SPY CONTRACTOR V. SPY CONTRACTOR

Mark Mazzetti has a follow-up story to his previous expose of a DOD-funded contractor network conducting spying in Pakistan. In an article providing many new details about complaints from CIA about the DOD contractor, he comes pretty close to admitting that this turf war focuses at least partly on whose contractors—rather than whose officers—are conducting the spying in Pakistan.

> With the wars in Iraq and Afghanistan, the expanded role of contractors on the battlefield — from interrogating prisoners to hunting terrorism suspects — has raised questions about whether the United States has outsourced some of its most secretive and important operations to a private army many fear is largely unaccountable. The C.I.A. has relied extensively on contractors in recent years to carry out missions in war zones.
>
> The exposure of the spying network also reveals tensions between the Pentagon and the C.I.A., which itself is running a covert war across the border in Pakistan. In December, a cable from the C.I.A.'s station chief in Kabul, Afghanistan, to the Pentagon argued that the military's hiring of its own spies could have disastrous consequences, with various networks possibly colliding with one another.

As much as it appears that this story is a CIA attempt to make sure this DOD effort is not renewed when its contract expires this month, this is still fundamentally a story about contractor v. contractor, not spy v. spy.

That said, Mazzetti's story provides some interesting new details about those contractors.

I'm particularly interested in new details about the contractor International Media Ventures. As Mazzetti explains, one of the Generals present when DOD told CIA they'd be setting up this network has since moved onto IMV (here's the announcement).

> In October of [2008, Michael] Furlong traveled to C.I.A. headquarters with top Pentagon officials, including Brig. Gen. Robert H. Holmes, then the deputy operations officer at United States Central Command. General Holmes has since retired and is now an executive at one of the subcontractors, International Media Ventures. The meeting at the C.I.A.'s counterterrorism center was set up to inform the spy agency about the military's plans to collect "atmospheric information" about Afghanistan and Pakistan, including information about the structure of militant networks in Pakistan's tribal areas.

Mazzetti explains that IMV has Czech ownership.

> The web of private businesses working under the Lockheed contract include Strategic Influence Alternatives, American International Security Corporation and International Media Ventures, a communications company based in St. Petersburg, Fla., with Czech ownership.

And describes CIA concerns about a previous effort Furlong made to set up propaganda servers in Prague.

> The memo also said that Mr. Furlong had a history of delving into outlandish intelligence schemes, including an episode in 2008, when American officials expelled him from Prague for trying to clandestinely set up computer servers for propaganda operations.

It's the last part—from the December cable sent by CIA's Kabul station chief—in which I'm particularly interested (though the story does **not** say this Prague effort was an IMV effort). The turf war against Furlong, at least (and potentially IMV), extends beyond the borderlands of Pakistan and into the online world. Particularly given the timing of this (that is, back in the Bush Administration), I find that turf war as potentially interesting as the Pakistan one.

FAISAL SHAHZAD'S "WAIVER" OF HIS RIGHTS

Faisal Shahzad was arrested just before midnight on May 3.

On May 5, the Pakistani newspaper Dawn reported that one of Shahzad's friends and his father-in-law, Iftikhar Mian (elsewhere named as Mohammad Asif Mian), had been detained by Pakistani intelligence. The same report describes a meeting that took place on May 4, at which Pakistani authorities promised US Ambassador Anne Patterson full cooperation with the investigation. Also on May 5, the AP took a photograph (published in a May 6 Time article) showing a policeman apparently standing guard in front of Shahzad's father's house. Later the same day, less than 48 hours after Shahzad's arrest CBS reported (apparently for a second time, given the title and the picture referring to an arraignment expected but postponed the day before) that Shahzad's arraignment had been delayed. On May 6, a blog reported that Faisal's father, retired air force officer Baharul Haq, was taken into "protective custody" by Pakistani officials.

On May 9, Dawn reported that the FBI was seeking access to Shahzad's father.

On May 11, Dianne Feinstein confirmed that Shahzad had waived his right to speedy arraignment.

On May 14, Pakistan's Interior Minister stated that there had been no formal arrests in Pakistan related to the Shahzad case.

In all of this reporting, there has been no solid reporting as to the status or location of Shahzad's wife, American citizen Huma Mian, or his kids, at least one of whom is also US-born (though some reports had her staying at Shahzad's father's house).

I raise all this to point out that at a time when it still wasn't clear whether or not Shahzad would "waive" his rights to appear in court and—apparently—have a lawyer, Pakistani authorities had already detained at least Shahzad's friend and father-in-law, potentially his father, and might well have police guard on the house at which his wife remained (though, as I pointed out, we have no real clarity as to Huma Mian's location). All of this presumably occurred in response to the US request for help on May 4, just hours after Shahzad was arrested. And, in that same period of time, Shahzad rather curiously waived not just his right to an arraignment, but possibly also his right to an attorney.

Now consider what happened in two other big counterterrorism cases this year. To get Umar Farouk Abdulmutallab to cooperate, the FBI flew to Nigeria and persuaded his family to get him to cooperate (note, given Abdulmutallab's father's role in banking, the US would have a way of pressuring the father). And once the government indicted Najibullah Zazi's father (followed by a few of his friends) it took just weeks to get him to plead guilty and start cooperating with investigators.

And all that, of course, happens against the background of incidences where the families of

other detainees, notably Pakistanis Khalid Sheikh Mohammed and Aafia Siddiqui, were taken into custody and (at least in the case of KSM) used as threats against the parent.

Our government has been very successful at coercing terrorist suspects by using the suspects' family.

Did the government use the detention of Shahzad's and Mian's fathers as a way to convince Shahzad to "waive" his rights to an arraignment and—more importantly—potentially a lawyer?

DOES THE RIGHT TO A LAWYER DISAPPEAR WITH MIRANDA?

Charlie Savage has a story explaining what the Administration means when it says it wants to "modernize" Miranda warnings. As he explains, it's not just or even primarily Miranda warnings that are the problem (according to the Administration), but rather the requirement that a person arrested without a warrant be brought to court promptly.

> President Obama's legal advisers are considering asking Congress to allow the government to detain terrorism suspects longer after their arrests before presenting them to a judge for an initial hearing, according to administration officials familiar with the discussions.
>
> If approved, the idea to delay hearings would be attached to broader legislation to allow interrogators to withhold Miranda warnings from terrorism suspects for lengthy periods, as Attorney General

> Eric H. Holder Jr. proposed last week.
>
> The goal of both measures would be to open a window of time after an arrest in which interrogators could question a terrorism suspect without an interruption that might cause the prisoner to stop talking.

But there are two things missing from Savage's article (and I don't think it's through any fault of his). First, an explanation of what the problem is.

I mean, even the Republicans haven't been complaining about alleged terrorists appearing in court less than 48 hours after they were captured. And there are no allegations that—say—Najibullah Zazi or Umar Farouk Abdulmutallab stopped talking because they got trotted out before a judge shortly after they were captured. And as far as Faisal Shahzad? As Savage points out, he reportedly waived his right to arraignment.

> Officials have said that Mr. Shahzad waived those rights, as well as his right to a quick initial hearing before a judge, and has continued cooperating with interrogators. But, worried that suspects in future cases may not do likewise, or that law enforcement officials will be confused about the rules, the administration has decided to push for changes.

In other words, Shahzad is—like the other recent terrorist suspects mentioned—evidence that this may not be necessary! (Note, reporters took notice of the delay in Shahzad's arraignment—see here and here, for example.)

Then there's the second thing missing from this discussion. Is anyone wondering where the discussion of the right to an attorney is? Who **is** Shahzad's attorney?

The way it works, bmaz tells me, is you're arrested and you're brought before the judge (either to be charged or arraigned) and if you don't have a lawyer, the judge makes sure you have one.

And as of right now, PACER doesn't **list** an attorney for Shahzad.

Let's return to the Miranda warning again:

> You have the right to remain silent. Anything you say can and will be used against you in a court of law. **You have the right to an attorney. If you cannot afford an attorney, one will be appointed to you**. Do you understand these rights as they have been read to you?

So I'm curious: the Administration wants to "modernize" Miranda. They want to postpone bringing alleged terrorists before a Court (though it's not clear why). Are they, by delaying court appearances, trying to at the same time delay the time when alleged terrorists get assigned lawyers? Are they trying to dissuade alleged terrorists from having lawyers?

One final thing. The big example where—if you ask terrorism prosecutors—the requirements of due process have been a problem, of late, was the Hutaree defendants. After getting public defenders, their lawyers challenged their detention without bail (which is under appeal). This big push to deprive alleged terrorists of due process—will it apply to domestic terrorists, with whom they've had such problems recently?

ELENA KAGAN AND MAHER ARAR

Remember how I suggested one of the bright sides of Elena Kagen's nomination to SCOTUS would make Republican heads explode when they realize Hamdan lawyer Neal Katyal may be Acting Solicitor General?

Well, keep your eye out for splattered fearmonger brains, because Katyal just signed a document as the Acting Solicitor General.

Though perhaps their heads won't explode.

Because, as Lyle Denniston points out, Katyal's assumption of the Acting role here significantly diminishes Maher Arar's chances of getting his suit against the federal government for his rendition to Syria and torture heard by the Supreme Court.

> The Supreme Court has not yet scheduled Arar's case for its initial examination. The Justices are expected to do so, however, before the current Term ends in late June. Justice Sonia Sotomayor, who as a Second Circuit judge had taken part in the lower court's *en banc* hearing (but not its decision) has not yet indicated whether she would take part in the case as it proceeds in the Supreme Court. So far, the Court has not issued any orders in the case that would show whether she had opted to take part. Her recusal, however, appears likely.
>
> If the Court were to grant review of the case, it would not be heard and decided until the next Term, starting Oct. 4. Justice John Paul Stevens will no longer be on the Court then, and Kagan, if approved by the Senate, could be on the bench by then.
>
> The Court's changing membership, and the

> prospect that Justice Sotomayor would not participate in the *Arar* case, might not only have an impact on how the Court would rule if it took on the case, but may well influence whether it is willing to grant review at all. If, as expected, the case is put to an initial vote this Term on the question of review, the Justices could be deterred from voting to grant because of the possibility of a 4-4 split were the case to be decided. assuming Sotomayor's recusal. (Justice Stevens is expected to be on hand for that initial vote.)
>
> If the case were granted, the question would arise whether a new Justice Kagan (assuming Senate confirmation) would take part in the decision. Although she did not sign the U.S. brief filed Wednesday, it seems highly likely that she had participated in internal discussions of the position the government would take in that brief, and thus might feel compelled to disqualify herself from its consideration by the Court. That would raise the prospect of a 4-3 split, with the Court's four most conservative Justices in the majority. That is a prospect that perhaps could lead those four to vote for review, but could lead the Court's more liberal Justices to refrain from supporting review. (Both a 4-4 split, without Sotomayor, and a 4-3 split, without Sotomayor and Kagan, would probably result only if Justice Anthony M. Kennedy declined to side with his more conservative colleagues and voted with the more liberal Justices.)

This elaborates on a point that Michael Isikoff already wrote about—the way in which Kagan's nomination and probable confirmation increases the chances that SCOTUS will back Bush and Obama Administration policies on counterterrorism.

