

THE CONTENTS OF THE FITZGERALD-CHENEY INTERVIEW, ANNOTATED EDITION



Since there is still some confusion over the material from Dick Cheney's interview with Patrick Fitzgerald that, DOJ says, cannot be made public, I decided to provide a more detailed description of what was in the interview with handy links for any media outlets that are too busy selling access to lobbyists to do their own work. What follows are the page-specific references in the DOJ FOIA response to material that appears in the FBI report of the interview. That document is 28 pages long, total, so this is a pretty good outline of what's in the interview. I treat information that appears on the same page together, so a couple of these descriptions cover a number of separate issues raised in the filing.

Vice President's discussion of the substance of a conversation he had with the Director of the CIA concerning the decision to send Ambassador Wilson on a fact-finding mission to Niger in 2002. (Page 3, lines 15-17, 21-28); The name of a covert CIA employee (Page 3)

As you recall, Libby first learned of Valerie Plame's covert identity from a conversation with Dick Cheney some time during the week of June 9, 2003. He recorded his conversation with Cheney in a note which was a central focus of Libby's grand jury testimony. When asked, Libby said Cheney may have learned of Valerie's status from Tenet. And, when Fitzgerald was questioning Libby about Cheney's notations on Joe Wilson's op-ed, Libby explained that Cheney had asked Tenet earlier in June or July about the CIA sending ambassadors to gather information.

Q. When the Vice President asked you the question, "have they done this type of thing before," question to that effect, Vice – did the Vice President ever ask you has the Agency ever done this sort of thing before where an ambassador was sent out?

A. I think he may have at some point.

Q. And what did you do in response to that question, if anything?

A. I don't know if I did anything particularly about it. I think he may have taken it up with, with Tenet rather than asking me.

[snip]

Q. What did he talk to the official that you do know he talked about?

A. About, you know, how this came about. I have a sense that he had talked to Tenet or somebody about, about that.

Q. And what time frame was that?

A. Summer, June, July, something like that.

In other words, this conversation appears to be the conversation Cheney had during the week of June 9 in which he learned of Plame's identity. That makes the reference to "a covert CIA employee's identity" all the more interesting. While that might be a reference to Valerie's colleague who first suggested sending Joe, it might well be a reference to Valerie herself. While we know the CIA still wants to hide details of Plame's career, it would be the height of absurdity if CIA tried to prevent us from seeing Fitzgerald ask Cheney about Plame.

In any case, DOJ is probably attempting to prevent us from learning of Cheney's account of how he learned of Plame's identity before he passed it on to Scooter Libby.

Names of a foreign government and liaison services. (Pages 2, 7, 9)

The names of foreign governments appear just before the discussion of Cheney's conversation with Tenet and before the discussion of the OVP research did the week of June 9, 2003. This means discussions of Niger is almost certainly one of the countries mentioned, but a discussion of the Niger claim more generally may have elicited a discussion of the British White Paper (to which the uranium claim in the State of the Union was purportedly attributed) and Italy, where the forgeries came from.

Vice President's discussion of his requests for information from the CIA relating to reported efforts by Iraqi officials to purchase uranium from Niger. (Page 6, lines 30-33, 39-40); Name of a CIA briefer. (Page 6, line 41); The methods CIA uses to assess and evaluate intelligence and inform policy makers. (Pages 6, 16, 17)

On February 13, 2002, Cheney asked his briefer, David Terry, for an assessment of the report that Iraq was attempting to purchase uranium from Africa. The following day, CIA provided Cheney with a review of the Niger claims and told him clandestine services would seek additional information. This information—along with Terry's name—has already been made public in significant part.

Then, on June 9, 2003, apparently in response to Bush voicing concern about Joe Wilson's then-anonymous Niger allegations, OVP made multiple requests for information from CIA. Libby asked his briefer, Craig Schmall, for information ~~during the briefing~~. Schmall later gave Libby verbal assurances that there was no record that OVP knew of Wilson's report, then faxed over a bunch of information (including the earlier tasking). That same day, Hannah wrote a memo summarizing all the information from CIA. Some time in the next day, Cheney presented a story that, by that point, he should have known was inaccurate to John McLaughlin at CIA, along with some questions.

The VP apparently heard the below story and had questions on it. The DDCI needs a response before his noon meeting tomorrow (Wednesday [June 11]) with the VP, so if you could get back to me by 1000 or 1100 tomorrow, I'd appreciate it. Thanks a million.

