

# HOW TO GET THE TRANSCRIPTS

Skdadl asked, with due skepticism, whether Mukasey would ever hand over the Bush and Cheney transcripts. I was thinking about just that on my walk with McCaffrey the MilleniaLab. Here's how I think—if HJC were to play it correctly—it might play out.

In his letter to Mukasey, Waxman used McClellan's public statements to demonstrate the need to release the transcripts and FBI reports.

New revelations by fonner White House Press Secretary Scott McClellan raise additional questions about the actions of the President and the Vice President. Mr. McClellan has stated that "[t]he President and Vice President directed me to go out there and exonerate Scooter Libby." He has also asserted that "the top White House officials who knew the truth including Rove, Libby, and possibly Vice President Cheney – allowed me, even encouraged me, to repeat a lie." It would be a major breach of trust if the Vice President personally directed Mr. McClellan to mislead the public.

In his FBI interview, **Mr. McClellan told the FBI about discussions he had with the President and the Vice President. These passages, however, were redacted from the copies made available to the Committee.** Similar passages were also redacted from other interviews. There are no sound reasons for you to withhold the interviews with the President and the Vice President from the Committee or to redact passages like Mr. McClellan's discussions with the President and the Vice President. [my emphasis]

Now, as I understand it, Mukasey didn't actually

turn over the transcripts themselves to the Oversight Committee—he just let them look at the reports. Nevertheless, some smart staffer on Waxman’s committee must have notes of the context of the redactions in McClellan’s FBI reports.

So the first thing HJC needs to do is get a copy of the notes that staffer took.

Then, they should address a question to Scottie that goes something like this:

Mr. McClellan, In the course of your interview with the FBI on November XX, John Eckenrode asked you about your discussions with Bush and Cheney regarding the Plame leak. Can you tell us what you said in response?

Now, there’s something odd I’ve been puzzling over. We know from Waxman’s letter that there are clear references to Bush and Cheney in McClellan’s FBI interview report. But in his book, McClellan describes being asked **in the grand jury**, for the first time, about Bush’s exoneration of Rove.

After hearing the second new question, I was momentarily taken aback. Zeidenberg asked if it was true the president told me in the Oval Office that Karl Rove told him he was not involved? **It was the first time I’d been asked about something the president knew or said.** Since the president had not been questioned yet, I knew that Andy must have discussed it with investigators at some earlier point. [my emphasis]

There are several possible explanations for this. Perhaps McClellan didn’t remember he had said something to the FBI earlier (doubtful). Perhaps the FBI questions focused primarily on Cheney, even, perhaps, asking whether McClellan knew that Cheney had first learned of Plame’s identity. Perhaps they asked McClellan about his

Libby exoneration, but not his Rove exoneration. Or perhaps those FBI questions about Bush and Cheney were about another subject altogether.

In any case, some smart Congressman on HJC needs to walk McClellan through his FBI interview not—as John Dean would have it—because there’s much we don’t know in there, but because we want to be able to demonstrate that Mukasey is redacting information directly pertaining to Bush and Cheney’s cover-up of the leak of Plame’s identity.

At the same time, I would hope, another smart Congressman on HJC will be entering the abundant circumstantial evidence that Cheney ordered Libby to leak Plame’s identity into the Congressional Record.

And then, having demonstrated in a forum with a legal record that 1) Mukasey redacted information from McClellan’s FBI report that pertains to Bush and Cheney’s cover-up of the leak and/or their knowledge of Plame’s identity, and 2) circumstantial evidence indicates that Cheney ordered the leak of Plame’s identity, John Conyers sits down and writes a letter:

Dear Michael "No, I won't investigate torture" Mukasey:

I understand my colleague Henry Waxman has been nagging you for FBI 302s and Bush and Cheney transcripts since last December. Since you have been unresponsive to Waxman’s requests, I can only assume you refuse to turn over selected materials because you deem them unrelated to the Oversight Committee’s investigation into White House treatment of classified information. In a hearing reviewing new revelations from Scott McClellan about the obstruction of the CIA Leak investigation within the White House, we have determined that there is credible evidence of such obstruction. We have reason to believe that the materials that you have refused to turn

over to Congressman Waxman are directly relevant to our investigation of obstruction of a criminal investigation.

Having reviewed with Mr. McClellan the content of his FBI report, we have reason to believe that those redactions were made solely to hide clear evidence of Bush and Cheney's role in this obstruction. We believe those redactions say, "Cheney called Bush and convinced him to ask me to make a public exoneration of Libby." That is, the redacted material indicates that the Vice President and President interceded—after being officially informed of a criminal investigation—to clear a chief suspect's name, one who had been ordered by the Vice President to leak the information in question.

Since this material is central to our investigation and the withholding of this information would constitute further obstruction, I'm sure you see the importance of turning over that information to the House Judiciary Committee.

We believe those materials contain evidence of a potential crime—a crime of the magnitude that Congress is constitutionally empowered to investigate, particularly where the President or Vice President may be involved. As SCOTUS ruled in *United States v. Nixon*, the Executive Branch cannot withhold evidence of criminal behavior. Given that we are investigating whether obstruction did or did not occur, we would consider anyone who withheld such information from the Committee to be party to the crime. Please provide us with hard copies of those documents by June 28.

Love, John Conyers

Of course, all this presumes that Congress is willing to at least **pretend** that they are constitutionally authorized—indeed, even obliged—to investigate such abuses of power. Which is a pretty big presumption, I know. But it seems that, if they really want to, they can tell Mukasey he either turns over the materials or he commits an act that—just seven months before a new AG comes in—appears to be criminal obstruction.

Wishful thinking, I know.

Update: Fixed abundant typos per Funnydiva.