

RPTS KESTERSON

DCMN NORMAN

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

UNOFFICIAL TRANSCRIPT

CONTINUED INTERVIEW OF: KARL C. ROVE

Thursday, July 30, 2009

Washington, D.C.

The interview in the above matter was held at 2138 Conference Room, Rayburn House Office Building, commencing at 9:05 a.m.

Appearances:

For COMMITTEE ON THE JUDICIARY:

ADAM B. SCHIFF, MAJORITY MEMBER

J. RANDY FORBES, MINORITY MEMBER

ELLIOT MINCBERG, MAJORITY CHIEF COUNSEL - INVESTIGATIONS AND
OVERSIGHT

ERIC TAMARKIN, MAJORITY COUNSEL

SAM BRODERICK-SOKOL, MAJORITY OVERSIGHT COUNSEL

PHIL TAHTAKRAN, LEGISLATIVE DIRECTOR FOR CONGRESSMAN SCHIFF

DANIEL M. FLORES, CHIEF MINORITY COUNSEL

RICHARD ALAN HERTLING, REPUBLICAN DEPUTY CHIEF OF STAFF/POLICY
DIRECTOR

CRYSTAL ROBERTS JEZIERSKI, REPUBLICAN CHIEF OVERSIGHT COUNSEL

ZACHARY N. SOMERS, MINORITY COUNSEL

WILL HUPMAN, LEGISLATIVE ASSISTANT FOR CONGRESSMAN FORBES

For MR. ROVE:

ROBERT D. LUSKIN, ESQ.

KATIE BIBER, ESQ.

Patton Boggs LLP

Attorneys at Law
2550 M Street, NW
Washington, D.C. 20037-1350

For FORMER PRESIDENT GEORGE W. BUSH IN HIS OFFICIAL CAPACITY:

EMMET T. FLOOD, ESQ.
Attorney at Law
Williams & Connolly LLP
725 Twelfth Street, NW
Washington, D.C. 20005

For WHITE HOUSE COUNSEL'S OFFICE:

CHRIS WEIDEMAN, WHITE HOUSE COUNSEL

For JUSTICE DEPARTMENT:

KAREN DUNN

Mr. Luskin. Robert Luskin, attorney for Mr. Rove.

Ms. Biber. Katie Biber, here with Mr. Luskin.

Mr. Flood. Emmet Flood for former President Bush in his official capacity.

Mr. Forbes. Randy Forbes, the Minority.

Mr. Flores. I am Daniel Flores for the Minority.

Mr. Hupman. Will Hupman with Mr. Forbes.

Mr. Weidman. Chris Weidman, White House counsel.

Mr. Mincberg. Elliot Mincberg, Committee Majority.

Mr. Schiff. Adam Schiff.

Mr. Tamarkin. Eric Tamarkin, House Judiciary Committee.

Mr. Sokol. Sam Sokol.

Mr. Somers. Zach Somers, Committee Minority staff.

Ms. Dunn. Karen Dunn.

Mr. Hertling. Richard Hertling from the Judiciary Committee, Minority staff.

Ms. Jeziarski. Crystal Jeziarski, Judiciary Minority staff.

Mr. Tamarkin. Phil Tahtakran, Congressman Schiff.

EXAMINATION

BY MR. SCHIFF:

Q I would like to turn now in more detail to what happened after the December 2006 U.S. Attorney firings, other than the Cummins-Griffin situation. Mr. Rove, you and OPA were involved in contacting Senators and doing other work in connection with

possible successors to Mr. Iglesias and other fired U.S. Attorneys; is that correct?

A Yes.

Q Do you recall that with respect to Mr. Iglesias' slot in New Mexico, a disagreement developed with the White House political team in favor of one possible nominee, while Senator Domenici preferred someone else?

A I think it was broader than just the White House political shop. I believe that Senator Domenici was recommending someone. He gave us a list of names for a preference of one, and there was a general consensus, I believe, by the Judicial Selection Committee and Justice and White House counsel that there might be better candidates than that person.

Q And who were the different candidates?

A I can't remember. Ellington, Bowles, Bibb. I believe there were several others.

Q Let's turn to Document 58, if you would. Looking at the e-mail from Scott Jennings to you dated Saturday January 6, 2007, Mr. Jennings explains that Senator Domenici wants Peifer as U.S. Attorney, while our political team wants Bibb.

What do you understand Mr. Jennings to mean by "our political team"?

A I would suspect it would be the people in New Mexico, the Bush and Republican leaders in New Mexico.

Q That wasn't referring to the White House or OPA?

A No. I wouldn't take it as such.

Q Were you aware at that time that Mr. Bibb was described as having the edge as to, quote, who could be a bigger thorn in the side of the State Ds, unquote, and Governor Richardson?

A I don't believe I did.

Q If you could take a look at Document 59, which is an e-mail chain ending with a January 11, 2007 e-mail from Allen Weh to Mr. Jennings. I think we talked about Mr. Weh a couple of weeks ago. He was one of the same Republican officials who communicated with you and OPA with trying to remove Mr. Iglesias, correct?

A Correct.

Q This is two e-mails, one from Mr. Weh to Mr. Bell on Domenici's staff, and one from Mr. Bell to Allen Weh and Scott Jennings. In the e-mail from Mr. Bell to Allen Weh -- I'm sorry. There is a third e-mail on the bottom from Allen Weh to Scott Jennings and Steve Bell regarding Monahan's blog. Do you know who Mr. Monahan is?

A May I have a moment to read this in its entirety? And I assume I should go from -- the earliest is the last and the most -- it goes from the earliest to the latest from the bottom up?

Q Yes. Exactly.

A I have read it.

Q Have you ever seen any of these e-mails before?

A I don't believe I have.

Q I don't know if you had a chance to answer the question I had asked earlier. Was Mr. Weh one of the same Republican officials that had contacted you about Mr. Iglesias?

A I did answer that question before, and I said yes. I did not answer your question did I know who Monahan was. And the answer to that is I do not know who Monahan is, the blogger mentioned in the earliest e-mail.

Q Did you ever discuss with Mr. Weh his interest in Mr. Bibb?

A I don't remember a specific conversation, but I was aware of his support. So I suspect at some time he did tell me that he supported Bibb.

Q Did Mr. Weh ever share with you the view that Mr. Bibb would be a bigger thorn in the side of the State Democrats or Governor Richardson?

A I don't remember him saying anything like that, no.

Q Did he ever express to you that he thought Mr. Bibb would be the most partisan of the candidates for the U.S. Attorney?

A I don't remember him saying those words, no.

Q Do you remember any words to that effect?

A No, I don't.

Q Do you remember him expressing a preference for any of the potential candidates for U.S. Attorney?

A I believe he did and it may have been Bibb, but I don't recall what -- but I don't remember him phrasing whoever his support was for in terms of the partisan terms you talked about. My general recollection is everybody was talking about who would be the best, toughest, most effective U.S. Attorney who had the legal qualifications and the right temperament.

Q Well, this information being sent to Scott Jennings from Mr. Weh from the Monahan blog doesn't really talk about who would be the best, but rather who would be the most partisan, doesn't it?

A Yes. But as I say, this is the first I have ever seen this. I have no idea who Mr. Monahan is.

Q If I could direct your attention back to document 58. We discussed the top e-mail from Mr. Jennings to you about our political team wants Bibb, but Domenici doesn't like him for some reason. The e-mail that precedes that on the same page, you ask Mr. Jennings what is the situation here; and the e-mail preceding that is from Rod Adair to you. And who is Rod Adair?

A State representative that represents Roswell, New Mexico.

Q Have you had a chance to look at this?

A I'm familiar with this one, yes.

Q He makes the case to you that Chuck Peifer would be the wrong pick in this e-mail?

A Yes.

Q He is, in shorthand, a wuss, Mr. Adair says. What do you think he meant by that?

A I believe he says a cowardly wuss, to be appropriate. I think he thinks he would not be a strong U.S. Attorney.

Q He states in the e-mail: "If you're looking for someone who will follow the law scrupulously, be fair, be honest and be of service to the Nation, all four, even Peifer, would be qualified; none more than Rogers, who better not get it. But if you're looking for someone who will do all of above and withstand any criticism, stand up to the Ward Churchill, Michael Moore bullies of the world and not worry about criticism for doing his job -- I assume this is supposed to be then -- Peifer is definitely not the choice." What did you understand that to mean?

A I understood it to be the expression of a guy who has very strongly held opinions. You may remember what I do with this is, I tell Mr. Adair he ought to make his preferences known to Senator Domenici and the congressional delegation. He has a habit of making an end run around the people involved in the process, and I pointed him back to the people he ought to make his opinions known to.

Q So did you have a conversation with him after getting this e-mail?

A I can't remember whether I -- I think I'd do it through an e-mail, because I think I'm trying to avoid being drawn into a phone conversation with -- my recollection is that there is an

e-mail, I suspect we can find it for you -- in which I say basically, You need to go talk to your Senator and your congressional delegation.

Q Who is Ward Churchill?

A Ward Churchill is a professor at the University of Colorado who was involved in a controversy involving 9/11 where he suggested that the victims of 9/11 got what they deserved. Michael Moore is a well-known documentary maker.

Q And so was he expressing the view to you here that Mr. Peifer would be -- would follow the law scrupulously, be fair, be honest, be of service to the Nation but wouldn't be willing to take on basically the Michael Moores and the Ward Churchills of the world?

A I think he would say withstand any criticism and stand up to the bullies of the world. So I think he is implying here that he would be a strong individual who would not wither in the face of left-wing criticism. I know you're attaching great attention to this. I again repeat, I sent him to Senator Domenici and the Congressman, because while he is a State senator and I have known him for a number of years, he is a man with strong opinions, strongly expressed, and this was an end run, and I wanted him to go back in the process. I didn't need a state Senator from Roswell, New Mexico opining about who the U.S. Attorney ought to be when this is going to be largely the province of the United States Senator who is going to give us a list of

recommendations.

Q He goes on to explain to you about the campaigns he has run for the GOP in the same e-mail, right?

A Yes.

Q And this is a way of demonstrating his bona fides about knowing what is good for the Republican Party?

A No. I think it is just bragging on his recent election success. I have known him a number of years. I don't think he needs to establish his bona fides with me. This is just passing on the success of the most recently -- in the election that ended 2 months before.

Q Was this lobbying by Mr. Adair and Mr. Weh in part the result of their feeling that Mr. Iglesias was not sufficiently partisan?

A You would have to ask them what their motivations were. I doubt it, but you would have to ask them.

Q Did Mr. Weh and Mr. Adair ever express to you that they wanted someone who would be more partisan in contrast to Mr. Iglesias?

A Not that I recall. This is the not the only contact I had, I believe, with Mr. Adair and I do not recall any such implication in Mr. Weh's conversation.

Q In Mr. Weh's e-mail to -- this is, again, part of Exhibit 59 -- he writes, Monahan has to be talking to some of our GOP lawyers to arrive at this.

Do you know who he is referring to there?

A First, Mr. Schiff, may I correct one thing? This is an e-mail, I believe, to Scott Jennings, not to me.

Q Correct. Did I say to you?

A Yes.

Q You're absolutely right. In the e-mail from Mr. Weh to Scott Jennings and to Steve Bell, Mr. Weh writes that Monahan, the blogger, has to be talking to some of our GOP lawyers to arrive at this.

Do you know who he is referring to there?

A I have no idea.

Q Would these have been some of the same GOP lawyers who made complaints about Iglesias?

A I have no idea. You'd have to ask Mr. Weh.

Q Did Mr. Jennings or anyone else communicate to you any other reason as to why Mr. Bibb was preferred?

A I'm sorry. Did Mr. Jennings or anyone else?

Q Yes. Communicate to you any other reason why Mr. Bibb was preferred by the political team?

A You know, there were a number of people that opined he was a good lawyer. I couldn't tell you exactly who. Look, again, let's step back for just a second. It is -- I'm waiting for Senator Domenici to give a list of names over to the White House who can then be interviewed by a team at Justice, and then that interview reviewed by the Judicial Selection Committee, and then a

recommendation to be framed.

It is not really for the political shop at this point, or for me, to be getting settled on who the nominees are. We have to get a list from Domenici. That list involves consultation between Domenici and the other Senator from the State of New Mexico, Senator Bingaman. And we are well before the point at which people need to be thinking about who should on this list, partial at this point, partial list, should it be. And so I'm not spending a lot of time trying to compare the vitae or the backgrounds or the temperament of these individuals, because Senator Domenici is going to give us a list.

Unlike many Senators or some Senators, he is going to give us a variety of names to pick from. Those people are then going to be interviewed by a team from Justice consisting of career and noncareer people, and they are going to then opine about the relative strengths and weaknesses of those individuals.

I'm waiting for that moment. So I'm not spending a lot of time trying to figure out who these names that are being circulated around should we be settling on, or focused in on, or who ranking them compared to each other. We are early in the process and there are, as you can see through this trail of e-mails, a lot of twists and turns because, again, this is going to be something, and it is going to have to be discussed between Senator Bingaman and Senator Domenici. And Senator Domenici is going to have to frame a recommendation of names, not a name, but

several names to the White House.

Q Mr. Rove, the documents we've just gone over show a very partisan preference for Mr. Bibb based on who is a bigger thorn, potentially, in the side of the State Ds; who is not a wuss politically.

Mr. Luskin. I am going to object to that. The documents speak for themselves. That is really a bizarre characterization of --

Mr. Rove. I didn't see that phrase in the two documents, 58 and 359. Could you show me where it says a thorn in the side of the Democrats in 58 or 59?

BY MR. SCHIFF:

Q Yes. If you look at Document 59, you look at the second page, the end of Mr. Weh's e-mail reads, "If it comes down to who can be a bigger thorn in the side of the State Ds and Big Bill" -- presumably Governor Bill Richardson -- "it would seem Bibb would have he edge." I assume that means would have the edge.

If it comes to getting the most qualified experience candidate, it appears Peifer has the inside track. Is that an accurate reading of the blog that Mr. Weh sent to Scott Jennings and Steve Bell?

A You just a moment ago attributed those opinions to Allen Weh. He is quoting from a blogger. You're attributing the blogger's views to Mr. Weh. I'm not willing to make that leap of faith.

Q Do you have any reason to believe that Mr. Weh disagreed with the opinions he was sending?

A He never -- first of all, again, Mr. Schiff, he did not send them to me. This is the second time you have characterized this exchange as going to me.

Q Do you have any reason to believe that Mr. Weh disagreed with the opinions he was sending to your office of OPA?

A I have no idea -- I have no idea what Mr. Weh -- whether Mr. Weh agreed with that or not. In fact as I read this, Monahan has to be talking to some of our GOP lawyers on this, but whoever thinks that they -- which is us -- would have been moved to Albuquerque to run for DA has a great imagination.

I don't see him saying whether he agrees or disagrees with that. If I pass along an editorial from The New York Times, it doesn't necessarily mean that I agree with the editorial from The New York Times. I have no idea whether Mr. Weh agrees with this or not.

Q Would you agree that Mr. Adair's e-mail makes it plain that he thinks that Peifer would be the wrong choice, even though he would follow the law scrupulously, be fair, be honest and be of service to the Nation, because he would not be willing to stand up to Michael Moore, among others?

A I read it a slightly different way. If you're asking me to understand Mr. Adair's mind, he was saying that Peifer would not withstand criticism.

Q From the Michael Moores and the Ward Churchills?

A From left wingers, yes.

Q So let me go back to my original question, then. Mr. Weh passes on to your office of OPA a blog that says that Bibb would be a bigger thorn in the State (sic) of the side Ds. Mr. Adair passes on to you his feedback that Mr. Peifer would follow the law, be fair, be honest and be of service, but would be unwilling to stand up to the lefties.

Was there any other information that you received that you recommended be passed on to people who would be in a position to influence the selection of U.S. Attorney with any other kind of criteria?

Mr. Luskin. I'm going to stop for a moment. He didn't receive the first e-mail, Exhibit 59. He has testified it was sent to Mr. Jennings, not to him.

BY MR. SCHIFF:

Q Other than the feedback you received from Mr. Weh -- and I think you did testify that you received feedback from Mr. Weh -- and the feedback you got from Mr. Adair, was there any other information that you recommended be passed on concerning who should replace Mr. Iglesias?

