

DAN RATHER GETS DISCOVERY

Great news. Dan Rather will join the 5,732 other people (in addition to the American public as a whole, of course) who have a legal claim to see all those emails the White House has already disappeared (h/t pontificator). The judge in Rather's lawsuit has decided to grant him discovery for his lawsuit.

It looks like former CBS News anchor Dan Rather will indeed get his day in court. On Wednesday evening Justice Ira Gamerman of the New York Supreme Court in Manhattan made a preliminary ruling denying the TV network's motion to dismiss Rather's \$70 million lawsuit. "I think discovery should go forward," said Gamerman.

[snip]

Now that the case will be moving forward, Rather's lawyer **Marty Gold** wants **CBS to start forking over internal emails and documents to prove his case, including exchanges between network brass and the White House.** Naturally, this has CBS lawyers asking the court to limit the scope of the discovery. "It seems pretty clear they don't want to produce [the documents]," said Gold.

So let's see how those typical White House excuses are going to work...

State Secrets? The White House would have to claim that CBS was party to its biggest secrets, thereby proving that CBS is nothing but a party propaganda organ. Though of course, that's effectively what they've said about Judy Judy Judy, both before and during Iraq.

Executive Privilege? For a case intimately involving whether Bush cheated his way out of

military service? It doesn't matter who it is, they're not going to want to admit that anyone close enough to invoke privilege was "deliberating" about those TANG documents.

Which pretty much leaves the last refuge of the Bush Administration: the dog ate my emails. All of them.

Which will make it all the more interesting when the White House has to tell us what the state of their backup tapes is in approximately 3 days.