

CITIZEN SPOOK

MONDAY, AUGUST 08, 2005

TREASONGATE: The US Attorney General's Office AND President Bush Have NO LEGAL AUTHORITY To Remove Patrick Fitzgerald As Special Counsel

[UPDATED August 8, 2005 10:35 p.m. Typos have been corrected. New substantive additions have been added in red type.]

The Attorney General, Acting Attorney General or any other officer of the Department of Justice has NO LEGAL AUTHORITY to remove Special Counsel Fitzgerald from the Treasongate investigation or prosecution-- AND -- President Bush does NOT have the legal authority to fire Patrick Fitzgerald in his capacity as "Special Counsel".

Analysis of federal law (involved with both the appointment of -- and authority granted to -- Special Counsel Fitzgerald), Comey's press conference of December 30th, 2003, and [Decision B-302582](#) (September 30, 2004) issued by the Government Accountability Office, leads to the following legal conclusions:

1. James Comey, in his capacity as Acting Attorney General, with respect to the Justice Department's investigation into "the alleged unauthorized disclosure of a CIA employee's identity" (hereinafter "Treasongate"), delegated his plenary authority to Special Prosecutor Patrick Fitzgerald, pursuant to 28 U.S.C. 508, 509, 510, and 515, conferring upon him "all of the authority of the Attorney General" thereby transferring his status as Acting Attorney General, in this matter, to Fitzgerald.

2. Special Counsel Fitzgerald is not serving as an "outside Special Counsel" pursuant to 28 USA § 600, so the provisions of that code are not applicable in this matter nor

ABOUT ME
CITIZEN SPOOK

Citizen Spook is on the run. Riding the highways of the USA and Canada fighting an information war in this unique moment in history. Gasoline, distilled water, short wave radio, bread and coffee get me through. Im a retired attorney living story to story. If I don't respond to your questions, comments and e mails, please don't hold it against me. I have no internet connection of my own and am at the mercy of the road. Stay focussed.

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do they have any legal effect over Fitzgerald's investigation and/or prosecution.



3. While President Bush may fire or replace Fitzgerald as the "US Attorney for the Northern District of Illinois", the President has NO AUTHORITY to fire him as the "Special Counsel" in the Treasongate investigation.

Fitzgerald wears the following two hats:

1. US Attorney for the Northern District of Illinois.

2. Special Counsel in the Treasongate investigation "Acting" with the full authority of the US Attorney General.

We aspire to be a nation of laws. The Constitution was our protection from tyranny, but the dying document now faces its greatest challenge fighting off a disease so insidious its sickness threatens a global plague of bloodshed and repression.

From the draconian provisions of the Patriot Act, which allows federal agents to sneak into our homes without a warrant or probable cause, to the expanding psy ops of horrific murder and torture of men, women and children who haven't been given a scintilla of due process in their own sovereign land which we invaded based upon fake evidence, our laws are riddled with a malignant cancer.

Who will stand up for the law when the law is beaten and abused? Who will stand up for the guardians of the law when the guardians are beaten and abused?

As you will soon see, Fitzgerald's appointment as Special Counsel, the first of its kind in the history of the United States, was meticulously crafted to withstand the coming onslaught.

Speculation is running rampant as to whether Patrick Fitzgerald and his grand jury investigation will be shut down by Bush administration operatives. You may believe that Bush cannot risk the political fallout associated with removing Fitzgerald, but his team of fascist criminals will shoot first and ask questions...never.

These are the same people who carefully calculated they could openly commit Treason by outing Valerie Plame and her CIA network. They weren't worried about the fall out then, and they

won't be worried about it now.

It's not political fall out that will prevent the Bush death squad from removing Fitzgerald; their obstacle is the law. It doesn't matter whether they put all of Skull and Bones in the Justice Department and relocate the DOJ to a tomb in New Haven, the law protects Patrick Fitzgerald's mandate from all intervention. Neither Bush nor his Justice Department cronies have the legal authority to remove Fitzgerald as Special Counsel or to prematurely end his grand jury. You can thank James Comey for this.

Comey's brilliant nuances involved with US Attorney Patrick Fitzgerald's appointment as "Special Counsel" are nothing short of genius. The foresight of Acting Attorney General Comey's "delegation of authority" to Fitzgerald will go down in history as one of the most stunning and brilliant acts of non-partisan patriotism this nation has ever seen.

I do not throw these words out lightly.

Federal regulations and decisions, germane to Fitzgerald's unique appointment, legally protect the integrity of the Special Counsel's unrestricted mandate from interference by political operatives in this investigation, an investigation to which Acting Attorney General James Comey (empowered as such by Attorney General John Ashcroft's recusal) provided unprecedented patriotic and non-partisan foresight.

Furthermore, Fitzgerald was empowered by Comey with unilateral authority to "expand" his jurisdiction and "pursue it wherever he wants to pursue it". Let your imagination run wild because it's all legally in play.

THE APPOINTMENT OF SPECIAL COUNSEL PATRICK FITZGERALD

On December 30th, 2003, Deputy Attorney General James Comey held a [press conference](#) wherein he announced that Attorney General John Ashcroft had recused himself, on that day, from all involvement with the Treasongate investigation. Comey stated that the recusal included all of Ashcroft's "staff" and that "a document was created ...that memorialized the recusal."