A Mr. Schiff, yes. I recommended that we pass on all of the recommendations and information that we received about them from Senator Domenici. I recommended that we pass on all of the names and information that we received from Congressman Pierce and

Congressman Wilson -- Congresswoman Wilson.

If the implication of your question is did I pass on information that was received about these individuals, yes. And it is in the record. Did I receive this e-mail, or was I aware it of? As I said earlier three times, I was not aware of this. This, twice I said, did not arrive in my hands. I have not seen Exhibit 59 until today.

Q I think you said you weren't aware of what exactly -- or you didn't recall what Mr. Weh told you about Mr. Bibb. So this document that went to OPA is the only information we have at the table today. Is there any further light you can shed on Mr. Weh's feedback?

A No. I have given you all I can give you.

Q Do you remember any of the other feedback that you got on Mr. Bibb?

A I don't. Look, again, I repeat. At this point I'm not spending a lot of time trying to compare the relative strengths and weaknesses of the candidates. I'm waiting for Senator Domenici to provide a list which will then be reviewed by the process. It is at the end of the process when we have vitae on these individual, the results of the interview of Justice, the deliberative effort of the counsel and the Justice Department people to recommend him. At that point I'm going to pay attention to it. I'm not going to pay attention to trying to rank the individual merits of these people at this point.

Q Would you consider it appropriate to take into account who has the edge on who could be a bigger thorn in the State (sic) of the side of the State and Governor Richardson in deciding who should be nominated as U.S. Attorney in New Mexico?

Mr. Luskin. Asked and answered, Mr. Schiff.

Mr. Schiff. I have not asked that question.

Mr. Rove. Would you repeat the question again, Mr. Schiff?

BY MR. SCHIFF:

Q The question is: Would you consider it appropriate to take into account who has the edge on who can be a bigger thorn in the side of the State and Governor Richardson in deciding who should be nominated as U.S. Attorney? Would that be an appropriate consideration?

A No.

Q Did you have any other role in providing input into who ought to replace Mr. Iglesias?

A Yes.

Q And what was that?

A As I recall, there was a discussion about the play between Domenici and Bingaman and whether the issue should be forced. And I said -- my advice was let Senator Domenici work this out with Bingaman. And then there were further discussions about Bingaman -- excuse me -- about Domenici having a preference for somebody whom I think -- and this is a vague recollection, I could be inaccurate on this. Senator Domenici had a preference

for, on the list of names he sent us, someone who after the interview process was not considered to be as capable, able, and ready for the job as someone else. And my recollection is that I said we did need to push back on the Senator. If that was -- the interview process had led to a belief that one candidate was stronger than another, then we -- if they were on the list that he provided us, we needed to go for the name that was thought to be better.

Q And what was the disagreement between Senator Domenici and Senator Bingaman?

A My recollection is that Senator Domenici wanted -- excuse me -- Senator Bingaman objected to the name that Domenici gave him and wanted -- before a final decision to be made -- for another candidate to be interviewed, Mr. Bowles, I believe, who had been the attorney for the convicted State treasurer in the pay-for-play scandal.

Q And who was Senator Domenici advancing at that time?

A I can't remember whether it is Bibb or Ellington. It may have been both. It may have been that Bibb was the preferred choice by the -- after the interview process, but that Domenici was still for Ellington. I can't recall, though, precisely. I may be entirely wrong.

Q And do you recall who the candidate was that the interview process functionally weeded out?

A I don't.

Q Did you become aware that after the controversy arose about the phone calls to Mr. Iglesias by Senator Domenici and Representative Wilson, prior to the 2006 election, a decision was made by DOJ not to nominate an outside candidate for U.S. Attorney, but to stay with the first assistant U.S. Attorney taking over on an acting basis?

A I believe I became aware of that at some point, yes.

Q How did you become aware of that?

A Either at the senior staff meeting or at a Judicial Selection Committee meeting or by reading it at some point.

Q Do you recall why that decision was made?

A I don't.

Q Can you take a look at document 60? If you want to take a moment to read that e-mail chain. In the bottom e-mail, which is from Jeffery Jennings to you, Fred Fielding and others, the subject matter is "New Mexico U.S. Attorney, Urgent Issue." It is dated February 28, 2007. "Important -- I just received a telephone call from Steve Bell, Senator Domenici's chief of staff, who urgently reported the following: One, outgoing U.S. Attorney David Iglesias is holding a press conference at 11:30 eastern this morning. Two, he is allegedly going to say that he was contacted by two Members of Congress last fall regarding the investigation into the courthouse construction corruption issues." It then goes on with other allegations he is going to make during the press conference.

At the end of that e-mail, it says: "Bell said Domenici's idea is not to respond and hopefully make this a 1-day story. They've already been contacted by McClatchey. Unfortunately, I do not think they can make an allegation such as this go away so easily. They have not confirmed to a reporter that they were one of the Members."

When had you learned that Senator Domenici was one of the Members who had contacted Mr. Iglesias?

A I think it is sometime after the December 19th article that is referenced here, sometime after that and before this. It may have been that I learned specifically or was confirmed to me after February 28th, but I have a vague recollection that sometime between the December articles and here that I do here.

Q And do you recall how you found out about it?

A No.

Q Did you participate in any discussions about how that issue should be handled, Senator Domenici's contacting Mr. Iglesias?

A I don't recall.

Q How and when did you learn that Representative Wilson made the other call to Mr. Iglesias?

A I don't recall. I don't know. Again, you have a copy of the December 19th article. My recollection is that at least one of the two of them is mentioned in an article.

Q Although in the e-mail to Mr. Jennings --

A Pardon me. There is an e-mail from Sara Taylor to me, saying Heather Wilson is the other one. And that is the same day, the 28th.

BY MR. SCHIFF:

Q Was that the first that you had heard of that?

A Yes, I believe so.

Q And did you reply to her e-mail or did you have a discussion with her about Heather Wilson contacting Mr. Iglesias?

A I don't recall. I'm sure at some point I discussed with her. Whether I did so on the 28th of February, I have no idea.

Q Did you make any suggestion in response to this e-mail about how either Senator Domenici, Heather Wilson or the White House ought to handle the issue?

A I don't recall. I only received the first one. I'm not on the subsequent Kevin Sullivan e-mail saying "see this," nor am I on the Bill Kelley e-mail at the top of this, saying, "Fred and I have just talked to the DAG about this."

I get the first one saying this is going to happen. I'm not on the subsequent chain of conversations about here is what we are going to do.

Q In the top e-mail from Mr. Kelley to Mr. Sullivan and others that you're not copied on, the last sentence says, "In light of these developments, DOJ has decided to abandon their plan to import an outsider as acting U.S. Attorney; instead, just to live with the first assistant taking over as acting."

Do you recall someone communicating to you that, in light of what Mr. Iglesias was going to say, a decision had been made not to bring in an outsider as U.S. Attorney?

A This is the first I have been aware that there was a discussion about importing an outsider. I don't recall that. That may have been -- I may have known that at the time, but I don't recall that. But as I said earlier, at some point I'm told, either in a senior staff meeting or in a Judicial Selection Committee meeting or in a conversation with counsel's office, that they are going to live with the first assistant taking over as the acting.

Q I'm sorry. Say that again. This is the first time that you --

A I was not aware of -- I may have known at the time, but I don't recall knowing that DOJ had a plan to import an outsider as an acting U.S. Attorney. The first phrase in that last sentence of the top e-mail. As I said earlier about 5 minutes ago, I do remember being told at some point, either in a senior staff meeting or in a joint Judicial Selection Committee meeting or by somebody in the counsel's office, that they were going to not nominate someone, but allow -- rely on the first assistant taking over as the acting U.S. Attorney.

Q Are you saying that you became aware of that?

A Yes. I said earlier a few moments ago, when you asked the question earlier, that I became aware of this at either a

senior staff meeting, a Judicial Selection Committee meeting or in a conversation with counsel.

Q And what was your reaction?

A Fine.

Q Did this end the -- any discussions you were party to about whether Mr. Bibb or Mr. Peifer or someone else should take over as U.S. Attorney?

A If the decision by Justice is to forego nominating someone and go with the acting U.S. Attorney, yes, I believe it probably did. I'm not -- I can't tell you definitively there were no further conversations about it. But if Justice had made that determination, then that was the determination. Everything else could be conversation, but not to any effect.

Q Other than what you have described, were there any other communications involving you and Senator Domenici or his office in the aftermath of the firings?

A Over any issue? Or with regard to this?

Q With regard to the Senator's call to Mr. Iglesias or his -- Mr. Iglesias' placement on the removal list or how to handle the controversy?

A I have no specific recollection of other conversations about this, but I did continue to have conversations with Senator Domenici on a wide variety of issues.

Q And do you recall in particular any conversations you had about the replacement for Mr. Iglesias with Senator Domenici?

A No, I don't recall any such conversation.

Q Are you aware of any communications involving OPA that did involve you directly with Senator Domenici over how to handle the controversy of Mr. Iglesias' removal and his call to Mr. Iglesias?

A Yes, there are -- there are conversations on the 6th of March, e-mail on the 6th of March, an e-mail on the 8th of March.

Q And which e-mails are you referring to? From whom to whom?

A An e-mail from Scott Jennings to me on the 6th of March stating that the JSC members had appearance concerns about nominating a lawyer for Robert Bowles. There continued to be some discussion for the next week or two regarding the recommendation by Senator Bingaman that Mr. Bowles be interviewed and be appointed.

And then on the 8th there is an e-mail from Jennings -- from me to Jennings, asking him to call me after 10 o'clock or after 9:00 in the a.m. to discuss the Northern District of New York vacancy, and he replies that he is on the phone with Senator Domenici at that point and the news is not going over well -- whatever that news is -- and will wrap up and fill me in.

Q Let me ask you about that in just 1 minute. And that may be document 61. The conversation that Mr. Jennings referred to that you just described in the March 8th e-mail, what news was not going over well with Senator Domenici?

A I don't recall what it was. It could have been either that there was not going to be an appointment or that Bowles was going to be interviewed.

Q In the February 28th e-mail that we were just discussing from Mr. Kelley to Mr. Sullivan and others, where he says that the DOJ has decided to abandoned the plan to import an outsider as acting U.S. Attorney, instead just live with the first assistant taking over as acting, was that the information that was being communicated to Senator Domenici on March 8th?

A As I just said, I don't know whether it was that or whether it was that Bowles was going to be interviewed, being given a courtesy interview.

Q Mr. Jennings says, We will wrap up and fill you in. Do you recall what he said when he filled you in?

A I don't. It was 10:52 p.m. He may have waited until the next day. I don't recall. I was probably asleep at that point, in all candor.

Q On March 8th, the House Judiciary Committee sent a letter to the White House asking for, among other things, information on communications between the White House and Members of Congress who may have known in advance of the planned firings.

Do you know whether this was the news that was not going over well with Senator Domenici?

A I have no idea.

Mr. Luskin. I think he has already answered the question.

BY MR. SCHIFF:

Q Does that refresh your recollection, Mr. Rove, as to why on March 8th, during conversation between Scott Jennings and Senator Domenici, news that he was given was not going over well?

A No.

Q Did Mr. Jennings ever discuss with you the House Judiciary Committee letter to the White House asking for information on communications between the White House and Members of Congress who may have known in advance of the planned firings?

A I don't recall. I believe that that would have -- if it had shown up at the White House on the 8th, it may not have been a topic of conversation on the 8th by a staffer in the Office of Political Affairs. It takes a while for those things to get processed by the counsel's office, and for a response to be -- for it to be shared around the complex and for it to be a -- for a response to be developed.

Q Do you recall discussing with anyone the Judiciary Committee letter; the White House asking for information on communications between the White House and Members of Congress who may have known in advance of the planned firings?

Mr. Luskin. I'm sorry. At any time, sir?

Mr. Schiff. Yes.

Mr. Rove. I don't recall any specific conversation. I'm sure there were some, but I don't recall them.

BY MR. SCHIFF:

Q Mr. Rove, how would you describe your role, both inside the White House and in public, in responding to the controversy on the U.S. Attorney firings?

A I'm sorry. Could you repeat that?

Q Yes. How would you describe your role, both inside the White House and in public, in responding to the controversy on the U.S. Attorney firings?

A By "role," do you mean my official responsibilities, or are you asking if I haven't responded on this?

Q I'm asking what you actually did and how you would characterize it.

A I was asked about this several times. I assume that you're asking about either the appearance at Troy State University or at the Clinton Library.

Q I would be interested in your comments on both. But more broadly, what was your role in terms of advising people how to handle the controversy? In speaking in public on the controversy, how would you characterize your role?

A Well, the issue of how we should respond to this did come up, and I was an advocate of making it clear why in each one of these instances the Justice Department made the recommendation for removal. And I was also an ardent defender of both the President's right to appoint the U.S. Attorneys and remove the U.S. Attorneys in the appropriate constitutional fashion, and I was a defender of the decision.

Q Were you also public about the role you played in forwarding information about sitting U.S. Attorneys?

A I don't remember being asked about it, no.

Q Well, you were asked about what role the White House played in the firings, weren't you?

A I don't remember being asked about that publicly, no.

Q Well, when you spoke in Troy, and the other speech you mentioned, you were volunteering information about how the process was handled. Did you volunteer information about what role the White House played in forwarding complaints about U.S. Attorneys?

A No.

Q Why was that?

A I thought it was immaterial.

Q The complaints that you forwarded on you thought were immaterial to playing any role on who was placed on the list --

A Obviously I don't consider the complaints themselves immaterial. But I did spend time talking about the letters -- I didn't spend time talking about the letters of complaint from Members of Congress about them, including members of the Democratic Senate Caucus, out the U.S. Attorneys in question.

Q Let me ask you about a White House meeting during February where the subject came up. If you could take a look at document 62, I will let you take a moment to read that over.

Mr. Minberg. Off the record.

[Discussion off the record.]

BY MR. SCHIFF:

Q The bottom e-mail that refers to a senior staff meeting on February 16, 2007, did you attend such senior staff meetings?

A As a regular practice, or this specific day?

Q As a regular practice?

A Yes.

Q And I take it you were there on this specific day?

A I have no specific recollection of where I was on the morning of February 16th, but I think at 7:30 I was likely to be in the Roosevelt Room attending the senior staff meeting.

Q The notation from Kevin Sullivan that says, KR says not true that Harriet intervened. Dan spoke to Tony and I don't believe it came up in briefing.

What did you say -- I assume that is Harriet Miers. What did you say about Harriet Miers during that meeting?

A I have no recollection. I have no idea what the specific point was that I responded that she didn't intervene.

Q Were you asked about the Cummins-Griffin situation during the senior staff meeting?

A As I say, I don't recall the specific point to which I responded here.

Q Do you recall when Mr. Sullivan refers to the only thing from senior staff besides resolutions, al-Masri, et cetera, was U.S. Attorneys.

What about the U.S. Attorney situation was discussed at the

senior staff meeting?

A For the third time, I will say I don't recall the specific point involving U.S. Attorneys to which I said Harriet did not intervene.

Q My question is more broad than that. So let me ask it again.

A Fourth time.

Q I will ask as many times as necessary. Do you recall what was discussed in terms of the U.S. Attorney firing issue at the senior staff meeting?

A For the fourth time, no. I don't recall.

Q I'm not referring here solely to your comment about Harriet Miers. So let's be clear about that. Do you recall any --

A Let me be clear about it. I do not recall the specifics of anything connected with the U.S. Attorneys that was discussed at the February 16, 2007 senior staff meeting held at 7:30 in the Roosevelt Room. Period.

Q Do you recall any discussion at any senior staff meeting, after the U.S. Attorney firings, about the firings or the controversy they evoked?

A Yes.

Mr. Luskin. He has already testified that he did. Is it really necessary to just plow and replot and plow again the same ground?

Mr. Schiff. When the witness has a failure of memory, it is unfortunately necessary.

Mr. Luskin. No, it is not a failure of memory. The failure of memory, sir, respectfully is yours. He testified that the subject did come up from time to time at senior staff meetings but that he could not recall specifically what part of it came up on what date. That was his testimony.

Mr. Schiff. Counsel, I'm not the one who can't remember what took place at the senior staff meeting.

Mr. Luskin. No, sir. But you can't remember his testimony.

Mr. Schiff. Counsel, please. I remember his testimony. That doesn't make it responsive.

BY MR. SCHIFF:

Q Can you tell us what senior staff meeting -- senior staff meetings -- or what was said at senior staff meetings after the U.S. Attorney firings concerning the U.S. Attorney firings?

A Do you want the date of the meeting and the specific topic raised at each meeting?

Q As specific as you can be.

A As I indicated in our last visit earlier this month, the issue came up at the senior staff meeting. It is in my prior testimony that I was an advocate for laying out the reasons why each one of these U.S. Attorneys were removed; that I did not believe that the Justice Department concern about the so-called privacy rights of the removed U.S. Attorneys should keep us from

explaining why we did what we did. And I made that view at senior staff meetings, and I believe that I made it briefly at a meeting before testimony by Mr. Moschella.

Q So that we are clear, do you know whether this is the same senior staff meeting where you've described that conversation, or was that a different senior staff meeting?

A I don't recall which one it was. But I doubt that it is this one, because what I have just indicated is not a question that involved with -- if Mr. Sullivan is walking away from this meeting and the discussion of the U.S. Attorneys, and the principal point he walks away with is that I said it is not true that Harriet intervened in whatever issue, whatever matter, I don't think this was that meeting, no.

I think he would be more likely to have said KR believes that we should lay out the reasons why the U.S. Attorneys were removed, if that subject had come up at the February 16th meeting.

Q Are you aware of any of the other U.S. Attorneys, other than the Cummins-Griffin situation where it may have been claimed that Harriet had intervened in the process?

A No.

Q Could it have been the Iglesias situation?

A I have no idea. I'm not certain that this refers to her intervening in the global question of a U.S. Attorney. This may be a more narrow construct. I have no idea what this refers to. But your interpretation is that it is an intervention in a

specific broad question of whether or not someone should serve as a U.S. Attorney. I don't believe that that is the case. I think it is more narrow than that. I think it would be reflected if it was more broadly -- a more broad implication.

Q I'm not suggesting it was broad or narrow. I'm asking you only in -- you know, whether this issue came up in connection with certain U.S. Attorneys.

A As I have said several times already, no.

Q Let me ask you one other question to see if it refreshes your recollection. On the morning of February 16th, 2007, the same date Mr. Sullivan sent this e-mail notating that "KR says not true that Harriet intervened," there was a New York Times story claiming that Harriet Miers had intervened to help get Griffin hired and Cummins fired.

Does that refresh your recollection at all whether that was the case that was being discussed at the senior staff meeting?

A Nope.

Q Do you remember reading that article by any chance?

A No. I'm confident I did, but I don't recall it.

Q Let's take a look at Document 64. Why don't you take a look at it and have a moment to read it.

The bottom e-mail on this page is dated January 16, 2007 from William Kelley to you, among others. Subject matter: Urgent U.S. Attorney Issue.

It begins, "The Attorney General is sending a letter to

Senator Leahy responding to the issues that have been raised regarding recent U.S. Attorney departures. The basic point is that these decisions are based on overall DOJ priorities and have nothing to do with investigations or cases that the U.S. Attorneys have pursued."

And then you responded that you were fine with that content; is that correct?

Mr. Luskin. I think you need to read the whole thing if you want to characterize his response.

BY MR. SCHIFF:

Q Why don't you read the whole thing, Mr. Rove?

A I would be happy to. But you read one sentence that is concerned with overall DOJ priorities and nothing to do with the cases the U.S. Attorneys have pursued. There then follow three -- four sentences that have to do with the question of shall these people be replaced by people subject to the normal confirmation process.

And they read, "The letter will also say that the AG has not and does not intend to try to evade the advice and consent process by naming interim U.S. Attorneys without the administration sending a permanent nominee up to the Senate, and that the administration is committed to seeking to fill all 94 U.S. Attorney slots with Senate-confirmed folks.

"The last statement on filling all 94 slots would commit the administration to that policy which wouldn't be a change from

general practice but hasn't been announced as such. To be clear, there will always be some openings and some interim U.S. Attorneys in place, but we haven't ever just stood pat on that and have instead always worked to fill the slots in consultation with the relevant Senators. We are okay with DOJ's proposal on filling all 94 slots. But Joel -- referring to Joel Kaplan -- would like your reactions before signing off on authorizing the AG to say it publicly. We'd like a quick reaction because DOJ emphasizes their need to get the letter out ASAP, tonight if possible."

Q And you responded you were fine with the entire contents of this e-mail, right?

A Yes, yes.

Q So let me get back to the first sentence that I referred to earlier. The basic point is that these decisions are made based on DOJ --

Mr. Luskin. Give us one second, sir.

Mr. Schiff. Yeah.

Mr. Luskin. Thank you.

[Discussion off the record.]

BY MR. SCHIFF:

Q So the second sentence of that e-mail to you that says the basic point is that these decisions are based -- are made based on overall DOJ priorities and have nothing to do with investigations or cases that the U.S. Attorneys have pursued; you were fine with that representation too, right?

A I took this as more -- this is coming from Joel Kaplan. Bill Kelley is sending it to me with a cc to Joel Kaplan saying -- and he says at the bottom, "Joel would like your reaction before signing off." This is the Deputy Chief of Staff for Policy.

I took this as a question regarding the policy. I wasn't really focused on that first sentence. I was focused on the bulk of this, which is the four sentences regarding a policy of should we announce that we are going to fill these -- all the Senate-confirmed people. I had been an advocate of making clear that. I was an advocate of not using the power under the PATRIOT Act to fill positions. So I took this as focused on the policy question.

RPTS DEAN

DCMN ROSEN

BY MR. SCHIFF: [Continuing,]

A I'm not -- obviously I'm not aware of DOJ priorities and whether or not -- you know, I assume that these had nothing to do with investigations or cases. I'm focused on the policy question and I read this as Bill Kelley sending this to me because the deputy chief of staff for policy says this is a policy question, make certain that Candi Wolff, and Karl Rove are both comfortable with the policy.

Q Did you disagree with the point that was being made that the decisions were based on overall DOJ priorities and had nothing do with investigations or cases that U.S. Attorneys had pursued?

A No, I didn't disagree with it. To the degree that I knew about it, and knew the details about it, that seemed to me to be exactly what we ought to be doing, making these decisions without regard to that.

Q So you were okay with that being represented?

A Yes.

Q But at that time you knew that there were a number of complaints about specific cases involving Mr. Iglesias prior to his dismissal; isn't that right?

A Yes. That he had handled the case in a political fashion by sitting on in an indictment that was ripe for being

taken to trial. But again, as I said in my previous testimony, and we would be happy to identify the pages. My view on these things was I didn't have adequate information to decide whether or not those complaints were legitimate, which is why they needed to be passed on to the Justice Department so that if they -- they could be reviewed in an appropriate manner by people capable of divining whether or not they were accurate.

Mr. Luskin. Off the record.

Mr. Flores. Off the record.

[Discussion off the record.]

BY MR. SCHIFF:

Q Mr. Rove, you mentioned one case just a moment ago that you thought had a role in Iglesias situation?

A No, I did not say that I believed it had a role in it. Those -- I did not. That's your implication.

Q Why did you raise that particular case, Mr. Rove?

A To indicate these decisions had to be made at the Justice Department. That this was -- I read this as a policy issue. I was being asked to comment on the policy issue, not being asked to divine whether or not, you know, I agreed with the basic point that these ought to be made on this, but I was focused on the policy question.

Q In your speech in Troy, this is Document 51, you were quoted there as saying that in each instance -- and I think they are speaking of U.S. Attorney firings -- a decision was made at

the Department of Justice on the basis of policy and personnel. Was that an accurate quote?

A Yes, as far as I know.

Q Earlier in the interview you testified that you had approved a trade arranged through the White House counsel in which Mr. Graves was terminated as U.S. Attorney in Kansas City, in return from an agreement by Senator Bond concerning appointments to the 8th Circuit Court of Appeals. Did you mention that in your Troy speech?

A That's not an accurate depiction of what I said.

Q And what did you say?

A If you will give us a moment, we will find the testimony that I gave at our previous meeting.

Q I think if you take a look at page 251, you testified that you were fine with the idea that we'll replace, we'll remove the U.S. Attorney and we will keep the 8th circuit seat in Arkansas, as far as you were concerned that was a fine deal.

A Yes, but that's different than what you implied which was that I had to approve the deal. This was something that I didn't object to. It wasn't something that I had to approve. It was something that I didn't object to. There is a difference between the issue being described and raising an objection to it, and the proposal being made to me and me having to approve it before it moves forward. There is a big difference between those two.

Q So when you testified earlier that you were fine with the idea, it didn't mean that you approved of the idea?

A No, it mean I was fine. But there is a difference between approval of and approving of. Approval implies that the decision rested with me and it didn't. I could object to it and make an argument it as to why a broader group of people ought to not to move forward with this, I didn't object. But there is a difference between not objecting and having the final ability to make a decision as to whether or not this will proceed. I did not have that final ability.

Q Did you say anything in your Troy speech about White House role in getting Mr. Griffin in to replace Mr. Cummins?

A I don't believe so.

Q Why was that?

A We were talking about -- well, because we were talking about the dismissal of seven U.S. Attorneys, not eight.

Q Well, Mr. Iglesias was one of the seven U.S. Attorneys terminated in December. Did you say anything in your speech about the role, you and OPA and the White House counsel placed -- played in forwarding Republican complaints and demands for removal of Mr. Iglesias?

A No.

Q Why is that?

A Didn't think it was necessary.

Q Would that have given a more accurate portrait of what

was involved in the decision to replace Mr. Iglesias?

A It would have given a more -- it would have given a more -- a longer explanation. If I -- if I explained everything connected with all of these, it would have been not an answer to a question, but the whole speech. This was an answer to a question.

Q Sir, wasn't this part of an effort you were making to portray the White House as completely uninvolved in the process of deciding which U.S. Attorneys to be replaced?

A No. This was responding to a question following a speech at Troy, Alabama.

Q At any public speech, did you acknowledge the role that you and OPA played in forwarding complaints about U.S. Attorneys?

A No.

Q And why was that?

A Didn't consider it to be necessary.

Q It was also undesirable from a political point of view, wasn't it?

A I don't think that's a fair characterization.

Q Would it be politically advantageous to disclose that the White House had a role in providing information that may have been used in the firing of U.S. Attorneys?

A Did we take complaints, including those from Democrat and Republican Members of Congress and passing them on to the Justice Department to have them considered and reviewed. I don't see anything wrong with that.

Q If there was nothing wrong with it, Mr. Rove, then why didn't you ever discuss it publicly?

A Because like in answering a question, you don't have to -- you don't have a half an hour to do it.

Q Let's take a look at Document 63 the bottom e-mail from Mary Beth Bakke, to Taylor Hughes and others?

A Bakke.

Q Bakke. States that Mr. Fielding would like to convene a meeting as soon as possible to discuss the above referenced subject. Subject being U.S. Attorney issue, generally in legislation. "I need 20 minutes for the following participants Karl Rove, Candi Wolff, Dana Perino, Bill Kelley. Please let me know your availability, thank you." And then the top e-mail from Taylor Hughes to you looks like it forwards this e-mail and reads, they are trying to set this up for this afternoon, but I said you were on a plane and asked perhaps Jennings to participate if you are not able to call in whenever they set this up.

This is a meeting that White House counsel Fred Fielding was trying to set up concerning U.S. Attorney issue. Do you know whether the meeting referred to in an e-mail ever occurred?

A No.

Mr. Flood. I'm sorry, Mr. Schiff, could you repeat your question? I just didn't hear it.

Mr. Schiff. Yes.

BY MR. SCHIFF:

Q Do you know whether the meeting that Mr. Fielding was trying to set up that's referenced in this e-mail ever took place?

A No.

Q I take it you weren't present if it did?

A I don't know. I mean on the afternoon of the 16th, unless I can violate the laws of physics I'm out of Washington obviously on a plane going someplace. So if it was the morning, the afternoon of the 16th, I couldn't. I have knowledge, no information as to whether or not the meeting was ever held. Was it held on a days that I was back in the office? I don't know. I would have to look at my calendars and compare them and see.

Q You testified earlier about the meeting that did take place in March of 2007 at the White House relating to testimony that DOJ official Will Moschella was to give to the House Judiciary Committee in a few days. Do you recall that testimony?

A Yes.

Q I think it was at that meeting you indicated to DOJ that they should explain what they did and why it was with respect to the U.S. Attorney terminations?

Mr. Luskin. Why don't we find the testimony?

Mr. Rove. I'm sorry.

BY MR. SCHIFF:

Q This was the meeting that took place in March 2007 at the White House related to testimony that DOJ official Will Moschella was to give the House Judiciary Committee in a few days.

You had testified about that meeting earlier, right?

A Yes.

Q And this was the meeting where you indicated to DOJ that they should explain what they, meaning DOJ, did and why with respect to the U.S. Attorney terminations?

A Let me give the testimony I gave last time.

I made these points whenever the issue came up. That's the one sort of organized -- I may have made these points at senior staff meeting, for example, saying we're getting killed, somebody needs to get out there -- to get them to lay this out. I did go to the Will Moschella meeting and I wasn't there, I don't recall being there for the entire meeting, but I do remember being asked, because people knew where I was coming from. They asked me to make the point at the meeting.

Q And the point you were making was that the DOJ needed to explain why they fired these people and what they did?

A Not only DOJ, but I mean we did -- we need to have a policy that when, you know, the White House press people were asked in press briefings about this that we had a -- we explicitly went out and said, you know, these people served the country honorably, but we made the decision for the following reasons, because it wasn't just DOJ, it was DOJ was constraining the White House from explaining these. We -- they had -- the Justice Department was talking about the so-called privacy rights of these individuals and out of respect for their privacy, not -- not

elucidating the reasons why they had come to this recommendation and why the White House had accepted it. So it was Justice and the White House both had to do this, but Justice had to allow the White House to go out and explain.

Q But wasn't your point at the meeting also that DOJ needed to explain what DOJ did in the firings, and the White House needed to explain what DOJ did in the firings?

A Well, it was a recommendation framed to the President. So the White House was involved in this. So I wasn't suggesting that this was all DOJ's problem. DOJ needed to authorize the administration to go out and explain, we removed the U.S. Attorney for the southern -- for San Diego because she refused to prosecute immigration cases. We removed U.S. Attorney from San Francisco because while he was an excellent attorney, he was a lousy manager and so forth.

Q Did you make the point at the meeting, Mr. Rove, that the Department of Justice needed to explain that this -- these were decisions that were made by the Department of Justice and how and why they made the decisions?

A You know, I think I've given about as much as I recall specifically saying at that meeting.

Q Let's take a look at Document 39. This is a Committee interview with Paul McNulty. And let's take a look at page 129, the bottom paragraph. You may want to start with -- by the half third way from the bottom.

Question: Was Mr. Rove present for the meeting?

Answer: As I recall, he came in after the meeting started, didn't stay very long and left early or --

Question: And what do you recall him saying?

Answer: I don't have any clear recollection of whether or not he spoke. I can picture where he was sitting, but I just can't recall whether he actually -- if I -- you know, pushing my memory at its limit, I think he said something, but I just can't remember what it was he said; and I just think it was lumped into the general point of, you all need to explain what it was that you did and why you did it.

Was that a point that you made at the meeting, Mr. Rove?

Mr. Luskin. Is there some reason why we're simply going over testimony that specific subjects that were covered at the prior testimony? If there is an additional question, perhaps you might ask it. If it is simply a request to get him to reiterate his prior testimony, his prior testimony stands. But unless there is some point here, sir, let's move on.

Mr. Schiff. I don't have many questions and we can probably get done quicker --

Mr. Luskin. No, sir. But at some point we can't take a Groundhog Day approach to this interview. And the fact that you may have so few questions that we can get through them quicker than arguing about them doesn't excuse the general principle that in order to conduct these things reasonably and with some due

regard to Mr. Rove, we ought to ask questions once and then move on. This is an area that was specifically covered in the prior interview. You've referenced his prior testimony. If there are some additional specific questions, let's get to them. But if not, let's move on, sir.

Mr. Schiff. Counsel, I have all day, so you can object all day if you wish. But if you wish to get through this quickly, I would suggest we just let Mr. Rove answer the question.

Mr. Forbes. I would like to go on the record as saying this, you have all day, you can take all day, you guys have the power. But the agreement last time specifically when we were agreeing to stop at the end of the day and bring Mr. Rove back was that we weren't going to go back and rehash and open up every door. I just want to say on the record while you have the power to do it, your word was different and that's not being honored if we're going to go back and rehash everything that we did. So you can take as long as you want, but we'll know that for the next agreement that we try to reach.

BY MR. SCHIFF:

Q Mr. Rove, do you remember the question?

A I'd like to you repeat it.

Q Mr. McNulty testified to the best of his recollection, was the general point that was made you all need to explain what it was that you did and why you did it.

Do you recall, did you make that point at the meeting, Mr.

Rove?

A First of all, I'm delighted that I made such a big impact on Mr. McNulty that he said he was pushing his memory to its limit in recalling. But regard -- remember, this is regarding the testimony by a DOJ -- the discussion here is about Will Moschella, whom I believe is a DOJ employee who is going up to the Hill to testify. So I may have said you need to explain what it is you did and why you did it, because I'm talking about a DOJ employee going up to the Hill. But my attitude is we all needed to be in a place where we were freed, where we were allowed -- that the rules of discussion allowed us to say this is why it happened.

Q Mr. Rove, did you say anything about White House involvement or actions with respect to the U.S. Attorney firings?

Mr. Luskin. In what context, sir?

BY MR. SCHIFF:

Q Did you tell Mr. Moschella about White House involvement or actions on the U.S. Attorney to remove to help prepare him for his testimony?

A No.

Q And why was that?

A I assume that whatever was appropriate, whatever information was provided to the Justice Department, there was acted upon or review was part -- he was knowledgeable about it. I wasn't. All I knew was that the information had been provided to

counsel or to Justice and it was up to Justice to determine whether or not to pursue it.

Q Let's take a look at Exhibit 4.

Mr. Mincberg. Off the record.

[Discussion off the record.]

[Rove Exhibit No. 4
was marked for identification.]

BY MR. SCHIFF:

Q It is dated March 6th, 2007 at which Mr. Moschella testified. And if we could turn to page 24. If you could take a look at Mr. Conyers' question towards the bottom of the page. Where he asks, well, was anyone at the White House consulted or did they offer any input in compiling the list of U.S. Attorneys to be terminated to the best of your knowledge? And Mr. Moschella responds, the list was compiled at the Department of Justice. And Mr. Conyers goes on to ask was the White House consulted. Mr. Moschella testifies, well, eventually because these are political appointees.

You've testified that in addition to eventually sending a list to the White House that there were discussions of USA terminations at or just after or many JSC meetings, correct?

A No.

Q There weren't discussions of USA terminations or whether U.S. Attorneys should be fired?

A No. There were discussions of resignations or

vacancies.

Q I'm sorry?

A I believe there were discussions of vacancies and resignations.

Q But you never had conversations at the JSC meetings before or after the JSC meetings about whether certain U.S. Attorneys should be considered for termination?

A I don't recall discussions about terminations.

Q You testified that you and others at the White House were involved in passing on complaints and raising concerns about Mr. Iglesias; isn't that right?

A Yes.

Q But Mr. Moschella said nothing about that in answering Mr. Conyers' question, did he?

A I don't think that Mr. Conyers asked about that.

Q Did you say anything to help prepare Mr. Moschella to answer questions about the White House role in the U.S.A. -- U.S. Attorney terminations?

A No, I was at the meeting briefly and was asked to come in order to make clear my point about laying out the specific reasons for each attorney.

Q If you look at the bottom of page 20, carrying over to the top of page 21 again, this is of the new Exhibit 4, where Mr. Moschella states why Mr. Iglesias allegedly was terminated. He testifies there was a "general sense with regard to this district.

Again, Mr. Iglesias had served, as they all did, the entire 4-year term, that the district was in need of greater leadership. We have had a discussion about the EARS Report, and the EARS Report does pick up some management issues and Mr. Iglesias had delegated this -- delegated to his first assistant the overall running of the office. And quite frankly, U.S. Attorneys are hired to run the office, not their first assistants.”

Do you see that?

Mr. Luskin. One moment, sir.

[Discussion off the record.]

BY MR. SCHIFF:

Q Do you see that?

A Yes.

Q Was there any discussion of this alleged rationale at the White House meeting that precedes Mr. Moschella's testimony?

A Not that I recall.

Q Let's take a look at the Inspector General report, which is Exhibit 2, page 188. And I direct your attention to the first 2 paragraphs that read “After the U.S. Attorneys were removed and as part of their preparations for the congressional testimony about the removals, Department officials constructed a list of reasons justifying the removals. This list and McNulty's subsequent briefing of Congress using this list stated that Iglesias was removed in part because he was an underperformer and absentee landlord who over delegated authority to his first

assistant U.S. Attorney.

Similarly Moschella stated in his Congressional testimony again based on the information from this list of reasons that Iglesias' removal was based on concerns about his management and that his office was in need of greater leadership. Based on our investigation, we concluded that these statements were disingenuous after the fact rationalizations, that had nothing to do with the real reason for Iglesias' removal. As noted above, Iglesias was identified as a strong performance on Sampson's initial USA attorney removal list and nothing changed substantively to alter that assessment except the complaints from New Mexico politicians and party activists about his handling of voter fraud and public corruption cases.”

Mr. Rove, do you have any basis for disagreeing with that assessment by the Inspector General?

A I'm unfamiliar with the EARS Report and couldn't comment on it.

Q Mr. Cummins was also scheduled to be one of the witnesses at the House Judiciary hearing and did testify. Did you say anything at the early March meeting about White House role concerning Mr. Cummings and Mr. Griffin --

A No.

Q -- or about your own role?

A No.

Q Did you say anything about Mr. McNulty's testimony on

removing Mr. Cummins to make room for Mr. Griffin?

A No.

Q Mr. Rove, did you ever help prepare any other witness other than Moschella for testimony before Congress?

Mr. Flood. I object to that question, there is no testimony in the ordinary given and understood meaning by all lawyers in this room that Mr. Rove prepared Mr. Moschella for his testimony and the implication is outrageous.

Mr. Rove's testimony has been very clear, he went to a meeting, he made a point, he made it emphatically. It was not witness preparation in the ordinary sense of the word. And the suggestion that he may have prepared others in addition to Mr. Rove is improper. I ask you to withdraw the question, sir.

BY MR. SCHIFF:

Q Mr. Rove, the meeting with Mr. Moschella was for the purpose of preparing him for his testimony, was it not?

A I thought it was to discuss what our general policy should be regarding these points.

Q In anticipation of his testimony, correct?

A In advance of testimony by he or others. I frankly don't recall how it was explained to me what the meeting was about. All I remember was that I was asked to specifically make time in an otherwise busy schedule to drop by the meeting to make the point that we ought to lay out the explicit reasons why these removals were made in each case regardless of concerns by DOJ

about the so-called privacy rights of the individuals involved.

Q And you made that point at the meeting with Mr. Moschella prior to his testimony before Congress.

Mr. Flood. Asked and answered, somewhere between 5 and 10 times.

Mr. Schiff. Well, counsel, with all due respect, you disagreed with the question earlier and claimed that the -- that Mr. Rove was not part of any preparation of the witness so that's why I'm --

Mr. Luskin. He's disagreeing with your characterization of the term.

Mr. Schiff. -- to establish that, in fact, he was at a meeting where Mr. Moschella was being prepared to testify.

Mr. Flood. Established between 5 and 10 times.

Mr. Schiff. Well, then you shouldn't object to that point.

Mr. Flood. Mr. Schiff, with respect, I will make my points and you make yours.

Mr. Schiff. And I am.

BY MR. SCHIFF:

Q Were you present at any other meetings where administration, DOJ personnel were being prepared for their testimony?

A On this matter or any other matter?

Q On the U.S. Attorney firing issue?

A And is the word prepared in the legal term or meaning

merely the non legal term?

Q With any meaning of the term.

A I don't recall any such meetings, but there might have been.

Q Did you ever recommend to anyone that they disclose to Congress the White House role in forwarding complaints about U.S. Attorneys who ended up being fired?

A I don't recall either discouraging or encouraging people to do so.

Q Do you recall ever speaking publicly about the White House role and forwarding complaints about U.S. Attorneys who were ultimately terminated?

A I may have, but I don't recall.

Q Do you recall ever disclosing publicly the White House role in putting forward a candidate to replace existing U.S. Attorneys?

Mr. Luskin. I'm not sure I understand that question.

BY MR. SCHIFF:

Q Did you ever disclose your role in promoting Mr. Griffin publicly?

A I have been clear on the record that I was an advocate of Mr. Griffin right from the get go. And the existing Exhibit 4 shows that on at least March 12th there was discussion about how we passed complaints on to the Justice Department.

Mr. Flood. I would like the record to reflect that what I

think Mr. Rove is referring to is Exhibit 1.

Mr. Luskin. Tab 4.

Mr. Schiff. Let's make sure what we referring to.

Mr. Luskin. I think we are referring to Exhibit 1, tab 4 which a Knight Ridder Washington Bureau story dated March 12, 2007. And in the first second, third, fourth paragraph, fifth paragraph, and I think that's what Mr. Rove is referring to. It said, Perino said Rove might have mentioned complaints about Iglesias in passing to Gonzales.

Mr. Rove. And then the next paragraph passed those complaints to Harriet Miers.

Mr. Luskin. "He doesn't exactly recall but we may have had a casual conversation with the AG to say he passed those complaints to Harriet Miers, Perino said, relaying Rove's hazy recollection. Perino said such a conversation would be fairly routine at the White House."

BY MR. SCHIFF:

Q Other than Dana Perino's -- was this the only time to your knowledge, Mr. Rove, that it was publicly disclosed that you had a role in passing on complaints about U.S. Attorneys?

A I answered that question earlier by saying I don't recall other instances. I pointed to this one instance, there may have been others.

Q But no others that you can recall?

A Not that I recall in addition to the one that I drew to

your attention.

Q Have you had any discussions with Ms. Miers in preparation for your testimony today?

A No.

Q Have you had conversations with anyone formally at the White House or DOJ other than your attorney, Mr. Luskin, in preparing for this interview?

A No.

Q Did you have conversations with Ms. Miers in preparation for your interview by special U.S. Attorney Ms. Dannehy?

A No.

Q Did you have conversations with others at the White House in preparation -- or DOJ in preparation for your interview with the special U.S. Attorney Ms. Dannehy?

A No.

Mr. Schiff. Why don't we go to your section?

Mr. Flood. Before you get rolling, is there a time we might take a break, we've been going an hour and a half.

Mr. Mincberg. This would be a perfectly good break.

[Recess.]

BY MR. SCHIFF:

Q I have a few final questions, Mr. Rove before we turn it over to Elliot. Your counsel, Mr. Luskin, brought to your attention a Knight Ridder article, dated March 12th and which White House spokesperson Dana Perino answered questions about what

role you may have played in the firings of the U.S. Attorneys. Prior to this March 12th interview or part of this interview that's referenced in this March 12th article, there had been no public disclosure of your role on the White House role in forwarding complaints about U.S. Attorneys, had there been?

A I don't know.

Q Your role and that of the White House wasn't known at the time of the firings publicly, was it?

A I'm not certain what you mean by the White House role. Obviously the White House had to approve the recommendation from Justice. The President had to accept it, the Justice Department was not allowed to act independently in this matter, so I'm not certain what you mean by the White House role.

Q Well, let me be more specific then. Your role and that of OPA in passing on complaints about Mr. Iglesias or other U.S. Attorneys, that was not known to the public prior to Ms. Perino's interview, was it?

A I don't know whether the -- whether it was known or not known before Ms. Perino's interview. The question that you started to ask of was it known prior to the firings, I don't believe it was. By public, you mean in the press as opposed to the people who obviously made the complaints and knew that they had been passed on.

Q And there had been no disclosure in the administration testimony before Congress prior to the interview with Ms. Perino

about your role in passing on complaints about the U.S. Attorneys, had there been?

A I've not read the testimony, Congressman. You'd know better than I.

Q Well, I think prior to this time, Mr. McNulty had testified and Mr. Moschella. Are you aware of any disclosure in their testimony of the role that you or OPA played in passing on complaints about U.S. Attorneys?

Mr. Luskin. He just said he's not familiar with their testimony, sir.

BY MR. SCHIFF:

Q Will you answer the question?

A As I said earlier I am not familiar with their testimony. I haven't read their testimony.

Q On March 8th, were you aware that Congress requested documents from the Department of Justice about the U.S. Attorney firings that would include what role the White House may have played in those firings?

A I'm not certain when I became aware of the March 8th letter, but I was at some point aware of it, yes. I don't believe it was addressed to me. It was probably addressed to the counsel's office and we were informed in due course.

Q Between the time of the March 8th letter where the Congress requested documents regarding the firings and the March 11th interview with Dana Perino, did you discuss with Dana Perino

how she should respond on what role you may have played in the firings?

A I don't recall. I suspect so if she talked about it.

Q Well, the parts of the article that you and Mr. Luskin just read refer to a conversation you had with Ms. Perino, correct?

A It could have been with Ms. Perino or with one of her deputies, I don't recall. Maybe an e-mail exchange, it may have been a conversation with her, may have been a conversation with a deputy.

Q Are you aware of any e-mails from you to Dana Perino discussing your role of firings?

A Let me check here. March 2nd e-mail, from Perino to me. And then a reply from Sara Taylor. I replied. And with a cc to Taylor and then she replies as well. Then there is a --

Q And --

A That's it.

Q Do you disclose in that e-mail that you forwarded the complaints about Mr. Iglesias?

A No, that's not the subject of it. The question is reporters been told of Sara, her office sent a list of names for replacements of the U.S. Attorneys, he says this is a senior administration official, please advise. That was the subject matter.

Q So you're not aware of any e-mails where you disclose

the information to Dana Perino that she makes reference to in this letter?

A No. I'm sorry, I thought you had a broader question, which was did I have any contact with Dana Perino between those two dates, and I was -- or did I have before the 12th, and I was responding to that.

Q Well, the representations, Mr. Rove, that Dana Perino makes in her March 11th interview, were those the result of a conversation you had with Dana Perino?

A Well --

Mr. Flood. I'm sorry.

Mr. Luskin. He just -- he very clearly answered that question, sir, just about 45 seconds ago.

Mr. Flood. I would also like to lodge an objection.

Mr. Schiff. And your answer is you don't know?

Mr. Luskin. No, his answer was his answer. We can ask the reporter to read it back, but we are not going to ask it again.

BY MR. SCHIFF:

Q What's the answer, Mr. Rove?

Mr. Luskin. No, I'm sorry. Please ask the --

Mr. Flood. Would you kindly read back the question?

Mr. Schiff. Which question do you want read back, Counsel?

Mr. Flood. The most recent, the pending question.

[The reporter read the record as requested.]

Mr. Flood. I would like to make my objection. I object to

the use of the word "representation" which has about a formality that I think is not appropriate for a White House press person responding to an inquiry from someone else in the press. It is not like reps and warranties, it is not a formal representation. The context suggested was an answer to a question.

I also object to the word "interview" in the question, which I do not believe Ms. Perino sat for an interview, had an interview of this nature or anything else that we would normally call an interview. I think the context suggests that she was asked a question by the press and gave an answer. And while I can appreciate the Committee's wish to dress this up in the kind of formality which will evoke outrage, I think it is inappropriate to the context.

Mr. Schiff. Well, Counsel, that's a very different objection than the one you made earlier. Let me try again.

BY MR. SCHIFF:

Q In the beginning of the article, it reads the "White House acknowledged on Sunday that presidential advisor Karl Rove served as a conduit for complaints to the Justice Department about Federal prosecutor who were later fired for what critics charge were partisan political reasons.

House investigators on Sunday declared their intention to interview Rove about any role he may have played in the firings. White House spokeswoman Dana Perino said Rove had relayed complaints from Republican officials and others to the Justice

Department and the White House counsel's office. She said Rove, the chief White House political operative, specifically recalled passing on complaints about former U.S. Attorney David Iglesias and may have mentioned the rumblings about Iglesias to attorney Alberto Gonzales." These statements that Dana Perino made to the press, were they based on information that you gave her in a conversation?

A As I said earlier, I don't recall whether I talked to her, whether I talked to her deputy or whether it was handled by e-mail, but yes, the information originally came from me.

