ROVE DEADLINE DELAYED

John Conyers has delayed Rove's deadline to give a deposition by three weeks—from February 2 to February 23.

> But before he left office, Bush, acting through former White House Counsel Fred Fielding, decided not to respond to any congressional subpoenas. Bush, citing executive privilege, asserted an "absolute immunity" claim in responding to such subpoenas, meaning senior Bush aides were directed not to even appear when subpoenaed.
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> Obama and his legal advisors have rejected that view as an overbroad reading of the president's authority, but they have yet to fully formulate their own response to the question.
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> Conyers had demanded that Rove comply with the subpoena by next Tuesday, Feb. 2, but the deadline has been extended to Feb. 23, according to sources close to the issue.

I realize at least one of you was planning your birthday around Rove's testimony (though it's not yet clear whether it'll be public or not), but I think this is a good thing.

I expect Obama to reject at least some parts of what Rove is trying to do here—certainly the idea that **former** senior aides have absolute immunity from showing up before Congress if not the notion of absolute immunity in general (to say nothing of former aides of former Presidents). Pushing the deadline out gives Obama several additional ways to respond here. They can respond through their filing on the suit, which is due on February 18. And, presumably before this deadline, Dawn Johnsen will also be installed at OLC with the option to

pull Steven Bradbury's opinion authorizing
"absolute immunity" for former aides, which
(after all) literally contradicts the logic
Rehnquist used to justify absolute immunity in
the first place.

Bush's legal team keeps pretending there will be
some point at which Obama is forced to negotiate
with the Bush Administration on this. And that's
probably true for Miers' testimony. But given
the sketchiness surrounding Bush's claim to
privilege for Rove, that may not be true at all
for Turdblossom.