

# MCCONNELL KILLS

Wow. I'm with Spencer Ackerman. If transparency is going to kill Americans, Mike McConnell just killed a lot more Americans blabbing to the El Paso Times than a Congressional debate with marginal transparency ever will. Consider this example, where McConnell tries to convince the reporter that the Administration is not data-mining on a massive scale:

Now there's a sense that we're doing massive datamining. In fact, what we're doing is surgical. A telephone number issurgical. So, if you know what number, you can select it out. Sothat's, we've got a lot of territory to make up with people believingthat we're doing things we're not doing.

It's not a detail we've had before, now we have it. And note his disingenuousness. The claim of opponents is not that the Administration is **now** doing massive data-mining (well, not through the NSA—they've just moved that program to the FBI). The claim is that they were doing massive data-mining up until March 2004, when Comey and much of DOJ balked. Which kind of explains the reason why there's deep distrust.

And here's another reason for that distrust.

Now the second part of the issue was under thepresident's program, the terrorist surveillance program, the privatesector had assisted us. Because if you're going to get access you'vegot to have a partner and they were being sued. Now if you play out thesuits at the value they're claimed, it would bankrupt these companies.So my position was we have to provide liability protection to theseprivate sector entities.

What McConnell all but admits is that those

lawsuits have merit—that there is a real possibility that having cooperated in the Administration’s ill-conceived spying program will bankrupt big telecom. Again, if those suits have merit, there’s a reason for the deep distrust—it’s because BushCo encouraged the telecoms to violate the privacy of their customers on a massive scale.

And finally, one more reason for the distrust.

We submitted the bill in April, had an open hearing<sup>1</sup> May, we had a closed hearing in May, I don’t remember the exact date. Chairman (U.S. Rep. Silvestre Reyes, D-Texas) had two hearings and I had a chance to brief the judiciary committee in the house, the intelligence committee in the house and **I just mentioned the Senate, did not brief the full judiciary committee in the Senate, but I did meet with Sen. (Patrick Leahy, D-Vt.) and Sen. (Arlen Specter, R-Pa.),** and I did have an opportunity on the Senate side, they have a tradition there of every quarter they invite the director of national intelligence in to talk to them update them on topics of interest. And that happened in (June 27). [my emphasis]

McConnell did not give a private briefing to the Senate Judiciary Committee. And if his description is accurate, he didn’t give one to the Senate Intelligence Committee, either. The former, of course, has been reviewing these issues for a year and a half and has subpoenaed documents from the Administration on **precisely this program**, only to be denied. The notion that McConnell didn’t brief them (was he afraid they’d demand subpoenas?)—and that Leahy didn’t demand that he brief them—is a ridiculous affront to the legislative process. And to think Cheney would tell such a good ally as Leahy to go fuck himself.

Finally, one last reason for distrust. McConnell also revealed the reason the Administration refused the Democratic bill: because it provided a real mechanism to the minimization procedures (which are what ensure your side of the conversation is not kept when you're calling to Pakistan).

So I walked over to the chamber and as I walked into the office just off the chamber, it's the vice president's office, somebody gave me a copy. So I looked at the version and said, 'Can't do it. The same language was back in there.'

Q: What was it?

A: Just let me leave it, not too much detail, there were things with regard to our authorities some language around minimization.

The Administration refused the Democratic bill because it required the someone besides McConnell and Alberto Gonzales to review the minimization procedures of the taps themselves, rather than just buying off on the minimization procedures as a general plan. And the Administration refused that minimum level of oversight.

And note—the decision that the Democratic bill was unacceptable occurred in Cheney's Senate office.