

JUDGE SULLIVAN REJECTS DOJ'S EXPANSIVE CLAIMS TO PROTECT CHENEY INTERVIEW

Judge Sullivan has rejected DOJ's most expansive claims they used to try to protect Dick Cheney's CIA Leak case interview.

I am reading this now for more detail, but the key graph is this one.

For the reasons stated above, the Court concludes that the agency has met its burden of demonstrating that certain limited information was appropriately withheld from disclosure to protect the well-recognized deliberative process and presidential communications privileges under Exemption 5, personal privacy under Exemptions 6 and 7(C), and national security interests under Exemptions 1 and 3. The Court cannot, however, permit the government to withhold the records in their entirety under Exemption 7(A) on the basis that disclosure might interfere with some unidentifiable and unspecified future law enforcement proceedings. The purpose of Exemption 7(A) is to protect specific ongoing or reasonably anticipated law enforcement proceedings. There are no such proceedings at issue here. Neither congressional intent nor well-established precedent supports the application of the exemption under the circumstances in this case, and the Court declines the government's invitation to create a new, per se FOIA exemption for any and all law enforcement interviews involving high level White House officials.

Accordingly, the Court GRANTS IN PART AND DENIES IN PART the parties' cross-motions for summary judgment. An appropriate Order accompanies this Memorandum Opinion.

I suspect this will still shield the key information about whether or not Bush authorized Cheney to leak classified information—up to and including Plame's identity.

I'll confirm that after I've read more carefully.

Update: Here's Sullivan's order. He's ordering DOJ to turn over a redacted document by October 9. It seems that Sullivan has permitted DOJ to shield everything listed under the CIA and DOJ declarations, which will shield whether or not Bush explicitly authorized Shooter and Scooter to go leaking classified information to shut Joe Wilson up.