Comey announced:

"By that act, I automatically become the acting attorney general for purposes of this case with authority to determine how the case is

investigated, and if warranted by the evidence,

prosecuted."

Comey went on to say:

"[P]rior to his recusal, the attorney general and I agreed that it was appropriate to appoint a special counsel [read: special prosecutor] from outside our normal chain of command to oversee this investigation.

By his recusal, of course, the attorney general left to me the decision about how to choose a counsel, who that person should be and what that person's mandate should be...effective immediately, the United States attorney for the Northern District of Illinois, Patrick J. Fitzgerald, will serve as special counsel in charge of this matter."

Fitzgerald's authority was conferred from Comey to him via two official Justice Department notification letters. The first [letter](#) was issued on December 30, 2003. It stated:

"By the authority vested in the Attorney General by law, including 28 U.S.C. 509, 510, and 515, and in my capacity as Acting Attorney General pursuant to 28 U.S.C. 508, I hereby delegate to you all the authority of the Attorney General with respect to the Department's investigation into the alleged unauthorized disclosure of a CIA employee's identity, and I direct you to exercise that authority as Special Counsel independent of the supervision or control of any officer of the Department."

At the December 30 press conference, Comey further stated:

"Fitzgerald...does not have to come back to me for anything...I've told him, our instructions are: You have this authority; I've delegated to you all the approval authority that I as attorney general have. You can exercise it as you see fit.

And a U.S. attorney or a normal outside counsel would have to go through the approval process to get permission to appeal something. Fitzgerald would not because of the broad grant of authority I've given him.

So, in short, I have essentially given him -- not

essentially -- I have given him all the approval authorities that rest -- that are inherent in the attorney general; something that does not happen with an outside special counsel."

Before we analyze the provisions of the law which enables this transfer of power, please note that Comey removed all "supervision or control of any officer of the Department" while also conferring "all the approval authority" that Comey, "as Attorney General" had.

From the December 30th press conference:

"Q: You mentioned that the -- you felt that Fitzgerald will have a broader -- actually a broader mandate, broader abilities than an outside counsel. Can you expand on that a little bit? In what respect will he have a --

MR. COMEY: Yes. An outside counsel has a -- the regulations prescribe a number of ways in which they're very similar to a U.S. attorney. For example, they have to follow all Department of Justice policies regarding approvals. So that means if they want to subpoena a member of the media, if they want to grant immunity, if they want to subpoena a lawyer -- all the things that we as U.S. attorneys have to get approval for, an outside counsel has to come back to the Department of Justice. An outside counsel also only gets the jurisdiction that is assigned to him and no other. The regulations provide that if he or she wants to expand that jurisdiction, they have to come back to the attorney general and get permission.

Fitzgerald has been told, as I said to you: Follow the facts; do the right thing. He can pursue it wherever he wants to pursue it."

On February 6, 2004, a [second official letter](#) was sent to Fitzgerald by Comey. This second letter (as well as the first) was discussed in [Decision B-302582](#) issued by the Government Accountability Office (hereinafter GAO) on September 30, 2004. (The GAO Decision paper was drafted in relation to oversight of appropriations granted to Fitzgerald's office for the investigation. This is discussed in detail below).

The GAO quoted Comey's second letter to Fitzgerald as follows:

"In February 2004, Acting Attorney General Comey clarified Special Counsel Fitzgerald's delegation of authority to state that the authority previously delegated to him is plenary. It also states, 'Further, my conferral on you of the title of Special Counsel' in this matter should not be misunderstood to suggest that your position and authorities are defined and limited by 28 CFR Part 600.' [4]"

Comey went to great lengths to shield Fitzgerald from the restrictions of [28 CFR Part 600](#). These regulations, enacted by former Attorney General Janet Reno, demand that an "outside Special Counsel" submit his investigation to various oversight by others in the Justice Department.

Please note, because it's a major point of confusion, that Patrick Fitzgerald is not an "outside Special Counsel". To many it has appeared that way, but such an assumption is completely erroneous. Comey nullified the Part 600 regulations by delegating all of his authority using "other law", and the GAO unconditionally agreed such a delegation of authority was legal and proper:

"The parameters of his authority and independence are defined in the appointment letters which delegate to Special Counsel Fitzgerald all (plenary) the authority of the Attorney General with respect to the Department's investigation into the alleged unauthorized disclosure of a CIA employee's identity with the direction that he exercise such authority independent of the supervision or control of any officer of the Department. [13]. In addition, Department officials informed us that the express exclusion of Special Counsel Fitzgerald from the application of 28 C.F.R. Part 600, which contains provisions that might conflict with the notion that the Special Counsel in this investigation possesses all the power of the Attorney General, contributes to the Special Counsel's independence. [14] Thus, Special Counsel Fitzgerald need not follow the Department's practices and procedures if they would subject him to the approval of an officer or employee of the Department. For example, 28 C.F.R. 600.7 requires that a Special Counsel consult with the Attorney General before taking particular actions." [15]

The next paragraph graphically illustrates the recognition by the GAO that Fitzgerald has all of the power of the Attorney General for purposes of this investigation:

"The consulting requirement would seem to be inconsistent with the notion that Special Counsel Fitzgerald possesses the plenary authority of the Attorney General".[15]

The key word is "**plenary**"; as in unlimited or complete authority.