Story: In February 2002, CIA received an initial report of a shipment of uranium from Niger to Chad [sic]. Former Ambassador to Cameroon [sic] Joe Wilson (an old friend of the Agency and former Charge d'Affaires in Baghdad) was supposedly sent by CIA to Niger to investigate the story. He did so, and he concluded that there was no truth to it. Wilson said that he was debriefed by a CIA case officer who flew in (to where is unclear) [redacted].

VP Questions: Is this story true? Do we have a chronological account of the above events? What is the nature of Wilson's relationship with CIA? What exactly did Wilson report to us? Was this in a reporting cable [redacted] (if it was, can somebody send me a copy of it? Will you also send me a copy of the intel? [redacted] Didn't the Brits come out with a similar report detailing a Niger-Iraq uranium connection? [redacted]

And, as noted above, Cheney also, apparently, spoke directly with Tenet.

Then, having received information from Schmall, McLaughlin, and probably Tenet, Libby called Robert Grenier while he was meeting with Cheney and Cathie Martin to ask the same questions.

Now, the reference in the DOJ filing may just relate to Cheney's February 2002 request. Or, it may relate to the relentless requests from OVP to CIA the week of June 9, 2003 which resulted in Cheney learning of Plame's identity and

passing it on to Libby. But in any case, much of this information—along with the names of the two CIA briefers involved—has already been made public.

DOJ, however, doesn't want Americans to see whether Cheney's version of all this matches that presented in detail at trial.

Description of a confidential conversation between the Vice President and the President. (Page 12, lines 9-11) [Also, FBI notes on "apparent communication between Vice President and President" on interview outline]

The "conversation between the Vice President and the President" could be one of several things; Fitzgerald did ask, for example, whether Libby's notation of Bush's concern about the Niger allegations on June 9, 2003 came through Cheney, and (as I'll show), Scottie McClellan believes Cheney spoke to Bush personally about exonerating Libby.

But the most likely conversation in question pertains to whether and how Bush authorized Cheney to insta-declassify a range of materials to rebut Joe Wilson. Of particular note, Libby described Cheney reassuring him that he had talked to Bush about insta-declassifying material that Libby subsequently leaked to Judy Miller and others.

Q. And do you know when the Vice President talked to the President to get the permission for you to discuss this with the press and in effect in your mind declassify the document?

A. No, sir.

Q. And were you present for that conversation?

A. No sir.

Q. What did the Vice President tell you about that conversation?

A. He told me he had talked to the

President and we should go ahead and, you know, talk to the press about the

Q. And do you know if the Vice President told the President what the legal issue was in terms of sharing (classified information?

A. I don't know what happened in that conversation. But the Vice President knew that we needed to have the President's authority to talk about the document, or that section of the [NIE].

[snip]

Q. And do you know if the Vice President and the President talked about it in person or by telephone?

A. I don't know.

This was a conversation which Fitzgerald asked Libby about numerous times, one which went directly to the issue of whether Cheney's orders to Libby to leak information were legal or not. So it is likely that Fitzgerald asked Cheney about this directly.

But DOJ doesn't want us to know whether or not the President of the United States authorized his Vice President to insta-declassify a bunch of information, up to and possibly including a CIA officer's identity, or whether the Fourth Branch just made that decision on his own.

Names of non-governmental third-parties and details of their extraneous interactions with the Vice President. (Page 14, lines 25-28, 29, 33-34, 36)

While we can't be sure, it is likely Fitzgerald asked Cheney about his direct contacts with journalists, particularly Andrea Mitchell, with whom Cheney dined (at a dinner honoring Mitchell's husband, Alan Greenspan, and President Ford) just before Mitchell called Joe Wilson and told him the White House had told her "the story" was Wilson's wife. Cheney may have

also had contacts with other journalists that—so long as he maintained that Plame and Wilson didn't come up—might be described as "extraneous interactions" with Cheney.

Vice President's recollection of the substance of his discussions with the National Security Advisor while she was on a trip to Africa. (Page 15, lines 17-21); Vice President's description of government deliberations, including discussions between the Vice President and the Deputy National Security Advisor, in preparation of a statement by the Director of CIA regarding the accuracy of a statement in the President's 2003 State of the Union Address. (Page 15 , line 28 – page 16, line 2; page 16, lines 14-18, 25-33)

There are various reports of how, when Wilson's op-ed came out, there was a squabble between NSC and CIA over who would take responsibility for the 16 words in the State of the Union. At first (according to reports), Condi accepted she would have to share responsibility for the 16 words with the CIA. But some time along the way, Condi changed her mind and publicly blamed Tenet for it all. After which, in a public statement, Tenet took some responsibility while at the same time making it clear that CIA was not entirely to blame.

