

DAVID ADDINGTON?

Really, really doesn't want to be deposed by
CREW.

Last week, the judge in CREW's lawsuit
against Vice President Dick Cheney
approved our request to take the
depositions of David Addington, Vice
President Cheney's chief of staff.

On the eve of that deposition, Vice
President Cheney and the other
defendants filed an emergency petition
for a writ of mandamus with the U.S.
Court of Appeals for the D.C. Circuit.

Mandamus is an extraordinary remedy and
defendants seek it here to have the D.C.
Circuit intrude directly into the
district court litigation by demanding
that the district court judge vacate her
discovery orders. The petition is based
on a claim that the discovery authorized
by the district court raises serious
separation of powers concerns merely
because the deponent is David Addington.

I double dog dare the Appeals Court to tell
David Addington that, even if such a deposition
would present a problem according to Article II,
separation of powers complaints are not
available to the Fourth Branch.