

HOW IS RICK RENZI LIKE A GITMO DETAINEE?

A tiny bit of me (okay, miniscule) wishes that Rick Renzi were sticking around as a Congressman. That's because, now that the government has tried to use wiretaps of conversations between him and his attorneys in his trial, Renzi might be motivated to champion legislation reaffirming the importance of attorney-client privilege.

Attorneys for Rep. Rick Renzi (R-Ariz.), who has been indicted on 35 federal corruption charges, filed a motion today asking a federal judge to exclude from trial a series of "at least 50" cell phone calls by Renzi that were recorded by FBI agents.

Renzi's legal teams says that the calls should be privileged under attorney-client privilege, as well as the Speech or Debate Clause, a constitutional privilege that protects lawmakers and aides from legal action for legislative activities. Renzi is not raising a Speech or Debate claim on these intercepted calls yet.

"These privileged calls include conversations between Congressman Renzi and his criminal defense counsel and an attorney representing him in a Federal Election Commission ('FEC') proceeding. The privileged calls reflect discussions regarding legal strategy and core work product, including the direction of the investigation, witness interviews, DOJ strategy, Congressman Renzi's recollection of relevant issues, and legal advice regarding theories of prosecution and applicable defenses," Renzi's lawyers wrote. They are asking that the audio files and transcripts of the calls should be returned to Renzi's

control and a protective order should be granted to prevent prosecutors or anyone else from reviewing the calls.

It's a problem that extends beyond corrupt Congressmen. Many of the lawyers defending detainees at Gitmo believe they are being wiretapped.

One lawyer for Guantánamo detainees said he replaced his office telephone in Washington because of sounds that convinced him it had been bugged. Another lawyer who represents detainees said he sometimes had other lawyers call his corporate clients to foil any government eavesdroppers.

In interviews and a court filing Tuesday, lawyers for detainees at Guantánamo said they believed government agents had monitored their conversations. The assertions are the most specific to date by Guantánamo lawyers that officials may be violating legal principles that have generally kept government agents from eavesdropping on lawyers.

"I think they are listening to my telephone calls all the time," said John A. Chandler, a prominent lawyer in Atlanta and Army veteran who represents six Guantánamo detainees.

[snip]

Justice Department officials have said in the past that they had not used their terrorist surveillance powers to single out lawyers but that telephone "calls involving such persons would not be categorically excluded.

And the lawyers representing the al-Haramain charity know their conversations with their clients were being wiretapped via the

warrantless wiretap program. But they can't tell you about it, or they'd have to kill you ... or something like that.

There's a parable here somewhere. It goes something like, "First they took attorney-client privilege away from the alleged Islamic terrorists. And then they took attorney-client privilege away from crooked Congressmen. And then they took attorney-client privilege from vegans...."

I've got a deal to propose. If the Administration is so anxious to do away with attorney-client privilege, then they need to give up, at the same time, executive privilege. Deal?