The GAO then went on to discuss the legality of the Part 600 waver:

"The remaining issue is whether Part 600 can be waived by the Attorney General or acting Attorney General. We examined Part 600 and found it was issued in 1999 to replace the procedures of the expired Independent Counsel Reauthorization Act of 1994. In our view, Part 600 is not a substantive (legal) limitation on the authority of the Acting Attorney General to delegate departmental functions to Special Counsel Fitzgerald. First, 28 C.F.R. 600.10 states that the regulations are "not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative." Further, in the supplemental information accompanying the issuance of Part 600, the Department explained that the effective date of the rule did not have to be delayed 30 days after publication because it was not a substantive rule, citing 5 U.S.C. 553(d), 552(a)(1)(D). 64 Fed. Reg. 37038, at 37041 (July 9, 1999).

Finally, the only statute cited as authority for 28 C.F.R. Part 600 that expressly authorizes the Department to issue regulations is 5 U.S.C. 301 (2000)...The power conferred by 5 U.S.C. 301 is administrative and not legislative...It follows that such regulations governing internal procedures issued under this statute do not have the force and effect of law... Thus, 28 C.F.R Part 600 does not act as a substantive limitation on the Attorney General's (or Acting Attorney General's) authority to delegate authority to a U.S. Attorney to serve as

a Special Counsel to investigate high ranking

government officials and it may be waived..."

28 U.S.C. 510 states:

"The Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General."

The GAO decision discusses this and other provisions of United States Code which allowed Comey to transfer his full authority as Acting Attorney General for this matter:

"The Department was not limited by 28 C.F.R. Part 600 when it exercised its authority under 28 U.S.C. 508, 509, 510 and 515 and appointed Special Counsel Fitzgerald from within the Department to investigate the alleged unauthorized leak of a CIA employee's identity..."

And:

"Acting Attorney General Comey appointed Special Counsel Fitzgerald under 28 U.S.C. 509, 510 and 515. [16]... We agree with the Department that the same statutory authorities that authorize the Attorney General (or Acting Attorney General) to delegate authority to a U.S. Attorney to investigate and prosecute high ranking government officials are "other law" for the purposes of authorizing the Department to finance the investigation and prosecution...[17]

WHY CAN'T FITZGERALD BE FIRED AS SPECIAL COUNSEL?

First, let me make it clear that Patrick Fitzgerald, while wearing the hat of US Attorney for the Northern District of Illinois, can indeed be fired or replaced by President Bush. There's no doubt about that.

But Fitzgerald wears a different hat pertaining to Treasongate where he is the "Special Counsel" "Acting" and vested with the "full authority" of the "US Attorney General" to prosecute Treasongate. And as such, nobody in the Department of Justice

can touch him.

The main stream media mantra announcing that Fitzgerald's term as US Attorney expires in October is completely irrelevant to the ongoing, plenary mandate he has while wearing the hat of "Special Counsel" for purposes of prosecuting Treasongate matters.

Not only was it Comey's intention to prepare Fitzgerald for the coming assault on his legally mandated plenary authority by vesting him with complete autonomous rule, but the GAO, through their approval of "permanent indefinite appropriations" to perpetually fund Fitzgerald's office, **at the request of the Justice Department**, has made a strong legal argument, in Decision B-302582, that Fitzgerald has all of the protections and authority normally granted to an independent prosecutor under the expired independent counsel law.

The following passages are taken directly from [GAO Decision B-302582](#):

"Subject: Special Counsel and Permanent Indefinite Appropriation

The Government Accountability Office (GAO) is required to audit twice a year the expenditures by independent counsels and certain special counsels paid from the permanent indefinite appropriation. [1] In the course of auditing independent counsel expenditures for the period ending March 31, 2004, we learned that the Department of Justice was using the permanent indefinite appropriation to pay the expenses of the investigation by Special Counsel Patrick J. Fitzgerald. Mr. Fitzgerald continued to perform his duties as a U.S. Attorney after his appointment as Special Counsel. This is the first time that the expenses of an investigation by a United States Attorney appointed to serve as Special Counsel who continues to serve as a United States Attorney have been paid from the permanent indefinite appropriation. In addition, Department of Justice regulations at 28 C.F.R. Part 600 (2003) provide that Special Counsels shall be selected from outside the government.

Given our responsibility to audit the fund, the use of the account to finance Special Counsel Fitzgerald's activities, and the provisions of 28

C.F.R. Part 600 (2003), we initiated inquiries with

the Department of Justice to assure ourselves of the availability of this account to defray his expenses. [2] In considering this matter, we requested and received the written views of the Department of Justice. We also met with officials of the Department to discuss their views and obtained additional comments and information. Finally, we reviewed the laws and their legislative histories, regulations, court decisions, and past practices of the Department of Justice, as they relate to this matter.

For the reasons discussed below, we do not object to the use of the permanent indefinite appropriation to fund Special Counsel Fitzgerald's expenses. Unlike the expired independent counsel law, the permanent indefinite appropriation does not require that a Special Counsel be appointed from outside the government. The Department, in appointing Special Counsel Fitzgerald under "other law", has afforded him independence by delegating all of the Attorney General's authority with respect to the investigation and instructing him to exercise that authority independent of the control of any officer of the Department..."

