

CHENEY'S LAWYER ALREADY LEAKED THE CONTENT OF CHENEY'S "PRIVILEGED" INTERVIEW

You know how Obama's DOJ claims that we can't see Cheney's interview with Patrick Fitzgerald because it's privileged? Well, Dick Cheney's own lawyer already leaked the so-called privileged content three years ago.

It appears that Dick Cheney's lawyer, Terry O'Donnell, attended the interview. When Ted Wells asked David Addington at the Libby trial when he realized he was going to be a witness in the case, Addington explained that he was not permitted to attend Cheney's interview, but Cheney's lawyer was.

The point at which I knew I was likely to be a witness in the case was when the government went to interview the Vice President and indicated they would prefer I didn't come and that only his private attorney come.

I'm interested in that because we know that Terry O'Donnell spread a cover story on the NIE leak—precisely the content DOJ now claims is privileged—to Michael Isikoff.

One of the details that most surprised me in Scott McClellan's account of the CIA Leak investigation and aftermath was his description of the White House response to the confirmation—on April 5, 2006—that Libby had testified he had leaked the NIE with the authorization of the President.

Now the fact that he himself had authorized the selective leaking

of national security information to reporters made him look hypocritical.

[snip]

In time, we would learn that the president's penchant for compartmentalization had played an important role in the declassification story. The only person the president had shared the declassification with personally was Vice President Cheney. Two days after the Fitzgerald disclosure, **Cheney's lawyer told reporters that the president had "declassified the information and authorized and directed the vice president to get it out" but "didn't get into how it would be done."** Then the vice president had directed his top aide, Scooter Libby, to supply the information anonymously to reporters. [my emphasis]

[snip]

But it all made sense when someone pointed me to the one piece of journalism he could find repeating that citation—would you believe it, a Michael Isikoff piece?

A lawyer familiar with the investigation, who asked not to be identified because of the sensitivity of the matter, told NEWSWEEK that the **"president declassified the information and authorized and directed the vice president to get it out."** But Bush **"didn't get into how it would be done."** He was not involved in selecting Scooter

Libby or Judy Miller." **Bush made the decision to put out the NIE material in late June**, when the press was beginning to raise questions about the WMD but before Wilson published his op-ed piece. [my emphasis]

I double checked with McClellan to make sure that's the public statement he meant, and he said,

Dan Bartlett volunteered to me that the vice president's lawyer was telling at least some reporters anonymously what I reference on page 295, which is specifically referring to the Newsweek article ...

In other words, yes, Cheney's lawyer was the one spreading that story to—of all people—Michael Isikoff.

So O'Donnell attended Cheney's interview, and when Cheney's role in the leak began to blow up, O'Donnell told Isikoff a story that distracted from the implications of Cheney's role and reinforced the cover story.

Now, I'm skeptical that O'Donnell told a completely truthful story to Isikoff. There are reasons to doubt both O'Donnell's claims about the date of the purported declassification and that Bush was not involved in selecting Libby to leak this. That's the luxury of being an anonymous source for O'Donnell—Fitzgerald had no easy way of calling Isikoff's anonymous source on any inaccuracies. But O'Donnell may well have been repeating lies Cheney told to Fitzgerald—we won't know whether he accurately represented what Cheney said until we see Cheney's interview materials.

In any case, it appears that O'Donnell spread this story after witnessing Cheney's responses

to questions from Fitzgerald about the NIE story. So presumably, the general story is what Cheney told Fitzgerald.

There are two or three references in Cheney's interview to this issue.

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]

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)

And according to Cheney's own lawyer, who witnessed the interview, here's how Cheney answered those questions.

... the "president declassified the information and authorized and directed the vice president to get it out." But Bush "didn't get into how it would be done. He was not involved in selecting Scooter Libby or Judy Miller." Bush made the decision to put out the NIE material in late June,

Obama's DOJ wants to claim this conversation is covered by executive privilege. But we know that Cheney's own lawyer has already spread the contents of that conversation.