


# **RUSS FEINGOLD: REPEATED ASSERTION OF STATE SECRETS “REMINISCENT OF BUSH ADMINISTRATION”**

 Russ Feingold just had a conference call to announce his release of a report card grading Obama's first 100 days in office. (The report card gives Obama a "some good, some bad, some too early to tell" grade.)

While he applauded the efforts the Obama Administration has made to end torture and to restore a presumption of release under FOIA, there were two areas where Feingold had particular complaints: State Secrets and the disclosure of information to the intelligence committee.

Of State Secrets, he said the Administration's repeated assertion of State Secrets in litigation was reminiscent of the Bush Administration. He alluded to the cases before Vaughn Walker, and complained that the invocation of State Secrets would prevent Americans from finding out what really went on with the warrantless wiretap program.

His second major complaint, while less specific (for obvious reasons), was more revealing. He said there was not yet enough disclosure to members and staffers on the intelligence committees. While he said the Obama Administration is clearly more open than the Bush Administration, he suggested the intelligence community was still "stonewalling and roadblocking" information to the committees. He did note, however, that he can't assess whether the Obama Administration is using the Gang of Eight process properly as he's not part of the Gang of Eight. He did argue, though, that there are few things that shouldn't be briefed

to the entire intelligence committees. It seems that's not currently happening.

In a related point, he said the Administration has an opportunity—one it hasn't taken yet—to fix overclassification problems. He suggested the Administration could—but hadn't—return to policies practice on classification under the Clinton Administration.

A Milwaukee reporter—who seemed to reflect a divided local response on the release of the torture memos—asked about what he thought of the release. Feingold said the Administration got "real [high?] marks for having the courage to release these memos." He specified, however, that the Administration still should release the 2006 and 2007 memos on torture that we haven't yet seen.

It sounds like those memos may be just as appalling as what we've seen so far.

He also made clear that the memos authorizing the warrantless wiretap program have not been released and **remain in effect**. I guess we shouldn't be surprised, then, that the NSA continues to follow the same domestic wiretapping practices it did under the Bush Administration.