There's no doubt, at least as far as the GAO is concerned, that Fitzgerald has been vested with "all of the authority of the Attorney General" and that he is also "independent of the control of any officer of the Department".

McAllum can't touch him. Flanigan can't touch him. Gonzales certainly can't touch him.

And the President can't touch him because the conflict of interest which caused DOJ to appoint him in the first place has expanded exponentially.

Should President Bush try to fire Fitzgerald anyway, not only will the political fall out be much greater than if an underling did the dirty deed, but Fitzgerald could fight back on very solid legal ground using the arguments set forth below from the GAO which analyzes Fitzgerald's "Special Counsel" mandate as being similar to the mandate conveyed by the expired Independent Counsel law. That law, I'm sure you will recall, prohibited the President from wriggling out of an impeachment and possible conviction by firing the Independent Counsel investigating him.

Let's hear from the GAO again:

"Following his appointment as Special Counsel,

Mr. Fitzgerald continued to perform his duties as United States Attorney. As a result of our activities in connection with the audit of the Independent Counsel expenditures for the six-month period ending March 31, 2004, we learned that the Department of Justice was charging the expenses of Special Counsel Fitzgerald to the permanent indefinite appropriation established ' . . . to pay all necessary expenses of investigations and prosecutions by independent counsels appointed pursuant to the provisions of 28 U.S.C. 591 et seq . or other law . . .' [5] In the following section we discuss two issues: whether the permanent indefinite appropriation is available to fund Special Counsel Fitzgerald's expenses and whether the Part 600 regulations, which among other things require the appointment of Special Counsel from outside the government, can be waived.

Discussion

As you are aware, the authority to appoint independent counsels pursuant to the provisions of 28 U.S.C. 591 et seq . expired on June 30, 1999. However, the permanent indefinite appropriation remains available to pay the expenses of an independent counsel (1) who was appointed by the Special Division of the United States Court of Appeals for the District of Columbia pursuant to the provisions of 28U.S.C. 591 et seq. whose investigation was underway when the law expired[6] or

(2) who was appointed under "other law." [7] Under the expired law, a person appointed as an independent counsel could not hold "any office of profit or trust under the United States, 28 U.S.C. 593(b)(2) (2000)." [8] The purpose of the qualification was to avoid the public perception of an actual or apparent conflict of interest existing between the investigator and those being investigated for alleged violations of law. [9]

The permanent indefinite appropriation is available to pay all necessary expenses of investigations of independent counsels appointed under other law. However, the term "independent counsel" is not defined in the permanent indefinite appropriation. About the time the independent counsel law was being considered for

reauthorization in 1987, legal challenges were

underway regarding the constitutionality of the procedure followed to appoint independent counsels. Consequently, to avoid interruption of ongoing investigations should the law be ruled unconstitutional by a court, the Attorney General appointed the same persons to serve as independent counsels under the statutory authority that was relied upon to appoint Special Counsel Fitzgerald. [10] Thus, the independent counsels appointed under "other law" around the time that the Congress was considering the Department of Justice appropriation act for fiscal year 1988 (which enacted the permanent indefinite appropriation into law) were the independent counsels that also had been appointed in conformity with the requirements of the independent counsel law. [11]

That's big, really big.

Why?

Because it elaborates on precedent. And precedent is the backbone of our legal system.

The expired independent counsel law barred the President from firing an independent prosecutor. And here we have the GAO, citing legal precedent in their approval of permanent indefinite appropriation to fund Special Counsel Fitzgerald's investigation, and comparing him to the "independent counsels that also had been appointed in conformity with the requirements of the independent counsel law." They were all shielded from being fired by the President until their work was done.

This isn't Citizen Spook creating the argument to sway people, it's the GAO citing legal precedent to support a DOJ request for funds to finance Fitzgerald's investigation. It was the Department of Justice who convinced the GAO to recognize such precedent:

"In a meeting with Department of Justice officials, [12] the Department explained its view that use of the permanent indefinite appropriation to pay expenses of a U.S. Attorney appointed to serve as Special Counsel who continues to perform his duty as a U.S. Attorney is appropriate. The alleged violation that Special Counsel Fitzgerald is investigating involves the rank and level of government official that clearly would have been

within the scope of the expired independent

counsel law and the investigation of which could have been funded by the permanent indefinite appropriation. Additionally, the Department views the use of the permanent indefinite appropriation as important to facilitate Special Counsel Fitzgerald's investigation by freeing him from possible budget constraints that potentially might serve to limit his activities."

Holy crap batman. I can hear Ashcroft singing, *let the eagle soar*. How the hell are they going to spin their way out of that? DOJ convinced the GAO that Special Counsel Fitzgerald's investigation was so important that it's own DOJ regulations were not sufficient to guarantee the necessary independence to guarantee the proper integrity:

"Since the permanent indefinite appropriation is available for independent counsels, we looked for indicia of independence of Special Counsel Fitzgerald...In addition, Department officials informed us that the express exclusion of Special Counsel Fitzgerald from the application of 28 C.F.R. Part 600, which contains provisions that might conflict with the notion that the Special Counsel in this investigation possesses all the power of the Attorney General, contributes to the Special Counsel's independence." [14]

And finally, the GAO's conclusion:

"Conclusion

Upon review and consideration, we do not object to the Department's determination that the permanent indefinite appropriation is available to pay the expenses of Special Counsel Fitzgerald's investigation. Admittedly one might infer from events occurring around the time that the Congress was considering establishing the permanent indefinite appropriation that it was within the Congress' contemplation that the appropriation would be used to pay the expenses of an independent counsel possessing the degree of independence similar to that possessed by an independent counsel appointed under 28 U.S.C. 591 et seq. However, such an inference is insufficient to support our reading into the law a

limitation on the use of the permanent indefinite

appropriation to pay for investigations solely by Special Counsels appointed from outside the government. The independence conferred by the delegation of authority to Special Counsel Fitzgerald from the Department of Justice is consistent with a fair reading of the independence required of an "independent counsel" appointed under "other law." Finally, Part 600 regulations do not have the force and effect of law and may be waived by the Department. Thus we do not view the payment of the expenses associated with Special Counsel Fitzgerald's investigation from the permanent indefinite appropriation to be improper or unauthorized simply because he was not appointed from outside the government and continues to serve as a United States Attorney."

Yeah, what he said. That's what I'm talkin' about.

The GAO was presented with a concept for precedent by the Department of Justice. DOJ requested Special Counsel Fitzgerald's office receive funding by the GAO based upon an argument, made by DOJ, that Fitzgerald, because of the independence and plenary authority mandated to him, should be treated just like an independent counsel with all the protection of the expired independent counsel act. DOJ supported their position with legal precedent which was further accepted and reinforced by the decision of the GAO.

How can they come back now, after making the argument that Fitzgerald should have all of the independence and financing of independent counsels appointed under the expired independent counsel law, to argue that Special Counsel Fitzgerald should not have that same independence as to the issue of whether the President or anybody at DOJ can fire him or even limit his jurisdiction and plenary authority?

They can't.

But should they try anyway, Fitzgerald can destroy them in court by entering into evidence the documentation clarifying the DOJ mindset with regards to their lobbying of the GAO for permanent indefinite appropriation to fund Special Counsel Fitzgerald's investigations.

Simply put, DOJ cannot reverse themselves on the issue of Fitzgerald's plenary authority and independence just because he's getting too close to possible indictments/convictions of the people he was specifically empowered by DOJ to investigate.

And just in case you were wondering, check out the results of the GAO's audit of Fitzgerald's investigation:

"We audited the statement of expenditures for the Office of Special Counsel Fitzgerald and found that (1) the statement of expenditures was presented fairly, in all material respects, in conformity with U.S. generally accepted accounting principles, (2) the Special Counsel had effective internal control over financial reporting and compliance with laws and regulations, and (3) there was no reportable noncompliance with laws and regulations we tested." [15]

BACK TO THE COMEY PRESS CONFERENCE

Comey was asked at the December 30, 2003, [press conference](#), two questions regarding whether Fitzgerald could be removed. His answers are very interesting:

Q: Could you fire Fitzgerald?

MR. COMEY: That's a great question. (Laughter.) Now I believe that I could revoke the delegation of authority that I've given to him. I don't believe that I could --

He appears to believe he could revoke the delegation of authority, but that he couldn't outright fire him. The answer is clearly nebulous. Comey even says, "That's a great question". He never says equivocally whether he could remove Fitzgerald. He appears to be waffling.

But this press conference took place on December 30, 2003. Decision B-302582 was dated September 30, 2004. Comey wasn't sure back on December 30, 2003, whether or not he could remove Fitzgerald or even limit his authority. But since that time, DOJ created a very convincing argument for their presentation to the GAO. The GAO bought that argument hook, line and sinker agreeing that Fitzgerald has all of the protection and authority granted by the expired independent counsel law. This means his office of the Special Counsel is legally protected from interference by anybody at DOJ, President Bush or anybody else that breathes air on planet Earth.

One last comment from Comey's press conference:

Q: If you don't like what he's doing, you can end it.

MR. COMEY: Well, in theory, if I know what he's doing, in theory I could, yeah. And I'd better have a darn good reason for doing it, because you'd have your hands in the air.

It's a fair answer. I'm sure if Fitzgerald was up to something illegal, he could be fired, just as an independent counsel acting under the expired independent counsel law could have been fired were they to engage in criminal behavior. Comey says, "in theory", but no such theory has been tested by Fitzgerald. According to the Government Office of Accountability, Fitzgerald is totally clean.

Comey's final words on this issue are very interesting. What does he mean by "you'd have your hands in the air"? That's spooky. And it's something DOJ and President Bush really ought to think about.

By Citizen Spook

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PLEASE REPOST and LINK

Citizen Spook is a Blogosphere attorney licensed to practice in the federal courts of the USA.

Links for today:

[Jeff Rense](#)

The Jeff Rense sight has linked to Citizen Spook so I have returned the favor. I don't agree with everything at the Rense site, but I doubt Jeff Rense agrees with everything there either. I enjoy sites that provide many different viewpoints. I have found many well documented articles at rense.com. I don't believe in shapeshifting reptilians and could care less about UFOs. Still, I enjoy the site.

[Tom Flocco](#)

Tom Flocco has also linked to Citizen Spook. I cannot vouch for Tom's or anybody else's credibility, but I enjoy reading his thought provoking work.

[Cloak and Dagger Internet Radio](#)

When I am forutante enough to have access to internet radio,

which is rare, nothing is more entertaining than Cloak and

Dagger. Sherman Skolnick and Lenny Bloom know how to balance the seriousness of the times with a healthy splash of intrigue and hearty laughter, tongues planted firmly in their cheeks. Their plot HQ briefings should be sold on late night infomercials for the sheer entertainment value. And sometimes they really nail a story to the wall with facts and documents. Sometimes they are clearly taking the piss. If you can't tell the difference, blame yourself.

Stew Webb and Tom Heneghan

These two are so different than anything I've ever come across that I just have to link to them. I don't know who they are, can't vouch for the veracity of their claims, and I take everything they say with a large grain of salt. Still, I know some of the things they are reporting to be true. Highly entertaining.

POSTED BY CITIZEN SPOOK AT 10:31 AM

15 COMMENTS:

Wayne said...

This is fantastic thank you!!!!

1:19 PM

Duck Twacy said...

Anyone who'd link to Stew Webb must be a nutcase like he is.

Too bad.

You are anything BUT a 'spook'. Stick to practicing law and making up bogus lies like Tom Flocco, Webb and Heneghan.....

1:52 PM

Chy said...

Well, if this is true, then it is good news. However, the links to Flocco & Rense are not good signs, as they have zero credibility, and I have to wonder about the reasoning behind that.

2:58 PM

Lenny said...

The links are related to the situation--Flocco and Heneghan were the ones who initially reported on Bush's alleged indictment, Rense is crosslinking with CS on the Treasongate stories, and Cloak and Dagger... well I think they had some sort of vested interest in the story. And great analysis Spook--this will most

definitely not be my last visit here...

4:19 PM

ici said...

Quite right, those who have preceded me. I won't name any names, but, yes, we need more *substance* than what we get from the urls you provide at the end of your plaidoirie.

I feel like those poor souls in the Russian submarine who said something to the effect of, "the oxygen was getting scarce" ...

Ouf, there's sign of oxygen, here.

Thank you, citizenspook.

More, please!

4:20 PM

Lenny said...

Update--CloakAndDagger posts some of Sherman Skolnick's writings.

4:25 PM

Rodney said...

I don't think anyone has any right to question Tom Henegan's credibility.

He has gotten some things wrong before, but there is alot of evidence backing up his accusations....

<http://tomflocco.com/fs/FinancialTerrorism.htm>

I found this on another site...So maybe he's wrong, maybe he's not...But the very fact it is on conspiracy sites, and making Bush Admin go crazy is enough to float the story.

-Rodney

6:16 PM

Rodney said...

By the way just to be clear and accurate, the Bush Admin can not do a Saturday Night "Massacre" which would remove all members of the Department of Justice.

That authority has not been delegated, and therefore is against the law.

The only thing the skull&bones man can do, is threaten, obsufucate, and try to derail any investigations. He has no other branch of authority even in the instance, Prosecution is fired from Chicago.

This will get very interesting....

-Rodney

6:30 PM

Chy said...

I would like to retract my previous comments about Rense (I concur with Spook's observations) and the other links. Very much appreciate the effort that has gone into this posting.

8:25 PM

Rodney said...

One other thing...

Fitzgerald is basically superman.

According to

[Rawstory](#) Gonzales will not stand in the way of Fitzgerald staying on as US attorney of Chicago.

They must already have something bad on Gonzales, because as soon as Congress members wrote letters to the justice department he recused himself from all future proceedings.

If Gonzales has been indicted, I'm sure it will come out. But the point is everyone has the full confidence in Fitzgerald and his team of prosecutors.

Bush is scared to death of just women who have lost their sons in Iraq, he will dare not do anything to the prosecution. I bet he will try to disrupt proceedings, and that's the extent of his brouhaha.

-Rodney

2:15 AM

Brian de Ford said...

If your legal analysis is correct (I'm not a lawyer, but it seems plausible to me) then the Bush crime family will have to use their standard tactics of last resort.

Will Fitzgerald be Kennedyed (a "lone gunman" with "magic bullets")? Will Fitzgerald be Wellstoned (a plane crash)? Maybe he'll be Monroed (an "accidental" drug overdose). Or maybe the "terrorist" incident they manufacture as an excuse to invade Iraq will conveniently take out Fitzgerald.

One thing is for sure. If the Bushies cannot dispose of Fitzgerald legally then his life expectancy is short. If Fitzgerald has prepared for that contingency by informing the Grand Jury of their right to investigate whatever they want, then they'll have to be disposed of too. Which makes the terrorist attack the most likely option.

We can only hope that Fitzgerald has arranged for backup copies of all evidence. The OKC bombing "conveniently" destroyed evidence of malfeasance at Waco. The unexplained collapse of WTC7 "conveniently" destroyed evidence of government complicity in the OKC bombing (and several other issues). I don't know where the evidence from Treasongate is stored, but I sure wouldn't want to live or work in that building.

6:36 AM

Brian de Ford said...

Ooops. Where I said "Iraq" above, read "Iran."

6:38 AM

Truth Diamond said...

UPDATE ON VALERIE PLAME CASE. BUSH & CO. ARE TOAST

http://www.democraticunderground.com/discuss/duboard.php?az=show_topic&forum=132&topic_id=1991

Edited on Sun Aug-07-05 08:00 AM by VIHMH5L50P

Merry Early Christmas to you all!!! (and with a Christmas like this, I couldn't handle any more for the rest of my life). Thank you Tom Flocco (his article below) and now TIME and Newsweek are starting to break this. If there's any integrity left in America, this should explode as the biggest scandal ever.

