

THE “MOST TRANSPARENT ADMINISTRATION EVER” TREATS RECESS APPOINTMENTS WITH GREATER SECRECY THAN ILLEGAL WIRETAPPING

Charlie Savage just released the OLC opinion he got in response to a FOIA on opinions relating to recess appointments (this became an issue after Obama appointed Richard Cordray head of the Consumer Financial Protection Board using a recess appointment). It is a Jack Goldsmith memo dated February 20, 2004.

It is almost entirely redacted. Just 11 lines out of three pages are left unredacted—and one of those reads, “Please let us know if we may be of further assistance.”

Just for shits and giggles, I compared that memo to another Jack Goldsmith memo, one that relates to actual national security issues: Goldsmith’s May 6, 2004 memo finding the revamped illegal wiretap program legal. That’s a 108 page memo, of which 46 pages are entirely redacted or redacted to the same degree as any one of the three pages in this recess appointment one. There are a slew more redactions, many of them obviously improper.

The last line, “Please let me know if we can be of further assistance. (U)” appears unredacted there, too.

Nevertheless, the Administration redacted far more of the earlier Goldsmith memo—the recess appointment one—than the one dealing with one of our most sensitive counterterrorism programs.

Next up, the Administration is going to start redacting Civics textbooks, because the workings

of government are so terribly sensitive.