Q That's why I was asking about the e-mails.

Mr. Luskin. Because the question was asked and answered.

BY MR. SCHIFF:

Q You're not aware of any e-mails on this point, are you, Mr. Rove?

A I'm not, but there may be. You have all of them.

Q At the time Ms. Perino first revealed your role in passing on the complaints about Mr. Iglesias, you were aware that House investigators had declared their intention to question you, weren't you, Mr. Rove?

A I believe I learned about it at the same -- Dana Perino was interviewed on the 11th, and I think that you all -- I have no idea, please. Which came first, the chicken or the egg? I don't remember. I don't recall and I don't know.

Q Well, was there any point, Mr. Rove, where you publicly

acknowledged the role you played in passing on complaints prior to House investigators declaring their intention to question you?

Mr. Luskin. He just told you that he didn't know the sequence in time, sir. We wouldn't need to ask questions over again, with all respect, you would listen to his answers.

Mr. Schiff. Would you read the question back, and Mr. Rove, if you would answer it please.

[The reporter read the record as requested.]

Mr. Rove. I stand by my answer made in response to the question immediately before that.

BY MR. SCHIFF:

Q I haven't asked that question before, Mr. Rove, so --

A It's the same answer.

Q It's not the same question, Mr. Rove, if you would respond to my question.

Mr. Luskin. Do you recall the chicken and the egg, sir?

Mr. Schiff. It's not the same question, Counsel.

Would you read the question back one more time?

[The reporter read the record as requested.]

Mr. Luskin. I'm going to permit him to answer, but this is just abusive, Mr. Schiff. It's just abusive.

Mr. Rove. I stand by my previous answer, which was I do not recall the pattern of occurrences here. I don't.

BY MR. SCHIFF:

Q Do you believe, Mr. Rove, that the documents that

Congress had requested from the Justice Department would make clear the White House role in the firings, and it was necessary to get your story out there through Dana Perino?

A Mr. Schiff, I'm unaware of what documents were requested or how they were going to be answered, and I saw no need to enter into the process unless a question was asked as it was asked here and answered here.

EXAMINATION

BY MR. MINCBERG:

Q Mr. Rove, I want to ask you some questions about the case involving the former Governor Don Siegelman of Alabama.

Can you describe to us just briefly your background in Alabama politics?

A In 1994, I was involved in races for the -- three races for the Supreme Court, one of which resulted in the victory of candidate for chief justice. In 1996, I was involved in the single campaign that was on the ballot that year for the Supreme Court. 1998, I was involved in several campaigns for the Supreme Court there. And in 2000, my firm was involved in, I took less of an active role because I was otherwise occupied, but my firm was involved with the race for the Supreme Court.

Q In 98 -- were you also involved in Bill Pryor's campaign as AG?

A He is a personal friend, I'm not sure he was professionally involved but he's been a long friend of mine.

Q So you were involved informally at least?

A Informally, yes.

Q Did you play any formal or informal role in the 2002 gubernatorial election?

A Only to the extent that the candidate, Bob Riley, asked for the President and other administration officials to come to Alabama to help him raise money. And was involved in ex -- in improving those visits and supervising through my staff those visits. I believe I went on the trip to Alabama where the President appeared as part of a several day swing for political candidates.

Q And did you also have other kind of informal contact with the campaign just to see how things were going, et cetera?

A I don't recall specifically. I did get reports, as I got reports on every major race in the country, every Senate and gubernatorial race in the country. Having friends in Alabama I may have had conversations about it, but I don't recall being in contact with the campaign.

Q How about for the 2006 reelection campaign?

A Again, it would have been limited to -- and I don't recall whether President Bush did a fundraiser for him, I believe he did, but he may not have. It may have been, I think, Senator Sessions was on the ballot then or Senator Shelby, one or the other. I can't recall, but if there had been a similar request I would have been involved in that.

Q Now you referred a few moments ago to contacts through friends and associates in Alabama, who would those be?

A Well, the person who ran my firm in 2000, Kelley McCullough, now Kelley McCullough Robertson, who came to Washington. She did not live in Alabama, but kept in touch in Alabama politics, and a lawyer in Birmingham -- or in Mobile, named McDonald, you know, friends. I might have talked to Bill Canary, who is the president of Alabama Business Association, but I can't recall.

Q Now in addition to your own contact, did people at OPA have contact with people in Alabama relating to your Riley campaigns?

A I assume they did, yes, to prepare -- to receive the information, to keep on top of the race and obviously we're more interested in Federal offices than we were in State offices but they would have been keeping on top.

Q Who at OPA would have been responsible for that?

A I don't know. It would be whoever that regional person was.

Q Do you recall who that was?

A I don't, I don't. I would recognize it if you have found the name someplace, but I would not offhand tell you who it was.

Q And were there -- in addition to people at OPA, were there people at the RNC or at another political entity that you

would have worked with or interacted with that were involved with the Alabama political races?

Mr. Luskin. During --

Mr. Rove. While --

BY MR. MINCBERG:

Q While you were at the White House?

A There were people at the RNC and the Republican Governors Association, I don't think I would have day-to-day contact or even periodic contact with them. They would be talking to whoever in OPA was responsible for it and I don't think I would have --

Q Is there anyone that you can recall from the RNC or the Republican Governors Association that you would have contact with relating to Alabama politics while you were in the White House?

A Yeah, I don't recall. I'm sure there was, but I don't recall.

Q You don't recall.

A That would be incidental in nature.

Q Now you mentioned a few moments ago Bill Canary. What's his role in Alabama national politics as you understand it?

A He's the head of a significant business association, trade association. Before that he was a political consultant and public comparison consultant.

Q Can you describe your relationship with Mr. Canary? How long you have known him?

A I met him when he was a young aide to President George H.W. Bush, he'd been a legislator in the county legislature in Nassau or Suffolk County in Long Island. And I met him when he was a young aide to the senior Bush. I can't remember whether he was Vice President or President and then got reacquainted with him, moved to Alabama. He'd married an Alabamian and moved to her home State. Got reacquainted, he played, he was involved in -- he was a volunteer involved in the edges of 1994 campaign, and by some time shortly after that had become a more significant player in Alabama and was involved in the '96, '98 races generally on behalf of business groups.

Q And did you -- have you ever worked with him on political campaigns or other professional endeavor?

A We worked in campaigns. He was a supporter of President Bush in his 2000 campaign. He was a strong supporter of Bill Pryor's. I don't know if he played a professional role in that campaign or not. I seen him in and out of Alabama campaigns or around Alabama campaigns since 1994.

Q While you were working at the White House, I assume you continued at least occasionally to keep in touch with Mr. Canary?

A I, over the 8 years or 7 years, probably talked to him a couple of -- maybe a half dozen times, maybe a dozen times at most. Probably not more than that.

Q Generally by phone or --

A I think I may have seen him once or twice when we would

go to Alabama, he'd be around or once or twice here in Washington at social events.

Q Did you also have phone conversations?

A Probably did, yes, absolutely.

Q But there is nothing in particular that you recall?

A No.

Q Did you exchange E-Mails with him?

A I suspect we did, but I don't recall any. We did exchange Christmas cards.

Q How would -- now you mentioned --

A You could get on that list too, Elliot, just give me an address. I have got an extensive list for holiday cards.

Q Thank you very much.

Now you mentioned briefly Mr. Canary's wife, I assume you mean Leura Canary?

A Right.

Q How would you describe your relationship with her?

A I believe I've met her, I'm pretty sure I've met her, but I don't have great familiarity.

Q Did you ever -- when did you think that you met her?

RPTS KESTERSON

DCMN NORMAN

[11:11 a.m.]

BY MR. MINCBERG: [Continuing.]

A I have no idea.

Q Did you ever work with her on any political or professional activities?

A Not that I recall.

Q What is your memory about how often you have spoken with her?

A Very rarely.

Q Generally by phone, in person, at an event with Mr. Canary?

A I'm sure I had contact with her, but I literally couldn't tell you if I have ever talked to her or if I have ever seen her in person. I believe I met her at something in Alabama, but -- I am sure Bill has introduced me to her, but I don't know. It may have been to the White House holiday party or something. But I don't recall.

Q Now, as I'm sure you know, Ms. Canary has been the U.S. Attorney in the Middle District of Alabama. Have you ever spoken to anyone working in her office besides her?

A No, not that I'm aware of.

Q To your knowledge, has anyone from OPA or RNC or RGA ever communicated with anybody in Ms. Canary's office?

A I'm not aware of any, but that is -- I'm not aware of anybody.

Q What role did you have in the nomination and confirmation of Ms. Canary as the U.S. Attorney in the Middle District of Alabama?

A My recollection is that Senator Shelby and Senator Sessions both recommended -- I believe their habit is generally to recommend one name. And with Senator Sessions on the Judiciary Committee, there has been a general deference on their judicial marshal and U.S. Attorney nominations, absent some disqualifying interview, that they would be accepted. I don't recall the specifics of that other than I have a recollection it is one person.

Q So your recollection was that she was the one person that they recommended?

A I can't speak to that, because I do know that occasionally -- I do have a recollection, I can't tell you whether it is a judge or U.S. Attorney, but I do have a recollection there has been pushback after the interview in how the names have been solicited. But my recollection is they did have a habit of submitting one name rather than multiple names.

Q Do you recall whether you advocated for or played any role relating to her nomination?

A No, I don't. If she passed the process with Justice, I would have been an advocate for her.

Q During any aspect of the process leading to her eventual confirmation as U.S. Attorney, did the issue of political corruption in Alabama ever come up?

A Not that I recall.

Q Did the issue of Governor Siegelman ever come up?

A Not that I recall.

Q Are you familiar with a man named Rob Riley, the son of Bob Riley?

A I've met Rob, yes.

Q When did you meet him?

A I suspect when his father was running in 2002. It may have been before.

Q And on what occasion did you meet him? It was in person, by phone?

A I would suspect it was in person, but I have no specific recollection.

Q After you met him, have you ever spoken with him since then?

A I may have in the aftermath of his father's election, but I don't recall specifically.

Q So do you have any idea how many times you've spoken with him?

A A handful. If more than one, a handful.

Q Would these have been by phone?

A I have no idea. I would suspect, again, after the 2002

election, the President did make a round of phone calls to victorious Governors and Senators. So it may have been in that process that I talked to him. I may have checked in with him after the President was down there in the closing weeks of the campaign. I did make a round of phone calls to the campaign managers and principals in some of these campaigns, just to sort of give them a last-minute "way to go" and "best of luck." And I don't know whether he was on that list or not.

Q Has Rob Riley ever sought your assistance or advice regarding any kind of professional matter?

A Not that I recall.

Q Has he ever lobbied you?

A Not that I recall.

Q Has anyone working with or on behalf of Mr. Riley ever lobbied you or sought your assistance or advice?

A Again, I'm not aware of somebody. There may have been somebody who was a legal client of his who was lobbying the White House, but I don't specifically recall.

Q Well, in particular, has a person named Stewart Hall, who reportedly worked at an organization called the Federalist Group here in D.C., ever contacted you?

A I don't believe so. I know his partner or his former partner there. I don't know if they are still -- how that firm -- if they are still both there. But I think I met Mr. Hall. In fact I'm pretty sure I have met Mr. Hall in the aftermath of this,

but I don't recall him ever lobbying me while I was in the White House.

Q Who is the person you're referring to as his partner?

A It will come to me in just a minute. I am having a senior moment here. Wayne Berman.

Q Wayne Berman?

A Right.

Q And you think Mr. Berman may have approached you professionally on some matters?

A He did, but I'm not certain that it is a matter connected with Stuart Hall. It may be connected to Rob Riley.

Q I see. I see.

And then with respect to Mr. Hall, I want to be sure that I understand what you are saying. You just don't recall him contacting you on any personal -- on any professional matters?

A I don't. I don't believe he did.

Q Give me just a moment.

[Discussion off the record.]

BY MR. MINCBERG:

Q If Rob Riley claimed that he was working with you to settle a client's business, that I take it would be untrue?

A I believe that's true, yes.

Q Do you recall when the last time was that you spoke with Rob Riley?

A No.

Q Have you ever spoken with him about the affidavit that he submitted to the Committee in October of 2007?

A No.

Q Or communicated in any other way?

A No.

Q Okay. Now, I think you mentioned that President Bush traveled to Alabama in 2002 a few minutes ago.

A I believe he did, yes.

Q Did you accompany him on -- I'm sorry. Was it one trip or two to Alabama?

A I don't recall whether it was one or two.

Q Some indication that we have seen suggests there was one trip in the summer around July and one in October. Does that sound right?

A It could be. And again, I would have to see who was up that year. But I doubt that the President made two trips to Alabama on behalf of a gubernatorial candidate. We were generally focused on trying to elect Democrats -- Republicans to Democrat seats in the Senate and the House.

Q And did you accompany him on the trip?

A I can't say that I did, but it would be normal and customary that I would accompany. My recollection is that I did, but there were a lot of trips that year.

Q Now there is some indication also that President Bush visited the State in September of 2005. Does that sound familiar

to you?

A Yes, because in fact I think it is more than just September of 2005, because he does go regularly in the aftermath of Katrina, and generally goes to southern Mississippi, which sometimes necessitated going into Alabama. But September of '05, I believe the event is staged at -- the staging area for a lot of this was at the Mobile International Airport, maybe the Naval Air Station.

Q Did he go to Alabama in September '05 only as a staging area to deal with issues in Mississippi with Katrina, or were there other purposes, as you recall, for the trip in September of '05?

A I think that it was it, in the aftermath of Katrina.

Q Did you accompany him for that trip?

A No.

Q Now, it is public knowledge, of course, Mr. Rove, that Don Siegelman was elected Governor of Alabama in 1998 and that he lost his bid for reelection to Bob Riley in November of 2002. In the period of time between his election in '98 and the end of 2002, did you ever communicate about a possible criminal investigation or illegal acts by Governor Siegelman with anyone working inside the White House, the RNC or the RGA?

A No.

Q I want to go back, if I could, just a minute to what we were talking about a minute ago with respect to work relating to

Mr. Riley. And I will ask you to take a look at an exhibit we'll mark as Exhibit number 5.

Mr. Mincberg. Let's pause for a minute so the reporter can mark that -- and go off the record, and I will give everybody else copies. You will get the official one in a minute.

[Rove Exhibit No. 5
was marked for identification.]

BY MR. MINCBERG:

Q And for the record, Exhibit 5 is a Time Magazine article, October 10, 2007 entitled "Rove Linked to Alabama Case." Have you ever seen this article before?

A Yes.

Q I want to ask you, then, to look at page 3 of the article at the end of the first full paragraph. This paragraph starts with "Simpson also provided." Do you see that?

A Yes.

Q And at the end of the last sentence of the paragraph it says, and I quote, The president of the company whose case Riley was handling at the time said, quote, Rob Riley mentioned Karl Rove about four or five times as someone he was getting in touch with to help settle our business in Washington, end quote.

Is that statement true to the best of your knowledge?

A I have no recollection of being contacted by Rob Riley about the matter here, which is apparently a FEMA contract.

Q All right. Let's go back if we could, then, to the line

we had just started relating to contacts -- relating to Governor Siegelman through the end of 2002. In the period of time, again, between Governor Siegelman's election and the end of 2002, did you ever communicate about Governor Siegelman with anyone working at the Department of Justice?

A No.

Q To the best of your knowledge, did anyone at OPA or the RNC or the RGA communicate with Governor Siegelman or with anyone working at the Department of Justice during that time period?

A No, not to the best of my knowledge.

Q Have you ever had any conversations with Noel Hillman in the public -- then in the public integrity section of the Department of Justice?

A I'm familiar with the name but I -- and I had -- I may have had some -- I can't remember whether this was an issue regarding the appointment of Noel Hillman -- is Hillman a potential --

Q For the record, he has later become nominated for and approved as a Federal judge, if that helps you.

A Right. Yeah. I think that is the context in which I recognize the name.

Q Do you recall ever having any communications with him while he was at the Department of Justice?

A Not that I recall, no.

Q Anyone else in the public integrity section?

A On this matter? Or any other matter?

Q Let's say on any matter?

A I don't recall specifically, but there could have been some contact by them with me, not the other way around. Not me with them.