A big chain reaction is about to unfold probably leading to this statement being true before X'Mas: "Bye bye Bush, Cheney, Rove, Rice, Gonzalez, Ashcroft, Rumsfeld, Card, Scalia, Renquist (yes them too) and many many more (and since Roberts was appointed by one NOW officially so tainted as black as Bush is, probably bye bye to him too). Bush and most of those people's indictment is already filed under seal.

I don't get it, why isn't EVERYONE on this story, potentially the biggest of our lives!

I AM NOT MAKING THIS UP, I'M NOT USING A WEAK SOURCE (ACTUALLY THERE'S SEVERAL GOOD ONES though the goddammed mainstream media has been totally silent, until today, check TIME and Newsweek, see explanation below), OR JUMPING TO CONCLUSIONS. This has been out all week in the internet under the radar. This has been going on even longer behind the scenes.

The MSM were hinting Rove might go down and I didn't get it, now I see THEY didn't get it, it's a lot more serious than just Rove. That it was just Rove was pure spin. We all knew how serious things were, we just didn't suspect someone was going to

really act on it!

This explains why the Valerie Plame story is such a huge deal. It was always about Bush, but evidence in it also clearly got connected to other major issues too, like the frauds behind 911, Iraq, Mena, Arkansas, and the 2000 election.

THE INDICTMENTS ACTUALLY CONNECT THE DOTS OF WHAT THE FRAUD DID: getting 1800+ of our soldiers and countless foreign civilians killed based on deliberate conscious fraud, and all these things lead to the big "T" (TREASON), and I kid you not. Also that SC justices were unduly pressured even threatened to make Bush President in 2000, making Bush illegitimate.

Bush is SO cornered and desperate, he's going to insanely lunge like a cornered animal, to arrest Fitzgerald (illegal at this point because of the obviously plain motives) to stop this process of justice somehow, however doing that itself will be considered further Obstruction Of Justice, because he is only doing it to prevent his well documented treason from being prosecuted!

And consequently teams of Federal Marshals are being prepared to arrest Bush if he issues the arrest order! (conceivably this could lead to an internal struggle between Federal Marshals and Secret Service both acting under different sets of orders, who knows it could get hairy). But as I see it, bottom line he'd be exposed and wouldn't get away with it.

A tenth of all this, heck just Rove's head, would have satisfied me to no end, but there's all this, and even more.

How could this be happening? Because Fitzgerald and 1 or 2 of the Grand Juries he's working with (the Grand Jury itself has the power to issue INDICTMENTS based on any evidence the prosecutor presents even on other cases, whether the prosecutor requests it or not! But if both Prosecutor & Grand Juries see the evidence the same way, and have INTEGRITY, AS APPEARS TO BE THE CASE, OH MAN!!! That is what it appears is going on)

And the punishment for treason during wartime and which results in the death(s) of U.S. personnel, the maximum penalty according to the applicable Federal law under which the Indictments are being issued, is DEATH. Read that again, Bush & others may be facing the death penalty.

In the Valerie Plame case it appears W was the one that leaked her CIA cover and it appears that when her cover was blown, several of her approximate 100 undercover foreign agents' covers themselves (out there looking for actual WMD) were blown too, and were swiftly murdered.

Being in his position as President he of all people after 911 would

be expected to know this and assume it, and not do it just to provide a payback to Joseph Wilson.

And get this, it appears there's a big movement of spin by the Bush crowd to start referring to the conflict in Iraq as no longer "war".

It used to be "GWOT = Global War Against Terror"
Now the spin is: "GSAVE = Global Struggle Against Violent Extremism"

Why? If they can convince a jury or court that we're not really at war, then they don't face the death penalty!

It's very tragic, but the irony of this is so fitting, that the biggest proponent of secrecy and preventing leaks to the press, should be brought down totally over the worst type of leak imaginable.

Flocco's first article:

<http://portland.indymedia.org/en/2005/08/322473.shtml> (was hacked out of his own site)

Awesome Skolnick article:

http://www.cloakanddagger.de/media/S_284_S/Overthrow%20...

The legal issues from a lawyer: <http://citizenspook.blogspot.com/>

And Tom's site has been down, read this note from Tom that just appeared in Stolnik's site:

Cloak News Update: 8/5/05:

NOTICE FROM TOM FLOCCO

Tom Flocco was warned by a U.S. Intelligence source that a contract FBI Division 5 operative had compromised his website without his knowledge. He made the decision to immediately move the site to a new server since the site was unstable and experiencing intermittent availability. The recent stories "Financial Terrorism Towers Over 9.11" and "Bush and Cheney Indicted" will both be placed up online with his archive shortly, while his website is restored. Tom was locked out of the administration editor which allows the posting of stories and news on his site; and the site went up and down on the web during certain parts of the last few days without his knowledge or control. This necessitated an immediate move to a new location to avoid future difficulties and interference with the news he was reporting. Tom thanks his supporters for their patience. He is sticking by his Bush-Cheney indictment story and his key on-the-record source Tom Heneghen, despite the fact that U.S. and independent web media will not report the story--except for Sherman Skolnick. CloakandDagger.de regular reporter and

co-host Skolnick said today that he has confirmed with impeccable sources in the U.S. and two other countries that Supreme Court Chief Justice William Rehnquist and Justice Antonin Scalia were named on August 4 as unindicted co-conspirators in the Bush-Gore 2000 election recount case.

