to get us to this spot. All of this assumes that my outtamyarse speculation that Judy was going to write an article identifying Wilson, but that David Shipley found out, and that the NYT decided instead to have Wilson tell his own story rather than

let Libby Bolton Cheney Judy do it for him. So here's my little fictional reenactment:

Fitz knew all along that somebody had tried to write a story identifying Joe Wilson in late June 2003. Where did he find that out? Wilson probably told him about it. Or, Fitz, like me, read Wilson's book. In any case, well before Judy's testimony, Fitz probably asked Wilson who he got the tip from in June that someone was writing a story on him. Wilson said, "Kristof" or "Shipley." And Fitz, being the thorough guy he is just made a quick call to get some details. Like who was going to write that story. And how the NYT convinced that person not to write it.

Then, in Judy's interview last Thursday (which was sworn testimony, so Judy couldn't change her mind overnight, so Fitz would know what he was getting before he let her go, and just in case Abramoff's friends got to her overnight), he asked some open-ended questions to which she should have responded with details about her earlier attempt to write a Wilson story. But she didn't. She probably, at that time, mentioned one detail that made Fitz take notice, but did not change the basic fact that she had just committed perjury.

Fitz called Wilson just to clarify the little detail. Which Wilson did easily, apparently over the phone. Fitz did it just so he made sure he had that detail straightened out before Judy's grand jury testimony (so he was sure precisely what the outlines of her perjury were going to be).

Or, as the **LA Times** describes:

However, there was an additional sign that Fitzgerald continued

to investigate aggressively. He phoned Wilson on Sept. 29, the same day Miller, the New York Times reporter jailed for refusing to divulge her confidential source, was released from jail after agreeing to testify in the case.

The next day, just as Fitz expected, Judy committed perjury by burying details of her earlier reporting. Fitz likely asked her a question specifically tailored around Wilson's answer the previous night. Like, "Did you have any conversations with Nicholas Kristof that might have told you about Joe Wilson?" "Nicholas Kristof," Judy said, "Isn't he that screaming liberal who pisses off Safire so much?"

Just long enough after Judy finished, after she had gone home, made a martini, gloated with Sulzberger about how many concessions she had gotten, hugged her dog, Fitz contacted Judy and said, "Um, there's one little detail you seem to have forgotten. Well, let's make that one gigantic detail. Oh, and is Art there? Can I talk to him? Because that little—I mean gigantic—detail affects the testimony he gave us as well. What's that? You'd like to add some to your testimony. Well, do you have anything concrete to give me? Such as your notes from June. Yeah, that's right, your notes detailing ALL of your sources. Yeah, I understand we agreed you could limit your testimony to your conversations with Libby about Plame. But you promised you would tell the truth, remember? And ... well ... you didn't do that."

"Hey!!!" Judy says. "Wouldn't you know it, I just remembered about some notes I've got shoved into an old suitcase

upstairs!!”

So Judy is now going to share notes from the reporting she did on Wilson in June 2003. I suspect those notes already reflect information gleaned from the INR memo. And I suspect Judy will be forced to identify a tidy network of sources on Wilson, including Libby and Bolton, but maybe Hadley and others.

What does this mean for our hopes that Karl will soon lead a frogmarch parade in the near future?

Well, as Reuters says, this makes it a lot more likely Fitz will be able to sew up his neat little conspiracy case.

One source involved in the investigation said Miller’s notes could help Fitzgerald show a long-running and orchestrated campaign to discredit Wilson, which could help form the basis for a conspiracy charge.

Poor little Judy was so proud that she had gotten concessions from Fitzgerald. Concessions from the guy who was about to present her with the evidence she had committed perjury. Poor little Judy, who will now have to expose a whole network of sources in a pathetic attempt to get in Fitz’ good graces. I think the book deal and the martyrdom will have to wait for a while.

But my favorite indication of what this means is the chorus of silence depicted in this Observer article.

Robert Bennett, a lawyer for Miller, declined to comment. Joseph Tate, the lawyer representing Libby, did not return calls seeking comment. *Times* lawyer George Freeman would not comment.

The presence of the undisclosed set of notes comes as the *Times* is seeking to quell internal and external criticism over a lack of transparency in the

Miller case. In today's *Times*, executive editor Bill Keller said Miller's potential return trip to meet with Fitzgerald could further delay the *Times'* plans to publish an account of the Miller saga. Deputy managing editor Jonathan Landman, who has been tapped to edit the report, declined to discuss the state of the paper's Miller reporting.

"I'm not going to talk about it," he said.

Slightly tempered for the family audience (don't know why I believe comments are appropriate for cursing but not posts...?), here's what I think is going on:

*Robert Bennett, a lawyer for Miller, declined to comment.*

Bennett probably convinced his client that she was going to avoid jail time with her testimony last week. Now he realizes she's got perjury hanging over her head. "Declined to comment."

*Joseph Tate, the lawyer representing Libby, did not return calls seeking comment.*

Tate probably has already realized Libby wasn't getting off scot-free. But he was probably figuring on a little conspiracy. Just Libby and Rove and, well, not the whole rest of the Administration. Besides, he's been worried all week that Libby's little love letter to Judy would get him an obstruction charge tacked on. But this—this opens a whole can of worms. Worms he's going to have to think about. "Did not return calls seeking comment."

