

INAUGURATION WEEK WAS A BUSY WEEK FOR DEAD-ENDERS

A number of you have pointed to this story describing the "Obama" Administration support for the Bush Administration refusal to reconstruct Dick Cheney's emails.

The Obama administration, siding with former President George W. Bush, is trying to kill a lawsuit that seeks to recover what could be millions of missing White House e-mails.

That claim is based on a January 21 motion to dismiss much of the National Security Archive suit against the Bush Administration, basically arguing that the only thing an NGO—and the Courts—can do is order the Administration to start restoring emails; they don't have the grounds to force them to actually restore all the emails.

Check the date on that filing carefully.

January 21, of course, was Obama's first full day in office, well before Eric Holder was sworn in as Attorney General. Heck, it was well before Obama's team even got the email working at the White House themselves. And even, in a supreme bit of irony, it was the very same day when Obama signed an Executive Order saying incumbent Presidents, and not former ones, get to control the Presidential records of that former President.

January 21 was also just one day before the "Obama" Administration submitted a filing in the al-Haramain case that completely supported Bush's unitary executive claims. Curiously, though, when the Obama Administration submitted another al-Haramain filing later in February, it adopted a significantly different strategy than they had in that January 22 filing. In other

words, we know that the January 22 al-Haramain filing was indeed Dead-Enders submitting Bush's strategy under Obama's name; that strategy has since been changed.

We don't-yet-have proof that the January 21 email filing was another case of a Dead-Ender submitting legal briefs in Obama's name. But there are two interesting details that suggest this might be the case. First, the ubiquitous Michael Hertz was-as he was on the al-Haramain case and just about everything else we've hated "Obama's DOJ" doing-the senior official listed on the January 21 filing.

More interestingly, DOJ submitted a notice of appearance for Carlotta Potter Wells, a new lawyer to the government's email team, about a week after this filing (though still before Holder was sworn in on February 3). Why would you add a new lawyer to your legal team if you honestly planned on getting the suit dismissed?

We know the Dead-Enders were sneaking Bush legal strategy in under cover of inauguration week fun. I can't prove that's the case here. But I wouldn't-yet-get worked up over a court filing submitted by Dead-Enders during inauguration week.