


# CHENEY INTERVIEW: PAY2PLAYPO LOSING ITS ABILITY TO REPORT, TOO

 The WaPay2PlayPo's Jeffrey Smith is usually a much better reporter than this. In his report on DOJ's latest attempt to keep the materials from Cheney's Fitzgerald interview secret—published right under a link to all the evidence released in the trial—Smith "reports,"

A document filed in federal court this week by the Justice Department offers new evidence that former vice president Richard B. Cheney helped steer the Bush administration's public response to the disclosure of Valerie Plame Wilson's employment by the CIA and that he was at the center of many related administration deliberations.

Which, if you take "new evidence" to mean "a new list summarizing many of the events described in evidence introduced two years ago at the Libby trial," would be factually correct.

But this isn't.

Barron also listed as exempt from disclosure Cheney's account of his requests for information from the CIA about the purported purchase; Cheney's discussions with top officials about the controversy over Bush's mention of the uranium allegations in his 2003 State of the Union speech; and **Cheney's discussions with deputy I. Lewis "Scooter" Libby, press spokesman Ari Fleischer, and Chief of Staff Andrew H. Card Jr. "regarding the appropriate response to media inquiries about the source of the disclosure" of Valerie**

**Plame Wilson's identity.** [my emphasis]

Smith gets that last bit from this language in the filing.

Vice President's recollection of discussions with Lewis Libby, the White House Communications Director, and the White House Chief of Staff regarding the appropriate response to media inquiries about the source of the disclosure of Valerie Plame Wilson's identity as a CIA employee.

✘ Now, the language used there—"the source of the disclosure of Valerie Plame Wilson's identity"—ought to be a pretty big clue to Smith that this conversation happened after Plame's identity was actually made public. That is, after July 14, 2003, which happened to be Ari Fleischer's last day, meaning it's pretty clear that Ari Fleischer (who was White House Spokesperson, not Communications Director) isn't the guy referenced here. But you don't really need clues like that to figure out that Smith is wrong here. Had Smith only clicked that link above his article and actually looked at the evidence released at trial, he would have seen the famous "meat grinder note," a note Cheney used as a talking point document for conversations with Andy Card (correctly identified by Smith as Chief of Staff) and Dan Bartlett (in his role as "White House Communications Director," the position listed in the filing) in early October 2003 to get them to force Scottie McClellan to exonerate Scooter Libby publicly.

Has to happen today.

Call out to key press saying same thing about Scooter as Karl.

Not going to protect one staffer and sacrifice the guy ~~the Pres~~ that was asked to stick his neck in the meat

grinder because of the incompetence of others.

Perhaps I'm being pedantic, but the news that Scooter Libby and Dick Cheney orchestrated the statement exonerating Libby was a pretty central issue of the trial—and the meat grinder note was a shocking piece of evidence, not least because that crossed out "the Pres" implicated Bush directly. And it was reported in depth again in Scottie McClellan's book. So it should be fairly clear what this language refers to.

But that's not the piece of reporting that bugs me most in this article. It's this bit:

The declaration also said Cheney had helped resolve disputes about "whether to declassify certain information," including portions of a National Intelligence Estimate related to Iraqi weapons programs that Libby leaked to then-New York Times reporter Judith Miller.

Smith gets this from these two—separate—items listed in the filing.

Page 25, line 39-page 26, line 1: Vice President's description of his role in resolving disputes about whether to declassify certain information.

Page 26, lines 8-10, 14-17, 24-26: Vice President's description of government deliberations involving senior officials regarding whether to declassify portions of the October 2002 National Intelligence Estimate.

That is, Cheney's comments about "resolving disputes about whether to declassify certain information" is treated as totally distinct in David Barron's declaration from the declassification of the NIE, though it obviously was closely linked in time.

Smith's conflation of the two is a problem for two reasons. First, it erroneously suggests that Judy Miller was the only one to whom Scooter leaked contents of the NIE; by the time Fitzgerald asked these questions, though, he knew Libby had leaked it to David Sanger and may have leaked it to Andrea Mitchell. As it turned out (though I'm not sure Fitz figured this out until after the indictment), Libby had also leaked the NIE to Bob Woodward, several weeks earlier. And **that** detail is important because it shows that Libby's claim—given as an explanation for what Cheney ordered him to leak to Judy—was at least partly bogus.

Smith's conflation of the two also suggests, falsely, that the NIE was the only thing Libby and Cheney were fighting over declassifying at the time—and squabbling with Tenet about leaking. We know, at a minimum, that they were also declassifying the report from Joe Wilson's trip; that was formally declassified mid-week the week of the leak, though someone probably named Scooter Libby leaked contents of it to Bob Novak before it was declassified. We also know they were leaking the January 24 excerpt from the NIE to people at the WSJ. Most importantly, we know they were leaking Valerie Wilson's identity—though I'm not sure whether Fitz had enough evidence by May 8, 2004 to ask Cheney whether he had insta-declassified her identity.

The entire story of the leak of Plame's identity is about—obviously—~~declassifying~~ leaking classified information. Yet Smith conflates details presented in the filing in such a way that recreates precisely the myth that Scooter Libby and Dick Cheney mobilized to cover up their leak.

I don't think he's doing it purposefully. But in his reporting of what is in the Cheney interview, Smith just happens to neutralize the most important questions we know Cheney got asked in this interview.