Q Again, in the period of time between Governor Siegelman's election and the end of 2002, did you have any communication about Governor Siegelman with anyone working at any of the Alabama U.S. Attorneys' offices?

A Not that I'm aware of.

Q To the best of your knowledge, did anyone at OPA or RNC or RGA have any communication about Governor Siegelman with anyone working at any of the Alabama U.S. Attorneys' offices during that period?

A Not that I'm aware of.

Q Again, in the period of time between Governor Siegelman's election and the end of 2002, did you ever communicate about Governor Siegelman with anyone working for the Alabama Attorney General's Office or any Alabama law enforcement agency?

A I may -- I don't know when Bill Pryor was Attorney General. I may have had a conversation about Siegelman at some time about him, sparked by either an incidental contact, whether it was something bubbling in the press or something. But did I reach out for anybody in law enforcement and either ask -- or ask for any action to be taken or -- no.

Q Tell us what you recall about the conversation with former Attorney General Pryor.

A I don't recall anything except that, you know, if we were talking and we were gossiping about what was going on in Alabama, he would have -- and there was something publicly bubbling about this, he would have told me. Or he could have told me.

Q And can you -- would you place that in this time period, somewhere before the end of 2002; or could it have been after that?

A It could have been after that. I mean, I would have to know, because he was elected with Siegelman in '98 and I can't remember exactly when he resigned in order to go to the Federal bench. But it could have happened during that 5- or 6-year period.

Q It would have been sometime before he went to the Federal bench is what you are saying?

A Yes, yes. And look, I'm trying to be -- we might never have talked about it. But if there is a 5-year or 6-year window during which things that would have happened publicly, we would have been discussing, we would be talking about how things are going, and he could have said we have a whole big brouhaha down here. I don't recall any specific conversation.

Q Again, in that same time period between Governor Siegelman's election and the end of 2002, were there ever any

communications between anyone at OPA, RNC or RGA and -- about Governor Siegelman with anyone working at any of -- either at the Alabama Attorney General's Office or any Alabama law enforcement agency, to the best of your knowledge?

A Not that I'm aware of.

Q Again, referring to that same period between Governor Siegelman's election and the end of 2002, were there -- did you ever have any communications about Governor Siegelman with -- I'm sorry. Let me rephrase that question. In that same period of time between Governor Siegelman's election and the end of 2002, did you have any communications about a criminal investigation or possible illegal acts by Governor Siegelman with Bill Canary?

A Again, not that I recall. Again -- no.

Q And the same question with respect to any possible communications involving OPA, RNC, RGA and Bill Canary.

A Not that I'm aware of.

Q And, again, referring to that same period of time up to the end of 2002, did you have any communications about a possible criminal investigation, prosecution, or illegal acts by Governor Siegelman with Bob Riley, his son Rob Riley, or anyone in the Riley administration?

A Could you repeat that question?

Q Sure. In the same period of time, up until the end of 2002, did you have any communications about a criminal -- possible criminal investigation, prosecution, or illegal acts by Governor

Siegelman with Bob Riley, his son Rob Riley, or anyone in the Riley administration?

A Not that I recall.

Q Same question with respect to any possible communications involving OPA, anyone at RNC or RGA and these parties?

A Not that I'm aware of.

Q In the period of time, again up to the end of 2002, did you have any communications about a possible criminal investigation, prosecution, or illegal acts by Governor Siegelman to anyone working in the media or the press?

A Not that I'm aware of.

Q Have you ever had any conversations with -- relating at all to Governor Siegelman with Alice Fisher, formerly head of the criminal division at the Justice Department?

A No.

Q Anyone else in the criminal division?

A No.

Q Again, in the period of time between Governor Siegelman's election and the end of 2002, did you or anyone working for you ever have any communications with anyone about a possible criminal investigation, prosecution, or illegal acts by Governor Siegelman?

A Not that I'm aware of.

Q Now, when did you first learn that in fact Governor

Siegelman had been indicted by U.S. Attorney Alice Martin in Birmingham in May of 2004?

A Sometime after the indictment.

Q Did you have any knowledge that it was coming before it was made public?

A No.

Q Did you have any view on how the indictment might affect a possible rematch between Bob Riley and Governor Siegelman?

Mr. Luskin. Do you mean after the indictment became public?

Mr. Mincberg. Since Mr. Rove has testified that that is when he first knew about it, I would assume that would be correct.

Mr. Rove. Yes.

BY MR. MINCBERG:

Q What was your view?

A Pretty damaging.

Q To Governor Siegelman?

A Yes.

Q And you were aware around this time, around the time of the indictment, that Governor Siegelman was considering running again for the governorship in '06 and that Riley was vulnerable to a challenge; is that correct?

A No. I wasn't really certain until the articles came out that Siegelman was seriously considering it, and I'm not certain I ever thought Bob Riley was vulnerable --

Q Let's --

A -- in a general election.

Q Let's take a look, if we could, at Document 40 in the Exhibit 1 notebook, which is an e-mail from you to M. Schlapp and Susan Ralston, which attaches a copy of the Southern Political Report of April 12, 2004.

Is this an example of one of those instances where you were asking somebody working for you to print something out so that you could read it?

A Susan Ralston; yes.

Q Who is M. Schlapp?

A The then-director of the Office of Political Affairs, Matt Schlapp.

Q I see. And why were you sending this along to him?

A Because I got it and I shared it -- every issue I received, I shared it with him and I asked Susan to run off a copy.

Q So you could then read it?

A So it could be put in a stack in which I might read it. It is more important to get it in the hands of the person who had to read it as opposed to me.

Mr. Luskin. Can we take a brief break?

Mr. Mincberg. Sure. Five minutes?

Mr. Rove. Less.

[Recess.]

BY MR. MINCBERG:

Q When we left off, Mr. Rove, we were talking about Document 40 in Exhibit 1. And I want to direct your attention in particular to the Southern Political Report, page 2 of that report.

A Page 1.

Q I'm sorry. You're right. Page 1. Page 2 of the exhibit, Page 1 of the report in the second paragraph. It says, and I quote, With Governor Bob Riley having low approval ratings following his major defeat last year on a tax restructuring proposal, lots of Democrats are sending signals they might run for Governor in 2 years. Ex-Governor, Don Siegelman, who barely lost to Riley in 2002, has made no secret of his ambition to serve as Governor again, end quote.

I take it you don't recall one way or the other whether or not you saw this?

A I don't.

Q But in any event, it certainly stands to reason that Siegelman would be weakened if he was charged with crimes, correct?

A Correct.

Q Now, when did you first learn that the indictment had been dismissed in October of 2004?

A Shortly after it was dismissed.

Q Who told you?

A Somebody who wrote it in a piece of paper that appeared

in the press or repeated in the clipping service.

Q But you don't recall who it was?

A I don't. But in all likelihood I saw it in the morning clips. Going back to the Southern Political Report, the most important thing in that entire first piece is the -- is the last phrase in that section devoted to Alabama, "2006 is still an eternity away."

Q What was your reaction when you learned that the indictment against Governor Siegelman was dismissed?

A That the indictment had been dismissed.

Q Did you communicate about the dismissal with anyone?

A Not that I recall.

Q Was there any concern about the handling or mishandling of -- by Alice Martin -- of the case that you're aware of?

A Not that I'm aware of.

Q Did you ever consider how the dismissal of the indictment might affect a possible rematch between Bob Riley and Don Siegelman?

A I didn't give it much thought.

Q You did follow Alabama politics?

A Yeah. And I also understand that it is very unusual for defeated incumbent Governors to come back from a defeat and get reelected again, particularly if they have a primary full of ambitious people who have won their last election.

Q Were you aware there was discussion of this very point

in the media about the effect of the dismissal of the indictment on Governor Siegelman's prospects?

A I don't recall. But I'm sure there was.

Q Let's take a look at Document 41 in the Exhibit 1 notebook. And Document 41, the cover sheet, there is a Barbara -- it is Goergen?

A Goergen.

Q And was she the person to whom you were sending this to have it printed out for you?

A Yes.

Q And --

A I'm out of the office as well.

Q Uh-huh. Uh-huh.

I'm going to ask you to take a look at page 5. It is actually numbered page 4. But it is the fifth page of the exhibit in the entry about Alabama.

I take it back. I want you to flip to the next page, actually the page numbered 5, which continues to talk about Alabama, and to look at the second column, which begins at the top, "The other Democrat who might run is ex-Governor Don Siegelman." Do you see that?

A Yes.

Q And going down the page, it discusses the fact that he is a, quote, "superb politician despite being dogged by several ethical clouds." Do you see that reference?

A Yes. You ellipsed out "losing to challenger Riley in 2002 by a mere 48.9 to 49.1."

Q And I'm happy for you to add that.

It goes on to say, "This year could be different. Federal prosecutors in Birmingham had to drop their case against Siegelman when the judge threw out the major charge against him." Do you see that reference?

A Yes.

Q Do you recall seeing this?

A No.

Q Do you agree that Siegelman would have been a serious contender in the 2006 race if his legal problems were resolved?

A Again, I'm not certain if he would or wouldn't be, because he faced a primary with a couple of -- at least one very ambitious and very popular official, and probably several.

Q On the other hand, if Siegelman were reindicted, that would have harmed him politically and made it more difficult for him to win the governorship?

A It generally creates problems, yes.

Q And, in fact, the article references the fact there is a Federal grand jury in Montgomery looking into his activities as Governor, correct?

A Correct.

Q How would you describe your interest in the 2006 Alabama Governor's race?

A I'm not certain I understand the question.

Q Were you interested in who would be running and who would win?

A Sure.

Q Did you anticipate supporting Bob Riley if he ran for reelection?

A He was the incumbent; it was our policy.

Q And you had an active interest in whether or not he would run, correct?

A I don't know if I had an active interest in whether or not he would run. But we would have an active interest in holding the seat.

Q Well, take a look, if you would, at Document 42 which is an e-mail from Sara Taylor to you on February 10, 2005. And Ms. Taylor says, quote, "We asked Kitty to do some digging,, no word for sure, but sounds like probably Riley will run," end quote. Do you see that?

A Uh-huh. Yes.

Q And Kitty, I take it, refers to Kelley McCullough?

A McCullough.

Q McCullough?

A Yes.

Q And she was at the RNC?

A Yes.

Q Does this refresh your recollection about any

communications you had with Sara Taylor relating to Governor Riley's plans for reelection and the Alabama's Governor's race?

A No, I don't. I was asked to do a fund-raiser in 2006. This may have been provoked by that why was I going to go down there and what was I going to do?

Q In any event, Ms. Taylor did --

A Or '05. Excuse me.

Q '05, right. In any event, Ms. Taylor did send you an e-mail reporting that the result of the digging that was asked to be done was that it looked like Governor Riley probably would run for reelection?

A It is unclear whether I asked her to do that digging or not. She said, We asked Kitty to do that digging.

Q You just don't recall if that impulse came from OPA or from you?

A Yes.

Q As I understand, the information that Ms. McCullough got came from Toby Roth, chief of staff to Governor Riley; is that correct?

A Correct.

Q Did you yourself have any dealings with Mr. Roth?

A Not that I recall. I probably did talk to him during his time as chief of staff, but I don't recall specifically when or what subject.

Q Now, we saw a few minutes ago from that Southern

Political Report, there were reports of a Federal grand jury in Montgomery looking into Governor Siegelman's activities as Governor. I take it you became aware that an indictment was made public out of Montgomery in the fall of '05 against Governor Siegelman; is that correct?

A Yes.

Q When did you find out about that?

A Read about it in the newspaper.

Q You read about it after it happened?

A Yes.

Q You had no information about it beforehand?

A No.

Q I want to go back again and ask you some of the similar questions that I asked you before about possible communications. In this time period -- and by this time period, I now mean between the end of 2002 and the public release of the Montgomery indictment of Governor Siegelman in October of 2005. Do you understand that?

A Yes.

Q Okay. During that time period, did you or anyone at OPA ever communicate about the possible criminal investigation, prosecution, or illegal acts by Governor Siegelman with anyone working inside the White House or the RNC or the RGA?

A I did not; and I'm not aware of anyone else.

Q Again in that same period of time, did you or anyone at

OPA or RGA, to your knowledge, ever communicate about Governor Siegelman with anyone working at the Department of Justice?

A By communicating about Governor Siegelman, do you mean about his potential legal problems?

Q Well, I mean -- now I'm talking about communications with the Department of Justice.

A No, no.

Q I'm asking about any communication related to Governor Siegelman.

A I had no such communications, and I'm not aware of any communications about Governor Siegelman in any context with the Justice Department.

Q Again, in the same period of time, between the end of 2002 and the public release of the Montgomery indictment in October of 2005, did you or anyone at OPA or RNC or RGA, to your knowledge, have any communication about Governor Siegelman with anyone working at any of the Alabama U.S. Attorneys' offices?

A I did not, and I'm not aware of any other communications by the people you ask about.

Q Again, in that same period of time, 2002 to the public release of the indictment of October 2005, did you or anyone at OPA or RNC or RGA have any communications about a possible criminal investigation, prosecution, or illegal acts by Governor Siegelman with Bill Canary?

A I did not have any, and I'm not aware of any

conversations by the others.

Q Did you want to add to that after conferring with your counsel?

A Yeah. And -- there is -- there has been the first indictment which has been thrown out.

Q Right.

A So we may have talked about that. But I'm not aware -- I don't recall any such conversation. Did we talk about the impending indictment? I don't recall any conversations about that.

Q And again you're aware, I take it, of no communications by anybody at OPA, RNC or RGA about this subject?

A That's correct.

Q Again, in that same period of time between the end of 2002 and the public release of the Montgomery indictment in October of 2005, did you or, to the best of your knowledge, anyone at OPA, RNC or RGA ever communicate about a possible criminal investigation, prosecution, or illegal acts by Governor Siegelman with Bob Riley, Rob Riley his son, or anyone in the Riley administration?

A Not that I recall.

Q Again, did you want to add --

A The point is I don't have any -- about anything that has not been made public, that is not an item of public speculation.

Q Well --

A Or let's say public is not covered in the newspapers. If it doesn't appear in the press, I don't know about it.

Q Well, tell me what you can recall about any communications during this time period now, the '02, '05 period. Even about things that were in the newspapers relating to some of the allegations with regard to Governor Siegelman with any of the people we've been talking about, with Bill Canary, with Bob Riley --

A I don't believe I had any communication with them. I may have had had conversations with Kelly McCullough about what was happening in Alabama, if something popped in newspaper and we saw each other. But I'm confident I didn't have conversations with those people about things that were not public matters, and I'm pretty confident that I didn't have any conversations with the Rileys about anything that was public. I may have had a conversation with Canary about something that was public, but I don't recall.

Q And do you recall anything about what that conversation -- if there was such a conversation -- what the content of that conversation was?

A I'm not aware that I had a conversation, but I wouldn't -- I don't want to -- there could have conceivably been such. I just don't recall.

Q In any event, you don't recall the content of any such --

A No.

Q Again, in the same period of time between the end of 2002 and the release of the Montgomery indictment in October of '05, did you or anyone at OPA or RNC or RGA, to the best of your knowledge, ever communicate about a possible criminal investigation, prosecution, or illegal acts by Governor Siegelman with anyone at all?

A I didn't, and I'm not aware of any communication by any of the others.

Q Other than what you have testified to before about Mr. Canary?

A Right. And Mrs. Robertson -- Ms. McCullough, Mrs. Robertson.

Q Right.

Mr. Luskin. And again, Elliot, the only qualification here is that the time period that you have identified, '02 to October of '05, includes the May indictment which is made public and subsequently dismissed. And I think he has made clear that he may have had conversations about what was in the media.

BY MR. MINCBERG:

Q As I understand it, the only ones you recall possibly having had were with Mr. Canary?

A And I indicated Ms. McCullough and Mrs. Robertson.

Q Do you recall anything about the content of those communications?

A No.

Q Now, I think it is a matter of public record that Don Siegelman was convicted by the jury in Montgomery in June of 2006. How did you learn of the conviction?

A I read about it in the clips or saw it on the evening news.

Q Take a look if you would at Document 43. That is an e-mail from Sara Taylor to you and to Taylor Hughes, with the heading Alabama News Alert, dated June 29, 2006. Do you see that?

A Yes.

Q And she is forwarding to you something received from Jason Huntsberry. Who is Jason Huntsberry?