*Times lawyer George Freeman would not comment.*

George is wondering whether Art's big steak dinner he bought Judy last Thursday was really worth the investment. Because, well, the NYT's hopes to avoid losing all credibility—or worse? They seem to be disappearing rapidly."Would not comment."

*In today's Times, executive editor Bill Keller said Miller's potential return trip to meet with Fitzgerald could further delay the Times' plans to publish an account of the Miller saga. Deputy managing editor Jonathan Landman, who has been tapped to edit the report, declined to discuss the state of the paper's Miller reporting.*

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And meanwhile, every day the NYT goes without telling some version of the story they take a further hit to their claim to have been protecting the principles of journalism. How can you claim to be protecting journalism if you're actively and demonstrably trying to bury a story? How can you claim to have been protecting the right to expose the full truth when you're cowering from that truth now? Unfortunately, the NYT can't tell the story to the public until they figure out precisely what their story to Fitz is going to be, finally. And it would help if Saint Judy would finally figure out her story. But that may take a bit of time yet. "Not going to talk about it."

And this chorus of silence? I suspect it's being echoed by many Bush Administration lawyers right now.

About the only one with anything left to say is Rove's lawyer Luskin. Who, at this point, seems to little left to lose.

Update: Laura Rozen asks a very good question.

Who's leaking Miller's discovery of more notes? Probably not Miller's attorneys. Libby's? That doesn't seem right either. Fitzgerald's office?

I've got two theories. The first (one I don't like that much) is that the NYT, whose lawyers should henceforth be distinguished from Judy's lawyers, leaked this because they're finally realizing they need to come clean.

My more interesting theory? I've suspected for a while that Bennett may be defending "Judy" in

the sense that “Judy” is really a little girl with her finger in the hole of the dike. Now, if Bennett were representing all of the nice Neocons standing behind that girl with her finger in the dike, he’d do whatever he could to telegraph to them that the dike had just broken.

In short, the easiest, obstruction of justice-free way he could tell Libby and Rove and Hadley and Cheney and Bolton and Bush and so on and so on that they should get to high ground is to leak the news that Judy had submitted a second set of notes.

Update 2: Yeah, I’m betting it was Bennett. Check out the way Reuters describes the note release:

A New York Times reporter has given investigators notes from a conversation she had with a top aide to Vice President Dick Cheney weeks earlier than was previously known, suggesting White House involvement started well before the outing of a CIA operative, legal sources said.

Times reporter Judith Miller discovered the notes – about a June 2003 conversation she had with Cheney’s chief of staff, Lewis “Scooter” Libby – after her testimony before the grand jury last week, the sources said on Friday. She turned the notes over to federal prosecutor Patrick Fitzgerald and is expected to meet him again next Tuesday, the sources said.

Miller’s notes could help Fitzgerald establish that Libby had started talking to reporters about CIA operative Valerie Plame and her diplomat husband, Joseph Wilson, weeks before Wilson publicly criticized the administration’s Iraq policy in a Times opinion piece, the sources said. [emphasis mine]

This passage tells the Neocon

thugs precisely what is in those notes. This not only tells them to run like hell for higher ground. But it gives them survival advice in case they make it to higher ground.

ReddHedd? When do lawyers get to be charged with obstruction of justice?

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## **ROVE'S FIRST STORY, AND SECOND STORY, AND THIRD STORY TO THE PROSECUTOR**

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## **FROM ROVE TO HADLEY TO THE REST OF THE CONSPIRACY**

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## **WHY WOULD ROVE TESTIFY AGAIN?**

Just a quick update to suggest why Rove might be going before the jury again. As Lawrence O'Donnell says, this is a sure sign of desperation.

What this means is Rove's lawyer, Bob Luskin, believes his client is definitely going to be indicted.

Before I explain why Fitzgerald may be willing to waste his time listening to the great fabricator again, let's review some details.

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## **ANATOMY OF A WHITE HOUSE SMEAR, REDUX**

A couple of months ago, I summarized the Plame Affair best as I could speculate. A lot of new information has come to light, so I decided to update that narrative.

### The Background—Niger Claims and Power Struggles

I'll start with some background. There are two reasons why members of the Bush Administration were reckless enough to out a NOC out of petty revenge. First, Wilson's criticisms risked exposing their elaborate plot to plant Niger forgeries. There is now a lot of circumstantial evidence that Iran-Contra operative Michael Ledeen and Harold Rhode planted the Niger forgeries with SISMI, Italian intelligence. I think the original plan was just to plant the forgeries so friendly members of SISMI could funnel the intelligence—but never the documents—to the US. But as people within the US Intelligence Community continued to question the Niger claims, the plotters finally had to produce actual documents. Which is why, in October of 2002, Elisabetta Burba, an employee of the Berlusconi-owned Panorama, received the documents.

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## **LIVE BY THE LEAK, DIE**

**BY THE LEAK**

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**DID DELAY'S LAWYER  
JUST SCREW UP?**