

# WEEDS, FOR MARK AMBINDER

I will leave it to those with much finer senses of snark than me to slam that crappy reporting of the NYT.

But this post from Mark Ambinder got my weed whacker out of whack, so I wanted to point out a few details for Ambinder, who is usually not so sloppy.

First, Ambinder crowns the guy who turned in Blago's Senate seat sale as the most powerful guy around.

The most powerful person in Illinois politics is not David Axelrod. Not Valerie Jarrett. Not either the Daleys. Not either of the Madigans. Not Patrick Fitzgerald. It's the person who dropped a dime on Rod Blagojevich, and it's all the people who have information that Fitzgerald might be interested in. Someone dropped a dime on the Senate seat matter. Someone got fed up with the pettiness and went to the U.S. Attorney

Given the timeline, that "most powerful person in Illinois" appears to have been an FBI agent, listening to wiretaps placed at least a week before the "pettiness" in question began. I'm all in favor of celebrating the FBI's work on this case. But it doesn't mean that FBI agent is the most powerful woman in the room right now.

Then there's this muddle.

Note: Fitzgerald didn't seem to say, or didn't say at all, that having a full and public accounting from the Obama team about their Blago contacts would damage his investigation. Randal Samborn – am I wrong? Greg Craig? In fact, whereas, in the Valerie Plame investigation, President Bush may have

been tangentially involved, or at least had an inkling that subordinates of his were involved, Obama does not have the same constraints. There is no legal reason why he can't comment, speculate, or engage in idle rumors on this whole turn of events. This isn't to suggest that Obama should make off-the-cuff remarks about this or not take it seriously... it's just that there doesn't seem to be the same (veneer of a) legal justification for not doing so.

Mind you, I certainly agree that it would behoove Obama to get further out in front of this than he has thus far done. The Axe/Rahm backtracking on what they've said (which I'll return to in a later post) is only feeding the nutters who want to blow this up. If I had my way as a partisan Democrat, Obama would come out today with a list of what conversations his advisors had with Blago on what dates—and summaries of those conversation—as well as a description of what the follow-up to those conversations were.

That said, I think Ambinder stumbles here on several counts.

First of all, Bush was far more than tangentially involved in the Plame leak. At the very least, he expressed his concerns about the Wilson allegations the day that OVP started intensifying oppo research on the Wilsons. According to Libby, he authorized the leak of whatever it was that Cheney ordered Libby to leak to Judy Miller (which turned out to include Plame's identity). And during discussions of what classified materials to leak that week, Stephen Hadley said that Bush was comfortable with the plan.

Now, if Bush (and Cheney) really did remain silent on the Plame leak, that would sort of prove Ambinder's point. But of course, they both said things publicly at key times (backing off calls to fire anyone involved, claiming Cheney

had the authority to declassify what got leaked to Judy, buttering up Libby just after he was indicted) and then there are the conversations Libby and Cheney had about Libby's cover story. So the pose of remaining silent on the investigation was largely that—a pose, an attempt to avoid obstruction charges themselves, an attempt to avoid saying anything really incriminating.

That said, given the prior example of the Plame case, I'm not sure we can safely say that Obama has no reason to be silent about contacts between his team and Blago. We've already got one instance where—as he did in the Plame case—Fitz asked a potential witness (or witnesses) he had spoken with not to discuss the case.

In keeping with the U.S. Attorney's request, we are not sharing information with the media at this time.

So when Ambinder says, "Fitzgerald didn't seem to say, or didn't say at all, that having a full and public accounting from the Obama team about their Blago contacts would damage his investigation," I'm not convinced we know that. He didn't say that to us, certainly, but then, if Fitz were trying to hide what witnesses he had spoken to from Blago and others, do you really think he would tell us?

Which brings us to the leak-non-leak of Rahm Emanuel.

Yesterday morning, after all, someone from Rahm's general vicinity had leaked that Rahm "tipped the scale" to trigger yesterday's excitement. By the end of the day, Rahm had denied that—calling such claims, "overzealous reporting." Not, "totally inaccurate reporting," but just "overzealous" reporting.

And, as I pointed out yesterday, one of the things that Blago wanted to talk with "President-Elect Advisor" about in mid-November was Rahm's now-vacant House seat (though as he

is on many things, Blago's a complete idiot about procedure for replacing a Representative in IL). In fact, three paragraphs pertaining to "President-elect Advisor" were the last chronological descriptions Fitz gave about the sale of the Senate seat, before throwing in details relating to Jesse Jackson Jr. at the end.