We know a substantial amount of the negotiations that went into this. Both Libby (in his grand jury testimony) and Cathie Martin (in her trial testimony) described the process. In addition, we've got two documents that describe Cheney's role directly.

Notably, Libby took notes during a July 10, 2003 meeting between himself, Cheney, and McLaughlin. Libby quotes Cheney as saying, "Anything less than full and complete disclosure is a serious mistake." Libby's notes include a "CP"—Libby's abbreviation for CounterProliferation and/or Colin Powell—written in the margin next to Hadley's statement, "Wilson is declassified." And he records Hadley passing along the news from Condi that she "spoke to [the President],

he's comfortable."

In addition, we have the draft of Tenet's statement received by the White House. In what appears to be Cheney's handwriting, the statement is marked "unsatisfactory."

In other words, it's clear that Cheney was pushing CIA for greater disclosure in these negotiations, that he was pissed at Tenet, and some of his precise statements have been revealed already.

What hasn't been revealed are details his conversation with Condi Rice. I suspect—though it's just a guess—that Cheney convinced Condi to back off any admission that NSC was to blame for the 16 words. Ultimately, we know that even with Condi blaming Tenet, Cheney was still unsatisfied.

But DOJ doesn't want to flesh out this picture.

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. (Page 23, lines 29-40)

As I explained the other day, the reference to "White House Communications Director" (that is, Dan Bartlett) and the reference to discussions of an "appropriate response to media inquiries about the source of the disclosure of Valerie Plame Wilson's identity as a CIA employee" make it clear that this discussion pertains to the meat-grinder note, and Cheney's intervention to make sure Scottie McClellan exonerated Libby in the same way he had exonerated Rove.

Libby described the events this way in his grand jury appearance.

Q. Did you seek the Vice President's help to make sure that Andy Card got the message that this is something you'd really like to have happen?

A. At some point I did.

Q. And what did you do?

A. Told him that I thought it was unfair that they had – Scott McClellan had said something about Karl Rove and not something about me since I didn't talk to Novak either. And – or I shouldn't say either. Since I was not, I was not the source of the leak to Novak, and told him that I, I thought, you know, it should be fixed. What I can't remember whether I had this conversation with him the first time I got rejected or the second time. I'm pretty sure I had that conversation with him at some point. You know, it could be that the second time they just did it without his, without his intervening, and the first time they didn't. I just – I don't t recall.

Q. Do you recall if the Vice president ever picked up the phone and called back to Card or McClellan and let them know that this was something he wanted to see happen?

A. I hope he did. I don't recall that I ever – and he may have told me that he had, I just don't recall whether it was the first time and we failed or the second time and we succeeded. I don't, I don't remember.

And David Addington described learning from Dan Bartlett that Cheney had made that call.

I had a conversation not too many days [after McClellan exonerated Libby] with Dan Bartlett, who was then the assistant to the President for communications. And by this point, something had been said—I frankly don't remember what—again, by the press office, and it included Mr. Libby this time. And I made the comment to Mr. Bartlett, you know, I

don't know why you are making these statements about, you know, this case—and I will explain why in a second. But his reaction was, "Well, your boss is the one that wanted us to do it." And then I shut up.

Finally, Scott McClellan describes his understanding of what happened in his book.

That Saturday, October 4, was a relaxed, casual morning for me as I lounged around my single-bedroom, downtown apartment reading the Washington Post and the New York Times.

[snip]

The call from Andy Card came around 8:30 A.M. "The president and vice president spoke this morning. They want you to give the press the same assurance for Scooter that you gave for Karl. (217)

In short, we have Cheney's talking points regarding this issue in his own handwriting, and multiple pieces of first-hand testimony describing how Cheney intervened to have Libby exonerated. There is, admittedly, some discrepancy over whether Cheney called Card, Bartlett, or Bush directly.

That's precisely the kind of discrepancy that Cheney's FBI interview might clarify. But DOJ claims that—even with all this public information about the incident—the information is still protected from FOIA.

Vice President's description of his role in resolving disputes about whether to declassify certain information. (Page 25, line 39 – page 26, line 1); Vice President's description of government deliberations involving senior officials regarding whether to declassify portions of the October 2002 National Intelligence Estimate. (Page 26, lines 8-10, 14-17, 24-26)

As I pointed out the other day, DOJ describes two discussions pertaining to declassification, though the first—about Cheney’s “role in resolving disputes about whether to declassify certain information”—shortly precedes the discussion about “deliberations involving senior officials regarding whether to declassify portions of the October 2002 National Intelligence Estimate.” Now this almost certainly relates to two things. First, to Libby’s claim that Cheney ordered him to leak the NIE to Judy Miller on July 8. Fitzgerald would have been probing when Cheney claimed the NIE had been declassified—and whether it was actually the NIE or other materials (such as the report from Wilson’s trip) and/or Plame’s identity itself.

