

GONZALES REFUSES TO ANSWER QUESTIONS

Via C&L, John McKay made some really revealing comments in Spokane on Friday.

The U.S. Inspector General may recommend criminal prosecution of departed Attorney General Alberto Gonzales at the conclusion of an investigation, possibly as early as next month, the fired former U.S. attorney for Western Washington told a Spokane audience Friday.

[snip]

McKay said he was summoned to Washington, D.C., in June and questioned for eight hours about possible reasons for his firing by investigators with the Office of Inspector General, who will forward their final report to Congress.

“My best guess is it will be released sometime next month,” and likely will include recommendations for criminal prosecutions of Gonzales and maybe others, McKay said.

Gonzales “lied about” reasons for the firings when questioned under oath in July by the Senate Judiciary Committee and now has hired a lawyer and is refusing to answer questions from the Inspector General, McKay said.

First, we’re going to get a public report from OIG. This is a key result of pressure from Sheldon Whitehouse, among others, who realized that AGAG had attempted to put Office of Professional Responsibility in charge of the investigation, and therefore bury any conclusions with a non-public report.

Then, consider the timing. McKay says he got called to DC for an entire day of testimony. At about the same time, SJC was confirming with OIG

that it was including Gonzales' "comforting" of Monica Goodling in its investigation, not to mention confirming that OIG would be able to conduct its investigation without interference. It was also ensuring that OIG would be able to investigate AGAG and other lawyers—even if they were acting "as lawyers" when they acted improperly. In other words, at about the time fired USAs were being brought back to DC to testify, SJC was making sure OIG could continue the investigation wherever it might lead—including toward Gonzales' own actions. There was an abortive attempt to get Paul Clement to appoint a Special Counsel, but that quickly fizzled.

Meanwhile, the White House was desperately trying to avoid any more incriminating testimony. Bill Mercer withdrew his nomination to AAG rather than have to answer the Senate's questions. Paul Clement and Fred Fielding were making intellectually suspect justifications for the White House and Harriet Miers to refuse subpoenas. Pete Domenici made a successful bid (thanks to Andrea Mitchell's crack reporting skills) to throw suspicion off him—only to resign several months later..

And then, in the middle of this, AGAG testified again—lying again, at least according to John McKay. And, perhaps not incidentally, both SJC and HJC started getting more explicit about Rove's involvement, and a whole lot more explicit about Gonzales' role in covering up Iglesias' firing.

What remains unclear from McKay's comments is something that Isikoff didn't divulge in his piece pre-emptively revealing that AGAG had lawyered up: when AGAG lawyered up. And McKay's version adds in another question: when did OIG request AGAG's cooperation, only to be spurned? There are a couple of possibilities, it seems to me:

- [Get asked questions, lawyer up, resign] It's possible

that as soon as OIG started asking Gonzales to clarify his statements, he lawyered up and Terwilliger told AGAG what he should have been told months earlier: shut up! Stop lying under oath!! If so, he'd likely be forced to resign, as Monica was, particularly because it'd be pretty damning for Bush if his AGAG was refusing to testify.

- [resign for some other reason, get asked questions, lawyer up] I don't buy this one: the scenario would suggest that AGAG resigned because, um, he wanted to spend more time with his family, only afterwards discovering that he really wanted to spend time with his lawyer.
- [resign for some other reason, lawyer up, get asked question] Again, this is unlikely, that AGAG resigned and lawyered up, and only recently refused to cooperate with the OIG investigation.

The chronology here matters for two reasons. One, because the most plausible scenario (that AGAG lawyered up when OIG started pursuing him, which led to his resignation) suggests that they're very worried about further trouble for

AGAG, and that he resigned because he was about to get into trouble (duh!). But that also raises another very real possibility: that Terwilliger started representing AGAG long before he interviewed for AGAG's job. Which is about the most inappropriate thing I can imagine—interview for the job overseeing an investigation of your client with the guy whom your client is protecting?

Incidentally, Jeff Taylor, the Administration's hand-picked USA (appointed under the PATRIOT provision), was recently permanently appointed by Judge Hogan. Which means we're still facing the possibility that Jeff Taylor will be the one who receives this increasingly likely criminal referral.