

WHITE HOUSE CONFIRMS: ROVE'S "OFFICIAL DUTIES" INCLUDED WITCHHUNTS OF DEMOCRATS

Surprise surprise. Rove was too chicken to give testimony under oath to show up before HJC today. That's not surprising. What I find surprising (well, not really) are the thin excuses that Republicans are coming up with to excuse Turdblossom from obeying a subpoena.

First, according to the statement Sanchez put out, Fred Fielding did intervene to give a last minute reprieve to Karl—though still without invoking executive privilege.

First, the claims have not been properly asserted here. The Subcommittee has not received a written statement directly from the President, let alone anyone at the White House on the President's behalf, asserting Executive Privilege, or claiming that Mr. Rove is immune in this instance from testifying before us. Nor is any member of the White House here today to raise those claims on behalf of the President. The most recent letter from Mr. Rove's lawyer simply relies on a July 9, 2008 letter to him from the current White House counsel directing that Mr. Rove should disobey the subpoena and refuse to appear at this hearing.

The July 9, 2008 letter from White House Counsel Fred Fielding claims that Mr. Rove "is constitutionally immune from compelled congressional testimony about matters that arose during his or her tenure as a presidential aide and that relate to his or her official duties."²

I'll take that as confirmation from Nixon's former lawyer that Karl Rove's official duties included intervening in criminal investigations and trials to make sure popular Democrats' careers were ruined.

Frankly, I think that letter, dated July 9, may have arrived very late on yesterday. Sanchez did not mention it in her spoken statement today, nor did Ranking Subcommittee Member Chris Cannon.

Instead of referring to Fielding's invocation of absolute immunity (but not, apparently, executive privilege itself), Cannon invoked Rove's busy summer travel schedule. He asked Sanchez whether she knew that Rove had a long-scheduled overseas trip scheduled for today, and complained that Congress had scheduled the hearing to be convenient to the Subcommittee, not to Rove.

So apparently, it's going to be absolute immunity and the summer vacation privilege that saves poor cowardly Karl from having to testify, under oath, about things he's all-too-happy to talk about on TV.

No word, thus far, on how this all jibes with the Attorney General's assertion yesterday that one avenue to find out about Karl's involvement in the Siegelman prosecution would be to hold a hearing.

Update: As I suspected, Nixon's former lawyer is, in fact, asserting that politicized prosecutions of Democrats are part of the "official duties" of the President's Senior Advisor.

We have been further advised that because Mr. Rove was an immediate presidential adviser and because the Committee seeks to question him regarding matters that arose during his tenure and relate to his official duties in that capacity, Mr. Rove is not required to appear in response to the Committee's subpoena. Accordingly, the

President has directed him not to do so.

You know, there's something funny about this letter. Being filled with a bunch of lawyers, usually when DOJ "advises" the President's former Nixon lawyer about legal issues, they do so in writing. Fielding clearly suggests the White House has gotten recent advice—including, apparently, the advice that witchhunts are now among the "official duties" of White House aides. But I don't see that written advice from DOJ, do you? In fact, if you look at the attachments, Fielding is recycling a letter from Bradbury from last year—on a different issue—to make his argument.

So if I were Congresswoman Sanchez, I would tell Fielding: "Show me the proof."