

# PAT FITZGERALD CHOSE NOT TO CONSULT WITH MARGOLIS ON ROVE INDICTMENT

I recognize that at some point I'm going to have to read Karl Rove's book propaganda. But until I find it lying around somewhere for almost-free right next to at least a six-pack of equally almost-free beer, I'm going to let Main Justice read it so I don't have to. They've got a fairly detailed post of Rove's spin on his interactions with Fitz—one of the most interesting tidbits of which (given recent events) is that Rove's lawyer Robert Luskin tried to get Fitz to allow David Margolis to review his decision to indict Rove, but he chose not to do that.

After the October [2005] grand jury testimony, Fitzgerald called Rove's lawyer, Robert Luskin, and said they were leaning towards an indictment, Rove wrote. Luskin arranged to fly to Chicago to talk with Fitzgerald about the case and urged the prosecutor to consult with others in the Justice Department. In particular, Luskin recommended Fitzgerald talk to David Margolis, the DOJ's highest-ranking career official and a 45-year veteran of the department. Fitzgerald eventually decided against contacting Margolis, Rove wrote, but agreed to bring in two other lawyers in the Chicago U.S. attorney's office who had previously been uninvolved with the case to re-examine his thinking.

In an epic five-hour meeting, Luskin and Fitzgerald hashed out the various aspects of the case against the White House adviser. At the meeting, Fitzgerald said he was bothered by Rove's non-recollection of the conversation with Cooper. If Rove did

not remember the conversation with Cooper, Fitzgerald asked, why did he ask his aides in January 2004 to go through his phone records and notes to find any evidence of contact with Cooper? Luskin had the surprising answer, Rove wrote. The lawyer had learned from a friend who worked at Time that Cooper told colleagues he had spoken with Rove about Plame.

The tidbit is interesting not just because Fitz chose not to let DOJ's fixer decide whether or not Karl would get indicted, but also for what that suggests about how much oversight Margolis had over Fitz's decisions more generally. And remember, Margolis would have just barely taken over from Comey (who left DOJ in August 2005) as Fitz's direct supervisor on this case in fall 2005.

Oh—and as I said probably 4 years ago—it was a journalist who helped Rove avoid any consequences for his role in leaking Plame's identity.

Go figure.