

“FOR YOUR CONVENIENCE, I ATTACH A COPY OF THE COURT’S OPINION”

You think Patrick Leahy enjoyed his afternoon, sending letters to Robert Luskin, Fred Fielding, and Michael Mukasey, giving them a week (until August 7) to respond to Judge Bates’ ruling today? (h/t BayStateLibrul).

All the letters are worthy of the guy whom Dick Cheney told to go fuck himself. But my favorite is the letter to Mukasey:

Dear Attorney General Mukasey:

Today, the U.S. District Court for the District of Columbia issued a ruling rejecting the administration’s claims that White House advisors are immune from testifying in response to Congressional subpoenas. The court’s decision also reaffirmed the President’s obligation to provide the specific basis for any executive privilege assertions to provide Congress a means to evaluate those assertions. The administration has not provided that basis despite my requests to do so for more than a year. For your convenience, I attach a copy of the court’s opinion.

Karl Rove failed to appear and testify before the Senate Judiciary Committee last August 2 in response to a subpoena I issued July 26, 2007, as part of the Committee’s investigation into the firing of U.S. Attorneys. It is my understanding that Mr. Rove’s failure to comply was based on an August 1, 2007, letter from White House Counsel Fred Fielding informing the Committee that the President would invoke a blanket claim of executive privilege to direct

Mr. Rove not to produce responsive documents or testify before the Committee. Mr. Fielding's letter cited a memo from the Department of Justice's Office of Legal Counsel (OLC) to assert that Mr. Rove was "immune from compelled congressional testimony" as an "immediate presidential advisor."

Please advise me by no later than next Thursday, August 7, when you will withdraw the erroneous OLC opinion from Stephen Bradbury relied upon by the White House to justify its non-compliance with congressional subpoenas since that opinion has been repudiated by the court.

In addition, please inform me whether the court's decision will cause you to reevaluate your memos and those from OLC in support of overbroad and unsubstantiated executive privilege claims not only in the U.S. Attorneys investigation, but also in other matters, like the claims used to block Congress from investigating warrantless wiretapping, the leak of the name of undercover CIA agent Valerie Plame for political retribution, and White House interference in the Environmental Protection Agency's decision-making. **Which of these do you now intend to withdraw?** [my emphasis]

Yep. I think Pat Leahy is having himself a bit of fun ... More than Michael Mukasey's having right now, anyway—or for that matter, Robert Luskin and Karl Rove. And here I was thinking the August recess would be boring.