

SHORTER FITZ: SEND LIBBY TO JAIL

Fitzgerald submitted his response to Libby's request for bond pending appeal today. Basically, it reiterates the points he made in last week's hearing on the issue, though in the written form that allows some snark.

Congress Doesn't Need New Laws

The filing starts by undercutting Libby's Appointments Clause complaint with a simple reading of the law.

Remarkably, defendant's application, while suggesting that the AAG might have addressed the urgent conflict-of-interest issue by opting to seek new legislation from Congress ... contains no mention of the statutory provisions under which AAG [Comey] acted. In fact, the delegation was made pursuant to the AAG's statutory authority under 28 USC 510 to delegate *any* of the functions of the Attorney General to any other officer of the DOJ.

This is where Team USA adopts the same dismissive attitude that Libby's new Appeals lawyer uses.

Defendant's argument so lacks merit that it does not present a substantial issue.

While that's not so persuasive, this bit of snarky logic is: