

THEY'RE USING AUMF IN THEIR JUSTIFICATION FOR WARRANTLESS WIRETAPPING

I'm going to have a whole slew of posts on this SSCI report on their FISA bill(you'll all be hoping mr. emptywheel gets up and distracts me withpancakes, no doubt). In this post, I want to show the language thereport uses to privilege the Authorization to Use Military Force. In it's description of the basis for the program, the report depicts the warrantless wiretapping program as distinctly military.

TheNSA program was described

THE FISA REPORT

Laura links to a CQ story based on this SSCI report on FISA. As Starks noted in his CQ article, the report reveals that the telecom companies did not have the requisite approval from the Attorney General for the period following the hospital confrontation; rather, they had White House Counsel Alberto Gonzales' approval.

The committee's published report on legislation (S 2248) that wouldrewrite the rules for government surveillance states thattelecommunications companies participating

ABOUT THAT NEED FOR A WHISTLEBLOWER LAW...

I believe it was just the other day when I was saying it was more urgent to implement whistleblower protection than to write a new journalist shield law. This doesn't change my opinion in that regard.

This summer the House Judiciary Committee launched an effort to collect tips from would-be whistleblowers in the Justice Department. The U.S.

THE WILKES FIRESTORM

Chris, who thankfully made it safely through the San Diego fires, didn't let them distract her from the matter at hand: the Wilkes trial. Mark Geragos took the opportunity of a big natural disaster to sneak his client onto the stand to testify—apparently taking the government by surprise. I'll review a few of the details, but I'd like to compare the account of Seth Hettner and that of Allison Hoffman.

HOT AND COLD RUNNING CLASSIFICATION

According to the NYT, the White House has very generously allowed the entire SJC to view the documents justifying the domestic wiretapping

program—at least that's what Tony Fratto says.

The White House on Thursday offered to share secret documents on the National Security Agency's domestic surveillance program with the Senate Judiciary Committee, a step toward possible compromise on eavesdropping legislation.

RAZED

Okay, I mean this to be an honest question. The NYT has scary pictures up—courtesy of William Broad, who was glued to Judy's hip on Mobile Bioweapons Lab stories in summer 2003—showing that the purported nuclear reactor the Israelis took out in Syria has been razed to the ground.

That offers proof, the accompanying article states, that the Syrians were up to no good, and that the bombed site was a nuclear

TRYING TO PEEL THE HAGGIS

The White House must be trying to peel Scottish Haggis away from the Democrats on the SJC who oppose granting the telecoms immunity for illegally spying on citizens. Why else show Leahy and Specter the family jewels—the justification for the domestic wiretap program—without sharing them with the rest of SJC?

The White House has offered leaders of the Senate Judiciary Committee access to legal documents related to the National Security Agency's warrantless surveillance

program,

SHORTER GOP: IT'S OKAY IF MALIKI'S GOVT SUPPORTS INSURGENTS, SO LONG AS IT'S NOT OUR MONEY

I'd like to return to an interchange between Waxman and Condi from the hearing today. Condi made a very generous offer to let Waxman's committee review documents pertaining to corruption. Waxman pointed out that that offer did not allow the committee to discuss what it discovered in those documents publicly.

He raised the example of whether Iraqis were laundering money for use in militias.

THE GUARDS HAVE LEFT THE COUNTRY

The NYT has an interesting article telling the story of the Blackwater guards involved in the September 16 shooting. It does a great work getting the views of 6 current and former Blackwater guards in spite of the company's policy gagging them.

But there are two details, above all, that deserve more attention (particularly since the article simply presents them, without raising any questions about what they mean).

THE UNITED STATES OF AT&T WANTS SATELLITES NOW, TOO

Well, here's another reason AT&T is so desperate for retroactive immunity. It'd suck to have their bid to acquire a satellite TV company derailed as consumers realized AT&T is using that technology to spy on them, huh?

AT&T has been consulting lawyers in Washington about how long it would take to get government approval to purchase either EchoStar Communications Corp.