

THE AL-HARAMAIN ORDER FROM WALKER

I am still waiting for a report from the scene, but the hearing in Judge Walker's court in al-Haramain on the Order to Show Cause is over and here is Walker's order:

PROCEEDINGS:

Order to Show Cause Hearing.

RESULTS:

The Court heard argument from counsel.

Plaintiff shall file a motion for summary judgment.

Hearing is set for 9/1/09 at 10:00 am.

Now, as MadDog noted, the AP is already reporting on the afternoon's events, including the al-Haramain order. Here is the key language from the AP report:

Also Wednesday, Walker deferred a decision on how to deal with the government's continued refusal to turn over an apparent log of telephone calls that the U.S.-based arm of an Islamic charity says shows it was the subject of warrantless wiretaps.

The Obama administration insists in court filings that release of the document will create "intolerable risks" to national security, the same stance taken by the Bush administration. Walker ordered Department of Justice lawyers and attorneys for the charity to return Sept. 1 for further arguments.

Gee, nothing here, Walker just continued the hearing until September 1st. Ta ta now, move along.

Guess they didn't see this line in the order (in spite of the fact it was the only other one substantively there):

Plaintiff shall file a motion for summary judgment.

Uh, hey guys, that line means something. It means that Walker has decided, after submission by the plaintiffs last Friday (see [here](#) and [here](#)), to go ahead down this path, and is encouraging the plaintiffs to lay out the desired factual predicate and exact law basis for how they want summary judgment entered. Now, this does not mean a final decision on awarding summary judgment is issued by the court, far from it, but it is damn clear that is exactly what is being contemplated.

As we have already discussed in relation to the earlier order on the states suits and telco claims, there is so much more here than meets the eye. And certainly than seems to have *not* met the AP's eye. Crikey, and they're going to sue *us*, for using *their* content?? You gotta be kidding me.