A He would be the regional person in the Office of Political Affairs at that point who had Alabama. I assume you had Alabama since it was Alabama news and he was the regional director.

Q And the e-mail reads, quote: Just spoke with Toby and word is that Former Governor Siegelman, paren, 10 counts, closed paren, and Richard Scrushy, paren, every account, closed paren, were just convicted. Details to follow.

Is that correct?

A Yes.

Q Toby, again, would be Toby in Governor Riley's office?

A I assume that is Toby Roth, yes.

Q Do you recall getting this e-mail?

A I don't. But I'm sure I did. And I'm sure I looked at it. It is 5:52 p.m. is the sent time. So I could have conceivably seen it sometime that evening, at which time I may have seen it on the evening news as well.

Q But this would suggest that regardless of whether or not you saw it on the evening news, you also got an e-mail from Sara Taylor forwarding something that came from Governor Riley's chief of staff, saying that Governor Siegelman had been convicted, correct?

A Right. Sent at 4:54 from Jason Huntsberry to Sara. I assume that the guilty verdict was sometime that day.

Q Other than this instance, did you ever otherwise, directly or indirectly, receive any other information about the Siegelman prosecution from Mr. Roth or anyone else outside of published news reports?

A Not that I recall. And this may be a published report. This may be reacting to the local news. I don't want to leave the impression that this -- I assume that Mr. Roth got this after it became public.

Q Right. But you didn't see -- you presumably would not have seen the local Alabama report yourself, directly; you would have gotten this from -- as we have indicated, from Ms. Taylor and going back to Toby Roth?

A Well, I could have conceivably gotten it off the evening news or gotten it in the morning clips the next morning.

Q Right. No, I understand. But there is no question that you did get some information here, other than through picking things up yourself --

A Well, some information was sent to me at 5:52 p.m. which I may or may not have seen before I saw it in a public source.

Q Got it.

A Marvelous thing, this Internet.

Q Now, in February 2008, the Birmingham News ran an article about this case based on a telephone interview which we have as Document 44. And I will ask you to take a look at that. And in particular, look at the -- towards the end of the article where you are quoted as saying, in the second from the bottom paragraph, quote, "What I saw and knew about the Siegelman case I saw on the evening news," end quote, he said. Is that an accurate quote from you?

A Yes, I think, though, the evening news is sort of the general substitute, for I read -- I got this through public sources.

Q But that statement isn't entirely accurate, at least regarding the information you received in the e-mail from Sara Taylor; isn't that right?

A No, that is from some -- I don't know when I saw that. You're making the assumption that I looked at my e-mail and saw it at 5:52. I haven't looked at my e-mail for an hour in this meeting. I could have conceivably not looked at it until the next

morning. It also arrived on the political account, which meant it was on a separate device and not on my desktop unit in the office.

Q Nonetheless, despite what you said in this article, you're not denying that you received an e-mail from Sara Taylor giving you information about the Siegelman case?

A I'm not denying Sara Taylor sent me an e-mail. My recollection, obviously, at a much closer period of time to the event than today, I was saying I heard it through the news, and that's my recollection is that I heard it through the news. I may -- she may have sent it to me and I may have seen it. But it is inconsequential. By the time I read that, whether it is 5:53 in the afternoon or 5:53 the next morning or sometime in between, it is a matter of public record.

Q Anything else you would like to add, Mr. Rove?

A No, sir.

Q Now, earlier in the article, going back up to -- which I'm now again at document 44, going up to the second paragraph, you're quoted as saying, "Seeing where I was working at the time, a reasonable person could ask why I would even take an interest in that case," end quote. Do you see that?

A Yes.

Q Is that an accurate quote?

A Yes.

Q We have in fact seen e-mails forwarded to you -- which, again, you haven't recalled whether you saw -- but these e-mails

nonetheless discussed Alabama politics and the impact the conviction of Don Siegelman might have on the race; isn't that correct?

A That is slightly misleading. What I think you're referring to are two newsletters about southern politics in which articles appear about Alabama. That newsletter is produced, I believe, every week or every 2 weeks, and I received it for -- I have received it for 20 years.

I'm not certain I could take my receipt of that as first evidence that I read that with a timely concern, or that my concern with the newsletter was receiving information about Alabama.

Q I understand that, and you're certainly entitled to give your explanation of that. But it is nonetheless true that you received e-mails that did in fact enclose a newsletter that discussed Alabama politics and the possible impact of a conviction by Don Siegelman; isn't that right?

A Yes.

Q We have also seen one e-mail in which your staff asked someone at the RNC to do some digging regarding whether or not Bob Riley would seek reelection, correct?

A Correct.

Q And we have an e-mail here that provided you a personal report -- which you may or may not have read -- on the outcome of the case from the chief of staff to the Governor of the State of

Alabama, correct?

A Hours after the case became public.

Q Uh-huh.

Mr. Luskin. Elliot, let me interrupt to say, are we fingering him here for a Birmingham news rap? What direction are we taking? He has answered your questions about what he knew and --

Mr. Mincberg. I have only a few more questions in this line and we'll conclude it.

BY MR. MINCBERG:

Q In fact, you did have an interest in the Siegelman case, didn't you?

A I had a lot more pressing things on my platter than the Alabama Governor's race, and, as a result, a lot more significant things to worry about than the Don Siegelman case. Was I, as a student of Alabama politics or politics in general, you know -- I wouldn't say interested, but, you know, receive the information and process it? Yes. But the idea that I was somehow waiting on pins and needles for the outcome of a case in Alabama is -- which I think is sort of the implication of your use of the word "interest," is not accurate.

Q Now, you also in this same article that we are referring to, state that you do not recall ever meeting or talking to Jill Simpson, the person who accused you of pressing for Siegelman to be investigated and claims to have met you. Under penalty of

prosecution under 18 U.S. Code 1001, do you stand by your statements that you have never met or spoken to Jill Simpson?

A I have no recollection of meeting her or talking to her.

Q And, again, under penalty of prosecution under 18 U.S. Code 1001 --

Mr. Luskin. Let's stop the posturing. Just ask your questions.

BY MR. MINCBERG:

Q Under penalty of prosecution under 18 U.S. Code 1001, do you stand by your statement that you had no communications relating to a possible investigation, prosecution, or illegal acts by Governor Siegelman?

A With Dana Jill Simpson?

Mr. Flood. Forgive me, Mr. Rove. I would like to -- it seems to me that Mr. Schiff asked a question quite general in nature. It might have been the very first question he asked Mr. Rove when he met early in July about applicable law. And I think Mr. Rove's answer was clear and unqualified.

The idea of loading these questions up with 1950's House Un-American Activities Committee-style rhetoric and diction is really not fitting and appropriate to a political dispute in which the House of Representatives and the executive branch have agreed to resolve on a cooperative basis.

Mr. Mincberg. Anybody else want to say anything about this before I go forward? I will state for the record this is my

only --

Mr. Flood. It speaks for itself, Elliot.

Mr. Mincberg. This is my last question on this line, but I will repeat the question and I think we may not have understood each other on it in light of the various objections. So let me state it again.

BY MR. MINCBERG:

Q Under penalty of prosecution under 18 U.S. Code 1001, do you stand by your statements that you had no communications, other than the ones you've testified to generally today relating to -- relating to possible investigation, prosecution, or criminal acts by Governor Siegelman?

A I stand by my statement. I'm not aware of any conversations other than the ones I have indicated.

Mr. Luskin. And let me add at this point, as you were aware, Elliot, and on July 22, 2008, in response to questions from Ranking Member Smith, Mr. Rove submitted written interrogatories which detailed those responses, and also included an appendix. And particularly in view of your theatrical invocation of 18 U.S. Code 1001, I asked that his responses to those interrogatories be made a part of this record.

Mr. Mincberg. We did have some concerns that I won't go into now relating to that. But if you'd like to make this part of the record --

Mr. Luskin. If we could, please. And I recognize that you may not have approved the questions and --

Mr. Mincberg. We have absolutely no objection to you making it a part of the record if you want.

Why don't we have that document marked as Exhibit 6.

Mr. Luskin. Thank you. I appreciate that.

[Rove Exhibit No. 6
was marked for identification.]

BY MR. MINCBERG:

Q Mr. Rove, in response to Ms. Simpson's claims, the U.S. Attorney's office in Montgomery issued a number of public statements regarding the Siegelman matter and about some of Ms. Simpson's contentions.

Did you or anyone at OPA or RNC or RGA have any communications relating at all to those statements or the possibility of making them?

A These are the statements that she made and that are covered in the 2008 article?

Q I'm talking now about statements made by the U.S. Attorney's office to respond to what she said.

A I'm trying to establish when -- what time frame you're talking about. So the February 2008 -- So this would be approximately 6 months after I left the White House.

Q I think that is correct. I think that is correct.

A So, no, I did not have any contact and I'm not aware of any contact by somebody at the RNC or the RGA or the White House for that matter. But I'm 6 months out of the White House.

Mr. Mincberg. Go off the record just a minute.

[Discussion off the record.]

BY MR. MINCBERG:

Q I have now been corrected a bit, although I think it

still may be -- I don't remember the precise date that you left, but the time period we are talking about -- September 16th?

A August 31st. Formal date of termination, September 16th.

Q So there may have been a bit of an overlap here. The U.S. Attorney's office's statements were in the summer of 2007. Is your answer still the same, that you know of no such communication?

A Yes, it is. Yes, it is.

Q Did you ever speak with Leura Canary about the controversy that arose relating to your role in the Siegelman case?

A No.

Q Now, in October of 2007, Rob Riley, Terry Butts, and Matt Lembke submitted affidavits to the House Judiciary Committee regarding Ms. Simpson's allegations.

Are there any communications that either you had, or, to your knowledge, anybody at OPA, RNC or RGA had relating to those affidavits?

A No. And not that I'm aware of.

Mr. Minberg. I just want to do one other small thing. There were concerns raised in our last session relating to objections about questions that we have been asking about appointment of other U.S. Attorneys other than Alabama. I promised at the time that I would not take your time responding to

that but that I would put something in the record on that.

So I will ask to be marked as the next exhibit, Exhibit 7, a document entitled, "Response to Day 1 Scope Objections re Questions on Appointment of U.S. Attorneys." I have no questions for you on it, but I just want to put that in the record?

Mr. Luskin. And we have no objections to it being part of the record.

[Rove Exhibit No. 7

was marked for identification.]

Mr. Mincberg. Right. And with that, I believe we can turn things over to our Republican colleagues.

Mr. Schiff. I just want to check whether you have a preference for whether we take a lunch break now or --

Mr. Forbes. I think it would be better for everybody if we continue on. The only thing I would ask, and I want to just make certain, Adam, have you finished all your questions? Elliot, have you finished all of your questions? By the nodding of your head I take it for the record that is yes.

Mr. Mincberg. Again, as we said before, we don't guarantee that we might not have something in response to what is asked. But, yes, we have finished all of our questions.

Mr. Forbes. I think the only thing I would request is maybe take a 5-minute break for a restroom stop and then we come back and get started.

[Recess.]

EXAMINATION

BY MR. FORBES:

Q Mr. Rove, I want to first of all thank you for your willingness to testify on these matters and your patience and graciousness you have shown through the interview. I also want to take the time as I begin my questions to apologize to you and to the American people for the amount of resources that we are putting on this.

Yesterday, the Attorney General of the United States, as you may have read in open sources and in public record, said that the issue that kept him up at night was the springing up of terrorism in the United States, in the homeland.

You also probably know that the chief prosecutor who is currently in office and currently prosecuting the 9/11 defendants is concerned that an executive order that has been issued by the President of the United States may result in him having to dismiss the charges against those defendants.

Yet, yesterday when our Committee had the opportunity just to begin to ask questions about what the administration was doing in communications regarding these terrorists, we couldn't do that.

And yet today, and for the last day, we have spent 18 people sitting around this room, going through these kinds of questions. So thank you so much for this exhaustive and comprehensive questioning that you have undergone.

And because of that, I have just a limited number of

questions and I hope that we can conclude very quickly.

Oftentimes if you stand by a tree in the forest, it seems huge and overpowering. If you move back and look at the whole forest, however, it puts it in a little bit more perspective.

And one of the things that I wanted to ask you about is, we have heard a lot about specific complaints that had been sent to you or ideas that people had. During your positions -- during the time that you served in the White House, I take it the U.S. Attorneys were not the only issue on your plate. If you had to put a percentage of the amount of your time during that, that you allocated to the entire U.S. Attorney issue, what would that percentage have been?

A Over the course of 6-1/2 years? Significantly less than 1 percent.

Q Significantly less than 1 percent. Now, during that time I take it you have had numerous complaints made to you about almost everything imaginable, from highway projects that weren't completed, to resources that weren't getting distributed, to terrorism and national security issues. Am I correct in that assumption?

A Yes, you are.

Q And when you got those complaints or ideas fielded to you, I take it by possibly 435 Members of the House, 100 Members of the Senate, and numerous other people across the country, did you have either the resources or the time to fact-check or vet

every one of those complaints or ideas before you forwarded it on to the appropriate people?

A No.

Q In fact, did you -- was it your role to fact-check or vet most of those complaints and ideas?

A No.

Q Was it normally your process and procedure to simply forward those on to the appropriate sources so that they could do that kind of fact-checking and vetting of those ideas and issues?

A Yes, if I thought the source was credible. And particularly if there was any information that could be passed along, instead of just simply passing along a rumor or trying to get people to put it in writing or give me some evidence of it.

Q Also when you got the complaints or ideas, did you have the resources or the time to filter out the political motivations that might be behind every one of those complaints or ideas before you passed it on to the appropriate --

A No. Not to suggest that Members of Congress would ever have a political motivation behind any suggestion or comment or complaint they might have in the House.

Q In point of fact, did you realize that if you had not passed on some of those complaints or ideas, and there had been some detrimental action that had taken place, perhaps that would have landed on your shoulders that you didn't pass that complaint on to someone. Is that fair?

A Absolutely. Absolutely.

Q On Page 43 of the July 7, 2009 transcript, I would like for you to just take a moment and look at that if you could. Lines 18 through 19 I think specifically.

Mr. Schiff asked you the following question: Did you ever pass on complaints about voter fraud by groups affiliated or leaning towards Republicans?

Now, that question is open to differing interpretations. So that the record is clear, could you just please clarify your answer to that question?

RPTS DEAN

DCMN NORMAN

[12:15 p.m.]

BY MR. FORBES: [Continuing.]

A Did I pass on complaints about voter fraud that had been done by groups affiliated or leaning towards Republicans; had I passed on complaints about Republican-leaning groups or affiliates that had engaged in voter fraud.

Q Do you believe there was ever anything improper about passing complaints on to those persons?

A No, I'm passing on complaints -- well, I took the question on have you ever complained to -- have you ever passed on to the Justice Department specific complaints about voter fraud that was undertaken by groups that were Republican, or Republican in orientation?

Q I understand.

Can you please clarify for us when you first heard rumors that David Iglesias wasn't doing a good job as a U.S. Attorney?

A Check one -- this would be following the 2004 election.

Q Following the 2004 election.

A There may have been -- there may have been some -- I may have heard about it before the election, but it was, I believe, mostly after the election.

Q And during your July 7th, 2009 interview testimony, you discussed a conversation you had with Josh Bolten, it's I believe

on pages 130 to 131, if you could turn to that.

That conversation concerned a separate conversation that Mr. Bolten had with Senator Domenici about David Iglesias. Is there anything about that conversation that you would like to add to your prior testimony or is that complete?

A I don't recall specifically. My answer is I don't recall specifically, but I'm sure it was the general contours of Senator Domenici talked to Mr. Iglesias. And I think I meant to say the general contours of what Senator Domenici had to say about Mr. Iglesias, which I was quite familiar with. At this point I don't think I'm aware that Senator Domenici had talked to Iglesias. So I'm -- about his general complaints as opposed to a specific conversation.

Q While you have that transcript open, at page 109, specifically lines 2 through 6, you provided an answer to a question about whether Senator Domenici raised his concerns about Mr. Iglesias to Harriet Miers or Josh Bolten, and I'm not sure I understand your answer. So could you just please clarify that for the record?

