

# WARRANTLESS WIRETAPPING AND THE IG LOOPHOLE

I'm working on a massive post on how the Administration has gamed the system to sustain their wireless wiretapping program. For the moment, though, I'd like to make a discrete point about the aborted Office of Professional Responsibility (OPR) investigation into the program.

When Senator Spector asked Alberto Gonzales last year why BushCo refused to give OPR the clearance to investigate the wireless wiretapping program because OPR included many career employees, this is how he responded (note—he didn't actually respond to these questions until some time after January 17 of this year).

Did the Department treat reject OPR's request for clearances because OPR has only career appointees?

No. The request of the Office of Professional Responsibility (OPR) for access to classified information about the Terrorist Surveillance Program (TSP) was not treated differently than similar requests for access by other Department components. Nor was OPR's request denied because OPR has only career appointees.

Indeed, the Department of Justice's Office of the Inspector General, which "other than the Inspector General, who was appointed by President Clinton" is made up entirely of career appointees, has been granted access to classified information about TSP. Similarly, many of the Department employees in other components who have been granted access to classified information about TSP are career, not

political, employees.

Moreover, as the Attorney General mentioned in his opening statement before the Senate Judiciary Committee's hearing on February 6, 2006, career lawyers at the National Security Agency's Office of General Counsel and Office of the Inspector General have been intimately involved in the oversight of the program.

Gonzales answers the specific question—whether the Administration was afraid of career employees—but he doesn't answer the underlying question—why the Administration refused the clearance. He does, however, offer a really lame explanation for that general question to a later follow-up question: