

# CONYERS TO TURDBLOSSOM: IF YOU'LL TALK TO GQ AND FOX, WHY NOT HJC?

Conyers has issued another salvo in HJC's investigation of politicized prosecution. Most notably, that includes an invitation to Karl Rove to come testify to HJC.

In any event, particularly since you have briefly commented on this matter in GQ and while serving as a commentator on Fox News, we believe the subject, like other serious charges regarding the role of politics at the Department of Justice, should be addressed before a key investigating Committee of Congress.

Between Yoo and Rove, Solicitor Paul Clement is going to have to invent a whole new kind of privilege to protect those willing to blab to the press but not to Congressional committees.

Perhaps more interesting, HJC has released a report on politicized prosecutions, which includes some new information on the Siegelman affair. For example, it reveals that Scrusby's lawyer Art Leach believed he had made a plea deal with the prosecutors, only to have that deal rejected by someone higher than Criminal Division head Alice Fischer.

Other evidence also supports the contention that senior officials at the Department or the White House pushed this prosecution. Mr. Leach described a notable conversation he had with the then-acting head of the Department's Public Integrity Section, Andrew Lourie.<sup>83</sup> According to Mr. Leach, he and Mr. Lourie met on April 6, 2006, to discuss the possibility of resolving the matter against Mr. Scrusby before trial.

Mr. Leach states that he had worked out an arrangement that was acceptable to the line prosecutors working the case, and that the purpose of this meeting was to obtain approval for the deal. Mr. Leach recalls that the meeting went well, and he believed Mr. Lourie would approve the proposed resolution. A week later, however, the proposed deal was rejected. When Mr. Leach asked Mr. Lourie why he would not approve a deal that the local prosecutors had supported, "Lourie informed me that the decision was made over his head."<sup>84</sup> Mr. Leach asked if that meant the head of the Criminal Division, Assistant Attorney General Alice Fisher, had made the decision, and was told "the decision had been made higher than the AAG for the Criminal Division."<sup>85</sup> Mr. Leach reports that he was "puzzled" by this response because he "could not imagine a decision like this rising to that level of the Department of Justice."<sup>86</sup> Needless to say, the only "higher" levels of government than the office of the Assistant Attorney General for the Criminal Division for an issue such as this would be the offices of the Attorney General and the Deputy Attorney General (at the time occupied by Alberto Gonzales, his Chief of Staff Kyle Sampson, and Paul McNulty and his Deputy Mike Elston) and the White House itself.

I look forward to hearing from Mr. Lourie about which of Alice Fischer's superiors had pushed this to trial.

I'll be reading the report and doing an update. In the meantime, I'm sure Clement is working on that "press exclusivity privilege" to keep Turdblossom and Yoo from having to appear before Conyers' committee.

Update:

This is interesting. Conyers et al ask Mukasey for many of the prosecutorial documents relating to Siegelman and Wecht. Here's the list of servers they want searched (this is my summary):

- Central Department files and servers, backups, and archives
- Active and backup servers for Criminal Division, Public Integrity Division, OAG, ODAG, EOUSA
- Active and backup servers for Northern District AL, Middle District AL, and Western District AL
- Personal files and computers and backups, from home, laptop, or blackberry computers, used in relation to Siegelman or Wecht
- Anything else

Now why do you think it is that they're so specific about wanting blackberries and backups searched?