A Yeah, I do know that he complained to Josh Bolten, the chief of staff. I don't know whether he complained to Harriet. So I answered this in a way that makes it sound like I didn't know whether he complained to Harriet or complained to Josh. While I knew he complained to Josh, I'm just not aware of if he complained to Harriet as well.

Q And at page 110, if you just flip the page, line 10 of the July 7th transcript, you provided an answer to a question about whether Senator Domenici raised his concerns about Mr. Iglesias to Attorney General Gonzales.

Again, could you please clarify your answers on that one for the record to make sure I understand?

A Yeah, I do know that Domenici spoke to the Attorney General, I don't know why I said I don't. Because I -- he did follow up by talking to him and I heard about that afterward.

Q At page 82 of the same transcript, lines 6 through 10, you answered a question about whether you or your office had consulted with the White House Counsel's Office to recommend Mr. Iglesias for removal. Now I'm not sure I fully understand your answer to that question, so again I'm just going to ask that you clarify that one for me as well.

A Well, Scott Jennings - did your office consult with the White House counsel to recommend Mr. Iglesias' removal. The e-mail showed that Scott Jennings, unaware -- I'm unaware of it, but Scott Jennings saying to a member of the White House counsel staff, "We ought to remove him." This is his personal view, it's not reflective of conversations with me where I've authorized him to engage in these kind of conversations.

But the e-mails do indicate that Scott Jennings is saying to Leslie Fahrenkauf -- now Leslie Fahrenkauf Doland -- that she wants -- that he wants -- he recommends his removal.

Q In 2006 or earlier, were you aware of whether Senator Domenici had supported or even pushed for Mr. Iglesias to be nominated as New Mexico's U.S. Attorney in 2001?

A Yes. He was a strong supporter of this.

Q Did Senator Domenici support or push him -- and you said he did.

If -- so was Mr. Iglesias' loss of the support of his senatorial patron a factor that was relevant to whether there was a basis to remove him as a U.S. Attorney?

A I'm not certain the loss of support, but it did raise the salience of the points that Senator Domenici was raising -- I mean Senator Domenici had about his chief advocate. It probably meant that the Justice Department was going to take more seriously the complaints that came from that area and look into them seriously.

Q Now much of your July 7th interview focused on your concern over voter fraud; and, again to your knowledge, is voter fraud a Federal crime?

A I believe so.

Q I want to shift a little bit now to Tim Griffin and Bud Cummins. In the first part of this interview you explored the subject of when you first heard that Bud Cummins planned to leave his position of U.S. Attorney for the Eastern District of Arkansas. For example, this issue is discussed on pages 25 through 27 -- if you want to just turn there -- of the transcript.

Again, I'm just going to ask if you can clarify for us when it was that you heard Mr. Cummins was going to leave that post. Take your time to review that if you need to.

A Looking at page 26, 19 through 24, I may have heard this in the -- sometime before the election, based on a conversation that Mr. Cummins had had with people in Arkansas about potentially departing, as his western Arkansas counterpart had done, and trying to find the same kind of arrangement. I may have heard about it before the election.

I certainly know about it after the election, no later than December, late December, where there is an article that appears where Mr. Cummins says, it's not -- you know, "It would not be unusual for me not to remain the next 4 years."

Q Good. On page 152 and 153 of this transcript you discuss the issue of Tim Griffin and the potential of his taking a job with the Department of Justice, Office of Legal Counsel. I'm just going to ask you if you could please clarify whether you meant to refer to the Office of Legal Counsel or the DOJ's Office of Legal Policy?

A Legal policy. OLP as opposed to OLC.

Q On page 160, line 6 -- I'll give you just a minute to look at that -- Mr. Schiff stated that, "You couldn't say about the Department" and characterizing an answer you allegedly had given earlier in an interview about whether people in the White House Counsel's Office and the Department of Justice knew about

your interest in Tim Griffin receiving an appointment to a position at Justice or as a U.S. Attorney.

I'm not sure that was a correct characterization of your earlier testimony, but I'm going to ask if you could clarify for us, again, on line 6 of page 160?

A I don't think I ever said that people in the Department didn't know. I'm pretty confident they did know, I was outspoken in my support for him. It was clearly communicated with the White House Counsel's Office. I believe I made my opinion clear at the Judicial Selection Committee. I don't think -- people at the Department had heard -- I can't tell you who, but people in the Department were at the meetings hearing me as an advocate for Tim. There's no ifs, ands, or buts about it. And they would have heard so from my staff as well.

Mr. Luskin. And for the sake of the record and clarity, I think Mr. Rove is referring to Mr. Schiff's summary of Mr. Rove's testimony at lines 4 through 6, where he characterizes Mr. Rove as saying -- I think you responded, certainly known in the White House, you couldn't say about the Department. And I think that was the matter to which Mr. Rove is speaking.

Mr. Rove. And earlier he says, "was known to people in the White House Counsel's Office, Department of Justice," and he responded, "certainly known at the White House, don't think you can say that about the Department."

And I respond by saying, "It was no secret I was for him, and

would draw your attention to the fact that he was also well regarded" and so forth.

BY MR. FORBES

Q On page 238, Mr. Rove, if you could turn back for me -- I will give you just a moment to get there.

Mr. Schiff referred to Kyle Sampson's testimony before the Senate Judiciary Committee, and, according to Mr. Schiff, Mr. Sampson testified that you had raised the idea of firing Patrick Fitzgerald. Is that accurate?

A No.

Q Were you even part of the conversation between Mr. Sampson and Harriet Miers about which Mr. Sampson was testifying in this regard?

A No.

Q I'm sorry. During the first part of the interview you were questioned about whether the Department of Justice's request for Carol Lam and Paul Charlton's resignations created a public relations or public affairs issue due to those officials' prosecution of Duke Cunningham and investigation of Rick Renzi. The transcript is unclear about your response, for example, due to cross-talk recorded in the transcript.

Could you please clarify the record for us on that?

A With regard to Charlton and Lam, there are conversations about the implications, the public relations implications, this having been the prosecutions in the Cunningham and Renzi cases.

That occurs after the decision has been made and after they have been removed from office, and I am a part of those discussions.

Q So specifically, then, you mean to say that the public relations or public affairs issues came up after the requests for resignations were made; is that a fair --

A Yes.

Q -- representation?

To your knowledge, was the public relations or public affairs a consideration when it was being decided who would be asked to resign?

A Not that I'm aware of.

Q Earlier today your counsel asked that certain questions and answers that were sent in terms of interrogatories that were propounded to you on behalf of the Ranking Member Lamar Smith, dated July 15th, 2008, and your July 22nd, 2008 answers be submitted as part of the the record.

I take it you've had time to review those questions and answers and still stand by the statements that were made in those answers; is that correct?

A Absolutely.

Q Now, since the passage of time, that July 22nd, 2008, there is one thing that I would like to know. You heard some discussions and questions about Governor Siegelman's conviction. In any of his court filings or appearances, to your knowledge -- and I realize you don't have knowledge of all of them -- but since

that period of time, to your knowledge, has Mr. Siegelman ever claimed before the 11th Circuit or the District Court that you engineered a selective prosecution against him?

A Not that I'm aware of.

[Discussion off the record.]

BY MR. FORBES

Q Mr. Rove, one more question that's on page 87 of the transcript.

A Yes.

Q Line 11, the question that was propounded to you, it goes as follows: So at this point, May of 2005, neither Mr. Griffin or Mr. Jennings communicated with you the idea of seeking to replace Mr. Iglesias?

If you would look at your answer, and specifically on lines 19 and 20, you responded: Not one single thing but a cumulative of lack of action on the U.S. Attorneys.

Is that what you mean to say or --

A Lack of action on -- by the U.S. Attorney on voter fraud.

Q By the U.S. Attorneys on voter fraud.

A Right. Right.

Mr. Forbes. Well, that, Mr. Rove, concludes all of my questions, and we got out of here in plenty of time for everybody to catch their planes.

Mr. Mincberg. I just have one or two very brief things to

clarify what Mr. Forbes asked about.

EXAMINATION

BY MR. MINCBERG:

Q He had asked you about the discussion on page 110 of the transcript. I think you indicated that you did in fact learn that Senator Domenici had spoken with Attorney General Gonzales about removing Mr. Iglesias?

A At some point I do, I believe.

Q Can you tell us what you recall about what -- the content of what you learned about what Senator Domenici said to Attorney General Gonzales and what was said back?

A All I can recall is that I received word that he had talked to him. I assume that it was about the same subject, the same outline that he discussed.

Q But you have no recollection of the content?

A No, other than he was generally angry and unsatisfied with the response.

Q So in other words, the indication was that Attorney General Gonzales was not agreeing to fire Mr. Iglesias at that point?

A No, the -- it was that Attorney General Gonzales had not been forthcoming with a response. It was not that he was disagreeing with Senator Domenici, it was that he was taking information and not --

Q Not giving him --

A Not telling him his conclusion.

Q Not telling him what? I'm sorry, say that again?

A That he was taking the information and not offering up his conclusion.

Q By "his" you mean Attorney General Gonzales?

A Correct.

Q And a question came up about the timing of some of the discussions relating to the public relations issues, as this report refers to them, relating to the discharge of Mr. Charlton and Ms. Lam. Do you recall that a few minutes ago?

A Yes, I do.

Q Take a look, if you would, at document 57 in the notebook. This is one the e-mails that Mr. Schiff asked you about on this subject. And do you recall Mr. Schiff asked you about where Ms. Perino says, "Give me a double shot, referring to oxygen, "I can't breathe."

Mr. Luskin. We assume it's oxygen, right?

Mr. Mincberg. Right.

Mr. Luskin. For these purposes?

Mr. Rove. I know her personally and I would suggest it is not alcohol. It could be espresso.

Mr. Mincberg. I couldn't agree more.

BY MR. MINCBERG

Q And the date of this is November 17th, 2006, correct?

A Yes.

Q And that is prior to the December 7th date when the U.S. Attorneys are asked to resign, correct?

A Correct. But it is 2 days after the list goes to the White House.

Q Now, do you know whether Attorney General Gonzales ever gave Senator Domenici an answer with respect to Mr. -- Senator Domenici's request that Mr. Iglesias be terminated?

A No.

Q You don't know, one way or the other?

A No.

Mr. Mincberg. I think we are -- we are done at this point.

Can we ask the reporter to hang on for a minute while we have a brief off-the-record discussion about release of these transcripts that we may want to memorialize on the record.

[Discussion off the record.]

Mr. Mincberg. To go back on the record, just to record what we've all talked about off the record with respect to public disclosure of the transcript and the documents. There are actually three things that I think we're going to arrange to have done prior to that happening. First, as Mr. Flood just indicated, confirming that all the parties here actually get the transcript. Second, giving Mr. Luskin the opportunity to provide any errata sheet on the second section, which you indicated you will do promptly. I assume in about a week; does that make sense?

Mr. Luskin. Yes, that will be fine.

Mr. Mincberg. And finally we will communicate by e-mail as to whether or not we believe we want to go forward with the interview with Mr. Kelley. If we do, everything stays confidential until that interview is completed. If we don't, then at that point things can be then made public.

Mr. Flores. By what time will you make that decision regarding the interview with Bill Kelley?

Mr. Mincberg. We expect to do that within about approximately the same period of time it takes to review the transcript; approximately a week, a week from when the transcript is received.

Mr. Flores. Very good.

Mr. Flood. I thought we had an agreement on something slightly different than reflected in the record; which is to say, my stated interest in all parties having the transcript applies not merely to the early review for errata stage of what we're doing, but perhaps with greater interest to the end-stage process, after which Mr. Luskin has returned errata, if any, and the Committee makes a decision to go public. Which is to say, at some point there will become a final transcript.

But I should like to obtain from all parties an agreement that the final transcript will be presented to Mr. Luskin for Mr. Rove; myself for former President Bush; a representative in the counsel's office of the Committee; and that each such interested person receive that transcript and that it be

memorialized -- confirmed that we have that transcript -- before any of its contents or in its final form be released to -- posted on the Web site, given to Time Magazine, just take your pick.

I think it is -- we're going to respond to this, but we needn't pretend here among us this is other than a political process, and all the actors should have a level playing field on which to respond. That is my request and I hope you will agree.

Mr. Mincberg. Obviously we take some objection to your statement that this is a political -- purely a political process. But as I think we indicated before, we will certainly confirm by e-mail that -- it will probably make the most sense to simply give people copies of the errata rather than a revised transcript -- but certainly that all parties, as you have indicated, will have that information.

Mr. Flood. Do I have an agreement that they will have that information before it gets posted on the Web site or given to any member of the press? That's really the guts of my question.

Mr. Mincberg. I -- I --

Mr. Flood. That's a yes or no.

Mr. Mincberg. The answer to that from my perspective is yes. I don't, of course, have the authority of Members of Congress, but I have every assumption that Members on our side, as I'm sure Mr. Forbes' side --

Mr. Forbes. You certainly have agreement from the Minority side.

Mr. Mincberg. I will let you know promptly if there's any disagreements. But I am, I would say, about as sure as I can be that there will be no disagreement from Members on the Democratic side.

Mr. Flood. Yeah. I would be very interested in obtaining such an agreement. I mean, I think that --

Mr. Mincberg. Mr. Flood, I will confirm that with you by e-mail. Rather than us making additional speeches on that subject, I think that's the easiest way to do it.

Mr. Flood. One man's speech is another man's point for the record.

Mr. Mincberg. Go ahead, make whatever point you'd like.

Mr. Flood. Thank you.

This is a process in which former President Bush has agreed to make available senior administration officials and documents otherwise, in the judgment of the former administration, protectable under various privilege-related doctrines.

The process was initiated and has run this far in its course in an effort to reach what we believe is a constitutionally required accommodation process, where possible.

Mr. Rove has graciously agreed to appear, Ms. Miers has appeared, a great many documents were turned over. We have in terms memorialized the agreement. It is a dispute between the two political branches of government. And it was in that sense of "political" that I referred to this as a political process.

If the dispute is to be carried on, or disputes about the dispute are to be discussed publicly, I think it only fair and reasonable, and would hope that in a matter of this gravity in which the U.S. House of Representatives, through its Judiciary Committee and the administration, former administration, and executive branch are at loggerheads, that the -- I don't know any other way to say it, other than that principles of fair play will govern the future release of information related to this, we can all agree, sensitive subject. That thus concludes my speech.

Mr. Mincberg. And again, just so that we are very clear, I have -- I will confirm in an e-mail, because as a staff member, I don't have the authority to make representations on behalf of Members, but I have every reason to assume that we have no problem with the additional request that you've made, that you put on the record, that everybody have access to any corrections to the transcript before the transcript is made public. Anything else?

Mr. Flores. That raises one issue with me on the final point.

Mr. Mincberg. Do you want to do this on the record?

Mr. Flores. Yes, I do.

Mr. Mincberg. No, I am just checking.

Mr. Flores. I believe in the current circumstances, so that no undue misimpressions are formed by anyone in the public, in the press, or elsewhere, about the content of the interview, that it would not make sense to go with your proposal to release the

uncorrected transcript, the separate errata page, because it raises the danger that someone who really won't understand what is going on will reprint an erroneous page from the transcript, and that will propagate through the Internet or the news.

I think the proper thing, once the errata are received by the reporter service, that the errata are incorporated into the transcript and one corrected document be the final transcript. That's my wish.

Mr. Mincberg. I do believe it is our intention that that would be the way in which it is released. My only point was that with respect to Mr. Flood's request, I didn't think we necessarily needed to have a delay. Mr. Flood is certainly able to look at the errata sheet himself and see what is there. So that his third request would apply to that, rather than an additional delay of Mr. Flood seeing the final transcript. As long as he has the transcript and the errata sheet, Mr. Flood, I assume that's okay with you.

Mr. Flood. The course Daniel sets out is, I believe, the better course. I'm not going to try to micromanage the end stage on your end. Whatever can be done to minimize the risk of misquotation and misunderstanding, I would very much hope would be done.

Mr. Luskin. I agree. I think it is a good suggestion not to have the dog out there without the tail.

Mr. Mincberg. We certainly have every intention of releasing

the information in a corrected fashion. My only concern is, depending on how long that takes, that with respect to the people in this room, not to necessarily have to wait for that to occur. But with that understanding, I think we're done unless anybody has anything else.

Mr. Forbes. No, that's good.

[Whereupon, at 12:45 p.m., the interview was concluded.]