By the time Fitzgerald did this interview on May 8, 2004, he knew several things that undercut Libby’s claim that the super special leak he made to Judy was the NIE. Fitz knew already that Scooter Libby discussed the NIE with David Sanger on July 2, with Cathie Martin present and taking notes. He knew Cheney had told Cathie Martin to leak the NIE more generally. And he knew that Cheney had had Paul Wolfowitz leak the NIE—and the January 24, 2003 excerpt of it—to the Wall Street Journal.

Q. Do you know if you spoke to the Wall Street Journal prior to July 18th about the NIE contents before the July 18th date came around and made the NIE publicly available?

A. I did not.

Q. Do you know who did?

A. Secretary Wolfowitz did.

(Fitz would later learn that Libby leaked the NIE to Woodward in June, but I don’t think he knew that yet.)

And, in addition to the January 24 document, Fitzgerald knew that there were discussions

about leaking the report from Wilson's trip (material from which ended up in Novak's column). Cheney even made a reference to "Tenet, Wilson, and memo" on the meat-grinder note.

Q. Now, continue on the document, and I'll just finish off the shortest piece. There's handwriting on the left that says, appears to say, "Tenet, Wilson and memo, I, above the three hole punch.

A. Yes, sir.

Q. And do you know whose handwriting that is?

A. Looks like the Vice President's.

So by the time Fitz conducted this interview, he knew Libby's claim that the special leak to Judy was the NIE was problematic, since OVP was leaking the NIE left and right by then and since there was a lot more OVP was leaking.

Then there was the other problem. Libby claims Bush insta-declassified the NIE to leak to Judy (and only Judy), but he admitted that in the repeated discussions of declassifying the NIE during and after leak week, neither Libby nor Cheney ever told others they had already insta-declassified it.

Q. And going up to July 18th, is it fair to say that there were a number of different conversations within the administration about declassifying the NIE?

A. Yes sir.

Q. And during those conversations did you ever tell any of the other people that in fact the President had already declassified the NIE in your mind?

A. No, sir.

Q. And in your presence did the Vice President ever tell these other people that you understood that the NIE had

already been declassified?

A. No, sir.

Q. And as far as you know, was the CIA or Director Tenet ever notified that the NIE had been declassified in your mind as of July 8th with regard to those portions concerning uranium?

A. No, sir.

Q. And were there conversations in which Mr. Hadley discussed declassification of the NIE?

A. Yes, sir.

Q. Were there conversations where Dr. Rice discussed declassification of the NIE?

A. Yes, sir.

Q. Were there conversations in which Andrew Card, the Chief of Staff, discussed declassification of the NIE?

A. Yes, sir.

Q. And during all those conversations it remained unknown to them that in fact you understood that the NIE had already been declassified?

A. By the President. Yes, sir.

Q. And is it fair to say that on July 10th the Vice President, according to your notes, indicated that he would recommend to the President declassification of the relevant parts of the NIE?

A. My recollection is that's what he was telling Steve Hadley should pass on to Director Tenet, that they wanted to get those portions declassified and then they were declassified.

Q. And so in your mind, the Vice President was telling Steve Hadley to

tell George Tenet that we, the Office of Vice President, would recommend declassification even though at the time, according to your account, both he and you knew that the NIE had already been declassified?

A. Yes, sir.

Q. And is it fair to say that in the following conversations during that week there are a number of conversations where people discussed declassification where you and the Vice President knew that in your mind the President had already authorized you to discuss this with the press? Correct?

A. Yes, sir.

Q. Was that unusual for you to have the National Security Advisor, Director of Central Intelligence and the White House Chief of Staff, among others, in the dark as to something that you had done regarding declassification?

Fitz is obviously incredulous about this story. It undercuts Libby's entire story about having been ordered by Cheney to leak the NIE to Judy Miller. Given that this exchange occurred just 45 days before the Cheney interview, it's highly likely that the questions Fitz asked Cheney about "deliberations" on whether to declassify the NIE probes this bogus story further.

Both aspects of this story—whether the Vice President believed he had the authority to unilaterally and secretly declassify things, and whether it was the NIE or something else he had ordered Libby to leak to Miller—go to the heart of how our government abuses rules on classification and declassification. It's a story that we, as citizens, need to be able to take on directly.

But DOJ says we can't get Cheney's own version

of these two incredible stories.

Update: In his GJ appearance, Libby said he probably didn't ask Schmall for info at the briefing, suggesting it was later.