

JELLO JAY ROCKEFELLER'S "DEAL"

There are two key details from this article on the "deal" "negotiated" between Jay Rockefeller and Dick Cheney. First, a comment from Dana Perino states that the SSCI had to first accede to telecom immunity before they could see the documents justifying the program.

Dana Perino, the White House press secretary, said Friday that the Senate Intelligence Committee had gained access to the documents only after its leaders had indicated that they would grant immunity to the phone and Internet companies.

“To the extent of anyone else being able to see the documents,” Ms. Perino said, “I think that we’ll wait and see who else is willing to include that provision in the bill.”

And Cheney **tried** to withhold the documents until after the immunity had already passed. This is some new kind of oversight, in which you have to first agree that any oversight won’t matter before you’re allowed to exercise that oversight. I’m curious how the terms were left, when the SSCI Senators and staffers got to review the document. Would the Administration have accused Jello Jay of bad faith if, after reviewing the documents, he decided immunity was improper after all?

The article also explains that Kit Bond—and not Mike McConnell—negotiated the "deal" with Dick Cheney.

The White House negotiated the bill primarily through Christopher S. Bond of Missouri, the leading Republican on the Senate Intelligence Committee and a staunch ally in efforts to broaden the N.S.A.’s wiretapping authority.

Officials said that while Mr. Rockefeller had had some direct dealings with the director of national intelligence, Mike McConnell, and other administration officials, it was Mr. Bond who had acted as the main liaison to the White House on the issue.

You might ask why Jello Jay was willing to let the Administration go through Kit Bond in the first place, rather than insisting that Dick deal with the majority directly, but it'd probably be pointless to even ask. What I'm most interested about is that McConnell was left out of this process. That's because McConnell has repeatedly asserted that he has no frigging clue about the illegal aspects of the domestic wiretapping from before it was placed under FISC oversight this January, just as he ascended to the DNI post. If Kit Bond—and not McConnell—managed this negotiation, it may mean he continues to remain ignorant of details of the earlier program. All of which begs the question—why is the Administration going to such lengths to compartment the current DNI out of knowledge of the programs earlier incarnation?