

# THE WHEELS OF JUSTICE

Top of the morning to one and all. As Marcy and family hit the road on their much delayed Christmas expedition, it occurs to me that it is time to grease the wheels of justice and get them rolling down the road of accountability. EW and Mad Dog are right about the implications of the new AP article. The collective insight and wisdom of the community are doing a wonderful job of dissecting the situation. I would like to highlight a couple of the angles that have been raised, and ask that you consider them, and the torture tape situation as a whole, in a broader context.

But no David Addington. Funny. Who would have thought that Addington would be the one lawyer who—at least thus far—doesn't appear in records as having objected to the destruction of the tapes?

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No mention of Negroponte, who apparently advised strongly against the destruction in 2005, when he was DNI (and presumably should have had significant sway over the decision). Hey Silvestre Reyes! Didn't you get Isioff's telegram?

These are not mere "administration officials"; with the exception of Cheney and Bush, they are as high as you go. Negroponte is DNI and Addington, despite his putative position as Cheney's counsel/chief of staff, is the legal heart and soul of the Bush Administration. Toss in Gonzales, Miers and Bellinger, and there is simply no viable way to argue that "the White House", did not know about, and was not involved in, the intentional spoiling and destruction of material evidence; which, of course, means direct obstruction of justice.

"CIA Director Michael V. Hayden told lawmakers privately last week that three White House lawyers were briefed in 2004 about the existence of videotapes

showing the interrogation of two al-Qaeda figures, and they urged the agency to be “cautious” about destroying the tapes, according to sources familiar with his classified testimony.”

To me, that sounds like they were briefed and urged the agency to be careful about destroying the tapes. In other words, destroy them, but be really careful how you do it. JMHO

LS's take here is just about right I should think. Ralphbon's response is dead on the money too.

For those who didn't see it, ther (almost) consensus from the panel was:

- 1) that there was no way Mukasey could avoid conflict of interest because he had signed the material witness warrant for Jose Padilla that was based, in part, on information gained during interrogations that were depicted on the missing tapes;
- 2) a special prosecutor is needed to replace Mukasey who should recuse himself;
- 3) as long as Congress doesn't immunize anybody, there is no reason for Congress to wait on its own investigation;
- 4) CIA investigating itself is just batshit crazy

The Regan Admin guy thought that Congress should wait a couple weeks to give Mukasey a chance to do the right thing and recuse himself, because if they acted swiftly it would embarras Mukasey and imply that DOJ is still broken. (he didn't say that exactly, but it's what he meant)

Yee haw! Thank you LHP and the committee!

Ok, those are just a few of the points that have been made, and there are many more implications

too. Here is the broader context I think it is time to return to. Impeachment. There is no question, at least in my view, that Mukasey for his own personal involvement, and the DOJ as an office for both it's conduct and the roles played by senior officials, have severe and disqualifying conflicts of interest. The talk of a special prosecutor is warranted, but shortsided and inefficient; and this country simply cannot abide more inefficiency. There is no question but that a special prosecutor should be appointed, but it is time for more. It is time for impeachment.

I am going to come back to this again today. I am also working on a post describing some of the parameters on conflict of interest concerns for prosecutors and prosecuting agencies to give you all a little more information on the standards and concerns behind this element of the discussion. For now though, I have an emergency requiring me to go down to IA court and spring a poor soul suffering from a bum rap (aren't they all?). To the extent EW is not around for the remainder of the holidays (and she does deserve some peace and good cheer I might add), I will be around. I know everybody has a lot going on, but we are running out of viable opportunities to bring about the accountability that simply must be made if we are to put this country, and it's Constitution, back on the road to stability. Please chip in and keep working on this. Keep working through the implications of torturegate (sorry about the -gate; I am in a hurry) and the surrounding facts, as well as how we can leverage this straw to break the camel's back. I will be back in a couple of hours. P.S. I will get a trash talk thread up a little later as well because, well, thats what we do!