

IT DEPENDS ON WHAT THE DEFINITION OF "AGENCY" IS

I get the feeling that someone in the White House told OVP that their claim to be a Fourth Branch of government carried some serious risk to the White House. After all, if Cheney now claims he's not in the Executive Branch, then he's got to hand over the Energy Task Force documents, right?

So now David Addington has revised his rationale, claiming that OVP is simply not an agency.

"Dear Senator Kerry," Addington writes. "The executive order onclassified national security information – Executive Order 12958 asamended in 2003 – makes clear that the Vice President is treated likethe President and distinguishes the two of them from 'agencies.'"

No longer satisfied with the Vice President's office's claim thatCheney is actually an admixture between the legislative and executivebranch, Addington now posits that the Vice President's office is not an"agency."

"The executive order gives the [Information Security OversightOffice], under the supervision of the Archivist of the United States,responsibility to oversee certain activities of 'agencies,' but not ofthe Vice President or the President."

Luckily, we can revert to Clinton for clear language as to what an "agency" is in the relevant Executive Order:

Â Â Â (i) "Agency" means any "Executive agency," as defined in 5

U.S.C.105, and **any other entity within the executive branch that comes into the possession of classified information.**

[my emphasis]

Bush adds a bit to Clinton's clear language when he amends the EO in 2003. But there's still that funny clause encompassing any entity within the executive branch that comes into possession of classified information.

Â Â Â (b)Â "Agency" means any "Executive agency," as defined in 5 U.S.C. 105; any "Military department" as defined in 5 U.S.C. 102; and **any other entity within the executive branch that comes into the possession of classified information.** [my emphasis]

So either Addington is still relying on the "not within the executive branch" gag, or he's making an even more ridiculous argument than Clinton made about his blow job.

And I bet Clinton's blow job was a lot more fun than the one Addington is giving us.