112. On November 13, 2008, ROD BLAGOJEVICH talked with JOHN HARRIS. ROD BLAGOJEVICH said he wanted to be able to call "[President-elect Advisor]" and tell President-elect Advisor that "this has nothing to do with anything else we're working on but the Governor wants to put together a 501(c)(4)" and "can you guys help him. . . raise 10, 15 million." ROD BLAGOJEVICH said he wanted "[President-elect Advisor] to get the word today," and that when "he asks me for the Fifth CD thing I want it to be in his head." (The reference to the "Fifth CD thing" is believed to relate to a seat in the United States House of Representatives from Illinois' Fifth Congressional District. Prior intercepted phone conversations indicate that ROD BLAGOJEVICH and others were determining whether ROD BLAGOJEVICH has the power to appoint an interim replacement until a special election for the seat can be held.).

113. Also on November 13, 2008, ROD BLAGOJEVICH talked with Advisor A. ROD BLAGOJEVICH said he wants the idea of the 501(c)(4) in President-elect Advisor's head, but not in connection with the Senate appointment or the congressional seat. Advisor A asked whether the conversation about the 501(c)(4) with President-elect Advisor is connected with anything else. ROD BLAGOJEVICH replied that "it's unsaid. It's unsaid."

114. Later on November 13, 2008, ROD BLAGOJEVICH spoke with Advisor A. ROD BLAGOJEVICH asked Advisor A to call Individual A and have Individual A pitch the idea of the 501(c)(4) to “[President-elect Advisor].” Advisor A said that, “while it’s not said this is a play to put in play other things.” ROD BLAGOJEVICH responded, “correct.” Advisor A asked if this is “because we think there’s still some life in [Senate Candidate 1] potentially?” ROD BLAGOJEVICH said, “not so much her, but possibly her. But others.”

There’s no indication that P-EA is Rahm, though given the discussion about Rahm’s seat, it’s probably someone Blago knows locally. Further, there’s no indication that anyone from Blago’s team ever talked with P-EA—just discussions about what they want to say to him. Fitz just ends the narrative right there, without telling us if Advisor A ever met with Individual A and whether Individual A, in turn, met with P-EA.

In fact, Fitz was asked whether Blago’s folks had spoken with Obama or Rahm—only he chose to answer a more narrow question, whether Blago’s folks had ever spoken with Obama.

Q You spoke before about if Senator – you didn’t know – no awareness that Senator or President-elect Barack Obama knew about this. So is it safe to say he has not been briefed? And can you also tell us if any phone calls were made to President-elect Obama that you intercepted, or to Rahm Emanuel?

MR. FITZGERALD: Okay. I’m not going to go down anything that’s not in the complaint.

And what I simply said before is, I’m not going to – I have enough trouble speaking for myself. I’m not going to try and speak in the voice of a

president or a president-elect.

So I simply pointed out that if you look at the complaint, there's no allegation that the president-elect – there's no reference in the complaint to any conversations involving the president-elect or indicating that the president-elect was aware of it. And that's all I can say. [my emphasis]

He was asked again later about conversations between Obama—or his aides—and Blagojevich, which he also dodged in classic Fitz fashion.

Q Sir, just to be crystal-clear on this point, you're not aware of any conversation, then, that took place between the governor and any member of Barack Obama's transition team at all?

MR. FITZGERALD: And what I simply said is you can read the complaint. I'm not going to sit here with a 76-page complaint and parse through it. You know, that's all we're alleging. And I'm just – I'm not going to start going down and saying, "Did anyone ever talk to anyone?" You can read what we allege in the complaint. It's pretty detailed. Look in the 76 pages, and if you don't see it, it's not there.

Which, if you read that 76-page ~~indictment~~ complaint, you see there's absolutely no reference to any conversation with the President-elect. But there is a reference to a potential conversation with the President-elect's advisor.

None of that, of course, is definitive (as, I'm sure, Fitz intends it to remain).

But it all suggests the very real possibility that Fitz has had discussions with the President-Elect Advisor in question, and doesn't want us—or, especially, Blago—to know that, or

to know what was discussed at that meeting.

I'd love for Obama to come clean with real details about who, from his team, talked to Blago, and in particular, whether President-Elect Advisor ever talked to Blago's Advisors.

But I get the feeling we're not going to learn that just yet.