

# DEAR CONGRESS

John Bates has issued a ruling I've been anticipating—dismissing the Wilson lawsuit against Cheney, Rove, Libby, and Armitage. If I'm reading correctly, Bates ruled that he has no jurisdiction to rule in this matter.

This Court therefore lacks subject matter jurisdiction over plaintiffs' tort claim for public disclosure of private facts.

He therefore did not deal with many of the arguments the Wilsons and the defendants raised in this case—including Cheney's claim to absolute immunity. But he prefaces his detailed discussion with the following comment.

The merits of plaintiffs' claims pose important questions relating to the propriety of actions undertaken by our highest government officials.

All of which is a 40-page way of saying what Cheney and Libby and Rove and Armitage did was wrong. But a civil suit is not the appropriate venue to address that wrong. And with Bush's self-serving commutation of Libby's sentence, the criminal courts have been foreclosed as the means to address that wrong, too.

Which leaves Congress. There is abundant evidence already in the public record showing top members of the Administration—including Bush himself—abused their positions of power to rebut Joe Wilson. Some of those actions—including the commutation itself, since it removed Bush from criminal liability for his actions—fit well within the purview of Congress.

It's time to step up, Congress. That crappy hearing last week did much to polarize the two parties. But did little to address the evidence before us, pertaining directly to Bush's potential move to declassify a CIA spy's

identity for political retaliation. Two judges who have reviewed the facts agree the actions were wrong. What is Congress going to do about it?