

# **“WE DON’T HAVE TIME TO RESPOND TO CONGRESSIONAL REQUESTS...”**

"...because we're too busy stonewalling."

That appears to be DOJ's currently operative excuse explaining why it has yet to respond to Congressional inquiries, some of which are three years old.

Justice Department spokesman Peter Carr said that officials spend "an enormous amount of department time and resources" responding to congressional inquiries, and that they have replied to more than 500 questions from lawmakers this year. "We agree that there is always room for improvement in our effort to be responsive to Congress," Carr said.

At the same time, he said, many requests cover sensitive issues that require cutting through a thicket of pending lawsuits and classified documents, as well as checking with other government agencies and the White House. All those efforts can interfere with prosecutors' day-to-day work, he added.

"The people in the department who must answer these inquiries are many of the same people who are making key operational decisions in the war on terrorism," Carr said.

[snip]

More than a dozen senior Justice Department officials resigned last year as congressional and internal probes of political interference intensified, adding to the disarray at Washington headquarters. In 2007, officials spent 30,000 hours responding to Congress over

the firing of nine U.S. attorneys, the department said.

500 questions!!! In three months, really?!?!? Well golly. I can see how that would be really taxing. That's an average of five whole questions a day! And how many people does DOJ employ, handling those five questions a day?

And as to the 30,000 hours responding to Congress—how much of that time includes the many brainstorming sessions at which Gonzales' clique invented new excuses for firing excellent US Attorneys? Had DOJ simply admitted, in January, that the Bush Administration had fired nine US Attorneys for political reasons, DOJ could probably have saved two thirds of those hours.

Aside from all of Peter Carr's whining about five questions a day, this article does include one more wrinkle in the back-story to the release of the Torture Memo.

Justice Department officials have said that they deserve credit, however, for releasing — last Tuesday — a 2003 opinion approving harsh military interrogation tactics. "Following a request of Senator Levin, DOD [the Defense Department] conducted a declassification review and determined that it would be appropriate to declassify the memorandum at this time," Justice spokesman Brian Roehrkasse said.

"The public disclosure . . . represents an accommodation of Congress's oversight," he added. But the American Civil Liberties Union, which had sued to obtain the document under the Freedom of Information Act, maintains that it was released "as the result" of that lawsuit, and that otherwise its existence would not be public.

It appears that, before the ACLU got the Torture Memo from DOJ via DOD, Carl Levin had forced DOJ

to do a classification review of the document. This is classic Levin M0, using bureaucratic means to force something like the Torture Memo out into the open. I find it more interesting, though, because of the inquiry into detainee abuse we've recently learned about. I presume Levin got a copy of the then still-classified memo as part of that inquiry and determined, as Marty Lederman did, that there was not one single legitimate reason to keep the memo classified. So—at least according to Brian Roehrkasse—Levin requested a classification review and, voila! The DOJ was then forced to turn the memo over to ACLU.

Which tells you two things. One, Carl Levin may be honing in on that memo in his secret inquiry (which itself should be public). And two, Brian Roehrkasse and Peter Carr count the time spent reviewing the classification of opinions that should never have been classified in the first place among the ways in which they heroically try to meet the onerous demands of Congress.