HERE'S THE LATEST FLOCCO ARTICLE in tomflocco.com right now:

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BUSH PLANS TO FIRE PROSECUTOR:

Bush plans to fire prosecutor as federal agents prepare to arrest him

by Tom Flocco

Washington -- August 7, 2005 -- TomFlocco.com -- Sunday morning online editions of Newsweek and Time are reporting that the President is planning to fire Chicago's U.S. Federal Prosecutor Patrick Fitzgerald and replace him with a Bush classmate/Skull and Bonesman from Yale.

Following on the heels of these reports, we have learned from U.S. intelligence sources that federal agents are prepared to immediately arrest Mr. Bush if he fires Fitzgerald and seeks to obstruct justice and commit additional treasonous acts regarding ongoing grand jury proceedings against his administration and himself.

TomFlocco.com reported last week that Fitzgerald's grand jury voted out perjury and obstruction of justice "True Bills" or federal criminal indictments against President Bush, Vice-President Cheney, Attorney General Alberto Gonzalez, former Attorney General John Ashcroft, former CIA Director George Tenet, Presidential Senior Advisor Karl Rove, Presidential Chief of Staff Andrew Card, Vice-Presidential Chief of Staff I. "Scooter" Libby, imprisoned New York Times reporter Judith Miller and Vice-Presidential Senior Advisor Mary Matalin.

On Friday, federal whistleblower Tom Heneghen reported that the true bills also listed Supreme Court Chief Justice William Rehnquist and Justice Antonin Scalia as unindicted co-conspirators.

According to sources close to the grand jury, Fitzgerald's citizen panel is now able to prove that George W. Bush was not legitimately elected president in the 2000 election; but more importantly, it has fingered the United States Supreme Court for fraud, obstruction of justice and treason, making the Bush terms totally illegal.

The scope of the indictments and investigations indicates that the grand jury's indicted criminal acts reaching back to 2000 will

lead to further legitimate assumptions that Bush-Cheney involvement in the 9.11 attacks and sending American young people to war based upon lies orchestrated by Mr. Bush and British Prime Minister Tony Blair are both squarely in the sights of the grand jury.

<http://www.scoop.co.nz/stories/HL0207/S00119.htm>

“by Tom Flocco - Tuesday, July 16, 2002

There is growing evidence that the FBI and other government intelligence entities are more closely linked to the documented accumulation of pre-9/11 insider trading profits than was originally thought. But thus far the Joint Congressional Intelligence Committee has not publicly referred to prior knowledge of the attacks as it relates to stock transaction profits, while also failing after nine months to publicize the critical Securities and Exchange Commission (SEC) “control list” report tracing what in effect were stock trading profits of death.”

9:28 AM

Truth Diamond said...

<http://www.washingtonpost.com/wp-dyn/content/article/2005/07/26/AR2005072602069.html>

Prosecutor In CIA Leak Case Casting A Wide Net
White House Effort To Discredit Critic Examined in Detail

By Walter Pincus and Jim VandeHei
Washington Post Staff Writers
Wednesday, July 27, 2005; Page A01

The special prosecutor in the CIA leak probe has interviewed a wider range of administration officials than was previously known, part of an effort to determine whether anyone broke laws during a White House effort two years ago to discredit allegations that President Bush used faulty intelligence to justify the Iraq war, according to several officials familiar with the case.

Prosecutors have questioned former CIA director George J. Tenet and deputy director John E. McLaughlin, former CIA spokesman Bill Harlow, State Department officials, and even a stranger who approached columnist Robert D. Novak on the street.

In doing so, special prosecutor Patrick J. Fitzgerald has asked not only about how CIA operative Valerie Plame's name was leaked but also how the administration went about shifting responsibility from the White House to the CIA for having included 16 words in the 2003 State of the Union address about Iraqi efforts to acquire uranium from Africa, an assertion that was later disputed.

Most of the questioning of CIA and State Department officials

took place in 2004, the sources said.

It remains unclear whether Fitzgerald uncovered any wrongdoing in this or any other portion of his nearly 18-month investigation. All that is known at this point are the names of some people he has interviewed, what questions he has asked and whom he has focused on.

6:14 PM

Rodney said...

Regarding the investigation...

Karl Rove likely indicted

This is the only fully credible source to believe, is the MSNBC source related above....

As much as I believe what Tom Henegan is saying, he and a few others are the only ones reporting it.

Once Newsweek or someone else posts that Rove, and the rest have been indicted for obstruction of justice, along with Bush, Cheney, Rice etc than everyone will believe it.

At that point, it will crush the airwaves. Right now its just a whisper...

There's nothing wrong with a whisper, as the prosecutor is using a Grand Jury in two cities to follow the crime investigation...

And evidently, cloakanddagger.de which is very "tin foil" related has been hacked down more than three times. Including right now, so I'm confident the story is likely real.

But until the news comes out, from the alleged articles and so on will anyone be taking it seriously.

-Rodney

10:32 PM

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