> Whatever her merits as the next Supreme Court justice, Elena Kagan's selection provides a hidden benefit for President Obama's national-security team: it significantly boosts its chances of prevailing in controversial claims to the court involving the war on terrorism.
>
> The reason: Kagan will inevitably have to recuse herself from an array of cases where she has already signed off on positions staked out by the Obama administration relating to the detention of terror suspects and the reach of executive power. As a result, the seat occupied by Justice John Paul Stevens—the most forceful advocate on the court for curbing presidential power—will be replaced by a justice who, on some major cases over the next few years, won't be voting at all.
>
> "If you are litigating on behalf of Bagram detainees, the skies just got a lot darker today," said Ben Wittes, a legal-affairs analyst at the Brookings Institution.

Now, there is an exception to this premise: those cases coming out of the 9th Circuit (which might include the Jeppesen suit, the al-Haramain case, and the Padilla-Yoo suit). If the 9th circuit rules in favor of the plaintiffs in any of these cases, and Kagan's likely recusal were to create a tie in SCOTUS (assuming Kennedy voted with the liberal judges, which might be even more likely for cases coming through the 9th), that would leave the 9th circuit decision intact.

Nevertheless, none of that is going to help Maher Arar obtain some kind of justice for his kidnapping and torture at the hands of Americans.

Oh, and on whether or not the fearmongers' heads

will explode at Katyal's involvement? The brief signed by Katyal contends that the torture of Arar is incidental to this suit.

> This case does not concern the propriety of torture or whether it should be "countenance[d]" by the courts. Pet. 14. Torture is flatly illegal and the government has repudiated it in the strongest terms. Federal law makes it a criminal offense to engage in torture, to attempt to commit torture, or to conspire to commit torture outside the United States. See 18 U.S.C. 2340A. The President has stated unequivocally that the United States does not engage in torture. See May 21, 2009 Remarks by the President on National Security; cf. Exec. Order No. 13,491, § 3, 74 Fed. Reg. 4894 (Jan. 22, 2009) (directing that individuals detained during armed conflict "shall in all circumstances be treated humanely and shall not be subjected to violence to life and person (including murder of all kinds, mutilation, cruel treatment, and torture))."

I'm particularly bemused by Katyal's reliance on Obama's repudiation of torture. I realize that Obama's repudiation is somewhat more credible than the many times that Bush claimed we did not torture (though less and less so of late). But it would seem particularly relevant that even while Bush was proclaiming his opposition to torture, detainees in our custody and held overseas at our behest were being tortured during **precisely** the same time period that Arar was rendered to be tortured in Syria.

Nevertheless, Hamdan attorney and now Acting Solicitor General Neal Katyal says that the issue is not Arar's torture, but narrow questions of whether Arar can even ask for some relief in the US Courts.

DOD'S LATEST BLACK SITE

Fresh off of the ICRC's confirmation that DOD has a black site in Bagram, Marc Ambinder has a long piece on it, describing it as run by part of the DIA, the Defense Counterintelligence and Human Intelligence Center, and downplaying, somewhat, what its use of Appendix M might mean. For example, he describes the Appendix to cover just short bouts of sleep deprivation and some sensory deprivation.

> However, under secret authorization, the DIA interrogators use methods detailed in an appendix to the Field Manual, Appendix M, which spells out "restricted" interrogation techniques.
>
> Under certain circumstances, interrogators can deprive prisoners of sleep (four hours at a time, for up to 30 days), to confuse their senses, and to keep them separate from the rest of the prison population. The Red Cross is now notified if the captives are kept at the facility for longer than two weeks.
>
> When interrogators are using Appendix M measures, the Undersecretary of Defense for Intelligence, Gen.James Clapper (Ret.) is the man on the hook.

I think Ambinder has just not clearly stated the sleep deprivation restrictions (which require 4 hours of sleep in a 24-hour period, but which would therefore allow for 40 hour periods of consecutive sleep deprivation). And the limits in Appendix M make it clear that environmental manipulation (with noise, heat, cold, or even water) is still permitted, just not excessive amounts of it.

> Care should be taken to protect the detainee from exposure (in accordance with all appropriate standards addressing excessive or inadequate environmental conditions) to—
>
> – Excessive noise.
>
> – Excessive dampness.
>
> – Excessive or inadequate heat, light, or ventilation.
>
> – Inadequate bedding and blankets.
>
> – Interrogation activity leadership will periodically monitor the application of this technique.
>
> Use of separation must not preclude the detainee getting four hours of continuous sleep every 24 hours.
>
> Oversight should account for moving a detainee from one environment to another (thus a different location) or arrangements to modify the environment within the same location in accordance with the approved interrogation plan.

Which would be utterly consistent with BBC's report that detainees there were subject to cold cells, constant light, and sleep deprivation.

There are a lot of interesting details in Marc's piece. But perhaps the most amusing is the Orwellian non-denial denial from DOD's spokesperson, Brian Whitman:

> "DoD does operate some temporary screening detention facilities which are classified to preserve operational security; however, both the [Red Cross] and the host nation have knowledge of these facilities," said Bryan Whitman, a Pentagon spokesperson. "Screening facilities help military officials determine if an individual should be detained further and assists military

> forces with timely information vital to ongoing operations."
>
> [snip]
>
> "In all our facilities the standard is humane treatment and all DoD detention facilities are required to be compliant with Common Article III, The Detainee Treatment Act, the Executive Order signed by the President last year, and the DoD Detainee Directive and the Army Field Manual," Whitman said.

Yes, Whitman affirms, there are "temporary screening facilities." Red Cross and Afghanistan knows about them (of course, Ambinder's story is partly a response to a story reporting the Red Cross confirmation that this prison exists). Screening facilities both help the military determine whether someone should be detained further (which suggests a temporary arrangement) and assists with timely information vital to ongoing operations (which suggests a more extensive arrangement). The facilities comply, Whitman claims, with Common Article III, DTA, Obama's Executive Order, and the Army Field Manual. Which is, of course, a testament to how prisoner abuse remains nestled in Appendix M. We know the original approval for this (DOJ claims this memo is no longer valid) approved the Appendix separate from and long before the techniques as they currently exist were finalized (so it's not clear whether anyone has actually confirmed **these techniques** comply with Common Article III). And Obama's entire Executive Order was based on the Army Field Manual, which includes Appendix M, which includes vague outlines of these techniques as permissible. It's all very neat really.

One more unrelated detail (though you should read Ambinder's entire post). As the name "Defense Counterintelligence and Human Intelligence Center" suggests, the same organization doing these interrogations is the same that took over the Counterintelligence

Field Activity duties of domestic spying.

Not that that should concern us at all.

ERIC HOLDER VISITS HJC

You can watch along at CSPAN3 or the Committee Stream. Republican talking point of the day seems to be that Obama's Counterterrorism approach is to have incompetent terrorists.

Nadler wastes no time to pitch his State Secrets bill. Go Nadler! "Those rules [Obama's state secrets compromise] still reserve unaccountable review to the executive."

Lungren has concerns about changing Miranda, since it was required by the Constitution, but implies he wants people to be enemy combatants instead (though that's a guess) which somehow wouldn't be unconstitutional.

Conyers tweaks Darrell Issa that Jared Polis, who was just added to the committee (along with Ted Deutsch, Wexler's replacement), has more patents than Issa does.

Issa calls for Special Prosecutor, I think to investigate Sestak's claim that the White House tried to buy him off of running against Specter.

Anthony Weiner seems to support 9/11 trials in NYC—says it has the best prosecutors. He then complains about White House funding decisions. Says the COPS program (which provides funding for police) "is not just for towns that only have minor-league baseball teams."

Maxine Waters complaining about review process for Comcast/NBC merger.

It's pretty funny that there was almost never any discussion of counterterrorism oversight on HJC under Bush Admin, given how many fearmongers on the panel.

And, after everyone gets to make a statement, we get Holder's opening statement.

WOOT! We're back.

Bobby Scott asks about statute of limitations. Where death results, Holder says there is none.

Lamar Smith trying very very hard to get Holder to say radical Islam.

Holder: AZ law raises concerns about civil rights and preemption.

Maxine Waters asks about domestic terrorism. Holder actually says domestic terrorism before he says Islamic extremism in this hearing, much to GOP chagrin. Waters follows up on domestic terrorism.

Issa: Concerned that former Admiral in Navy and US Congressman. Will you appoint a special prosecutor to investigate. What could be more serious than that this White House has offered member of Congress high appointment for getting out of race.

BETTY SUTTON ON THE COERCED TRANSOCEAN STATEMENTS

As you may have read, Transocean (the company that owns the Deepwater Horizon rig) made everyone rescued from the rig sign statements laying out whether they were involved in the incident, and whether they had gotten hurt.

> Lawyers for the oil rig's owner, Transocean, requested that workers who had survived the blast sign the form in the wake of the April 20 blowout on the Deepwater Horizon. This was hours before

> the workers had been allowed to see their families.
>
> Now some of those survivors say they were coerced and that the forms are being used against them as they file lawsuits seeking compensation for psychiatric problems and other injuries from the blast.

A couple of members of Congress asked Transocean's CEO about it yesterday, most pointedly Betty Sutton in this exchange.

Now, frankly, I think there may be some truth to Transocean's claim that they were trying to collect information with the form. This is a documentation-driven industry, and for a rig owner like Transocean, getting a sense of who was on the rig, what contractor they worked for, and what they were doing would be a concern. That said, given the lock-down they kept workers in until they signed these documents, I'd guess they were more interested in surveying precisely what information was out there so they could keep that information locked down as anything else. And the lockdown was certainly heartless and heavy-handed.

Besides, Transocean CEO Steve Newman had to have known yesterday that his company would move, today, to limit its liability in the disaster (albeit on different grounds).

> Transocean Ltd., the owner and operator of the Deepwater Horizon drilling rig that burned and sank last month unleashing a massive oil leak into the Gulf of Mexico, will file in federal court Thursday a petition to limit its liability to just under $27 million, according to a person familiar with the company's plans and a copy of the filing reviewed by Dow Jones Newswires.
>
> The world's biggest offshore driller is filing the request in the U.S. District Court in Houston under a century-and-a-

> half-old law originally aimed at helping U.S. ship owners compete with foreign-flagged vessels. While the company may not succeed in limiting its financial liability, the filing could give Transocean an edge in what could be a lengthy, multipronged legal battle against claims for damages from the accident that killed 11 workers.
>
> [snip]
>
> Under the Limitation of Liability Act of 1851, a vessel owner is liable only for the post-accident value of the vessel and cargo, so long as the owner can show he or she had no knowledge of negligence in the accident, maritime lawyers say. The law was created in the days before modern insurance and communications technology, to help U.S. shipping businesses compete against foreign ship owners who were protected against claims. Drilling rigs count as vessels under U.S. maritime law, and since "the remains of the…Deepwater Horizon now lay sunken" about a mile deep in the federal waters of the Gulf of Mexico, the value of the rig and its cargo comes to no more than $26,764,083, Transocean claims in the filing. Before the accident, the rig was worth around $650 million.

All of which makes me happy that Sutton gave Newman such a good ass-kicking at the hearing.

BANNED GITMO

REPORTERS APPEAL

McClatchy provides details of the appeal the outlets for four reporters banned from Gitmo for publishing the name of Joshua Claus have made to the Pentagon.

> Arguing that a Pentagon order banning four journalists from covering military commissions at Guantánamo Bay was illegal and unconstitutional, The Miami Herald and two Canadian news outlets appealed on Wednesday.
>
> [snip]
>
> In a letter to Bryan Whitman, deputy assistant secretary of defense for media operations, [David A.] Schulz [who represents the Canadian papers involved] said the law that created the military commissions leaves such decisions up to a judge.
>
> Further, the reporters did not obtain the name of the witness at the hearing, and it serves no military purpose to ban someone from publishing information that's already public, Schulz argued.
>
> "Our position remains unchanged: We did not violate any of the court rules for being at Guantánamo," said Miami Herald Managing Editor Aminda Marques Gonzalez. "I feel confident that once they review the facts that they are going to come to the same conclusion and reverse the order."

As you recall, the order banning the journalists came from the Pentagon, not from the judge in the hearing. I'm glad they're focusing on the heavy-handed role of the Pentagon here.
Though I do hope the Canadians are

pressuring the Administration about expelling the most knowledgeable Canadian journalists on the Omar Khadr case.

THE HOUSE ALWAYS WINS

Why hasn't there been more discussion about this article?

> It is the Wall Street equivalent of a perfect game of baseball — 27 up, 27 down, the final score measured in millions of dollars a day.
>
> Despite the running unease in world markets, four giants of American finance managed to make money from trading every single day during the first three months of the year.
>
> Their remarkable 61-day streak is one for the record books. Perfect trading quarters on Wall Street are about as rare as perfect games in Major League Baseball. On Sunday, Dallas Braden of the Oakland Athletics pitched what was only the 19th perfect game in baseball history.
>
> But Bank of America, Citigroup, Goldman Sachs and JPMorgan Chase & Company produced the equivalent of four perfect games during the first quarter. Each one finished the period without losing money for even one day.

I realize we're used to the Masters of the Universe "beating" "the odds" on "the market."

But don't we expect that they'll maintain the illusion that the game isn't rigged? In other

casinos, after all, someone has to make it big on the slot machines every once in a while to get others to keep coming back.

THAT IRAQ WITHDRAWAL WE ELECTED IN 2008?

Not gonna happen.

> I have sent the enclosed notice to the Federal Register for publication, continuing the national emergency with respect to the stabilization of Iraq. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2010.
>
> Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

Love, Barack Obama.

So even as Obama asks for more money for Afghanistan, he's officially telling Congress the ~~national emergency with respect to the stabilization of Iraq~~ Iraq War isn't going to end anytime soon, either.

The Guardian reports the same, though from the perspective of Odierno, not Obama, missing deadlines.

Update: I was too snide when I wrote this. *The fatigue of watching the President's deficit committee argue that we need to cut Social Security just as we're about to get a $30 billion supplemental (remember, we weren't supposed to get anymore of those?) to fight a war in Afghanistan many think we can't win really got to me.*

At one level, this appears to be fairly nondescript: it simply says that certain financial arrangements in place today will extend out past ten days from now. So it's not an indefinite extension, it's a bureaucratic detail.

But this language does worry me:

> *The Iraqi government continues to take steps to resolve debts and settle claims arising from the actions of the previous regime.* ***Before the end of the year, my Administration will review the Iraqi government's progress on resolving these outstanding debts and claims, as well as other relevant circumstances****, in order to determine whether the prohibitions contained in Executive Order 13303 of May 22, 2003, as amended by Executive Order 13364 of November 29, 2004, on any attachment, judgment, decree, lien, execution, garnishment, or other judicial process with respect to the Development Fund for Iraq, the accounts, assets, and property held by the Central Bank of Iraq, and Iraqi petroleum-related products,* ***should continue in***

> ***effect beyond December 31, 2010**, which are in addition to the sovereign immunity ordinarily provided to Iraq as a sovereign nation under otherwise applicable law. [my emphasis]*

That is, it's not just a bureaucratic extension of financial protections for Iraq past the next ten days. It's a formal notice that Iraq will have its financial training wheels on until December, maybe, or maybe longer. It seems like it's for the interest of Iraq, but I worry that it's for the interest of ongoing US control over Iraq's finances.