

FRANK LUNTZ'S IDEAL SMALL BUSINESSPERSON: DEMOCRATIC CONGRESSMAN MARK SCHAUER



You know that Frank Luntz memo telling
Republicans how to kill Wall Street reform?

Republican message guru Frank Luntz has put together a playbook to help derail financial regulatory reform.

In a 17-page memo titled, "The Language of Financial Reform," Luntz urged opponents of reform to frame the final product as filled with bank bailouts, lobbyist loopholes, and additional layers of complicated government bureaucracy.

"If there is one thing we can all agree on, it's that the bad decisions and harmful policies by Washington bureaucrats that in many ways led to the economic crash must never be repeated," Luntz wrote. "This is your critical advantage. Washington's incompetence is the common ground on which you can build support."

Well, as Ben Smith points out, Luntz used a funny picture to illustrate his section on how best to reach out to small businesspeople.

Pollster Frank Luntz picked an unusual poster boy in his new memo instructing Republicans to kill attempts to tighten financial regulations by tying the new laws to the bailout: Michigan Democratic

Congressman Mark Schauer.

Schauer and his wife, Christine, are used to illustrate a section suggesting Republicans “personalize the impact” of the legislation by claiming it will effect specific small business owners.

In his research, “The most popular images of small business owners both projected optimism with signs saying ‘grand opening’ or ‘open.’”

The image above, which appears on page 14 of the memo, appears to be taken from Schauer’s campaign website, which celebrated the opening of his wife’s store in a July, 2008 posting headed, “Mark Schauer: Small Business Owner.” The Battle Creek, Mich. shop, according to the item, is a kind of upscale consignment store.

Mark, of course, is the Congressman from just west of Ann Arbor. He is speaking like a proud progressive in one of the most closely contested districts this year. And, as Ben points out, Mark voted for Wall Street reform but opposed the bailout (he was first elected in 2008 so was not in Congress at the time).

I guess not only are Democrats better for the economy. But even astute political observer Frank Luntz recognizes that Democrats make the ideal businesspeople too.

Update: Mark Schauer’s office issued the following in response to Luntz’s gaffe:

To be clear, Frank Luntz is a paid consultant for Wall Street banks and big credit card companies, and this memo was written with one goal in mind – defeating a bill to end taxpayer-funded bailouts and clean up the mess on Wall Street.

As a small business owner himself, Mark understands the economic challenges

entrepreneurs in Michigan are facing. That's why he plans to support a new tax credit for businesses that hire more workers, and a measure that will make it easier for small businesses to obtain credit and expand their operations by taxing excessive bonuses at bailed out Wall Street banks.

BREAKING! A MONTH OF INTERROGATION WORKS BETTER THAN WATERBOARDING SOMEONE 183 TIMES

As Admiral Mullen just testified to Congress, Underwear Bomber Umar Abdulmutallab has been cooperating with the FBI.

The blood-thirsty right, of course, has been screaming all month that Abdulmutallab wasn't taken immediately to a military facility to be ~~tortured~~ interrogated harshly.

That blood-thirst has always felt rather weird to me. Unlike all the others that the torture industry has made an exhaustive effort to sufficiently dehumanize such that we (or rather they) could all cheer torture, I have a tougher time doing that with Abdulmutallab. I know that Abdulmutallab is at this very minute less than twenty miles away from me (and for two days, he was just a few miles from my house). And even with that proximity, he just doesn't feel like that big a threat to me right now.

Maybe that's one reason they've been screaming for his torture, to make sure we don't start to normalize the thought of these people in normal

prisons.

Or maybe, they wanted to prevent precisely what has occurred. That is, in response to—presumably—normal FBI interrogation, Abdulmutallab has resumed cooperating with investigators.

They didn't need to waterboard him!

Surprise, surprise. A month of interrogation works better than a month of waterboarding.

THE HOUSE WILL VOTE TO ELIMINATE HEALTH INSURANCE'S ANTI- TRUST EXEMPTION NEXT WEEK

I just got off a conference call with Speaker Pelosi. While she had a lot of optimistic things to say about the passage of a Senate plus sidecar bill, the big piece of news is that the House will pass (meaning, I presume she has the votes) a bill eliminating the anti-trust exemption for insurers and medical malpractice companies next week.

As she pointed out, the insurers have had this exemption for 65 years, and “the result has not been good” for consumers. And the only other industry that has been given such an exemption is major league baseball.

She said that, among other things, eliminating the exemption will allow the federal government to investigation collusion and price-fixing among insurers.

I presume this is one of those bills designed to force Republicans to vote to protect the

insurance industry—and as such, it is good politics. I'd be even happier if there were any prospect of it getting passed in the Senate, which I doubt. It would be nice to have on more piece of leverage to exercise with the insurance industry.

THE REPUBLICAN BASE REJECTS PROP 8 FAMILY VISION, BUT NOT PROP 8

Fresh off the Prop 8 trial, I was interested in what Markos' latest poll—of 2003 Republicans—says about equal rights for gay men and women in this country.

First, the poll shows that Republicans think gays should be allowed or not allowed to do the following things:

Serve in military: Yes, 23%; No, 55%

Receive federal benefits for couples:
Yes, 11%; No, 68%

Teach in public schools: Yes, 8%; No, 73%

Marry: Yes, 7%; No, 77%

That is, one in six of those polled are perfectly happy to let gay men and women risk sacrificing their lives for our mutual defense. But they don't think those servicemen and women should be accorded one of the most basic rights in our society.

As the rest of the poll shows, these people are bigots in a bunch of other ways, as well, so the gay rights questions shouldn't be that surprising.

But what I find particularly interesting is how that compares to the results that get to—at least partly—heterosexual marriage. As you recall, the central argument of the Prop 8 defendant-intervenors is that marriage is primarily about procreation.

[Defendant-Intervenor lawyer Charles Cooper]: And the purpose of the institution of marriage, the central purpose, is to promote procreation and to channel narrowly procreative sexual activity between men and women into stable enduring unions for the purpose —

THE COURT: Is that the only purpose of marriage?

MR. COOPER: Your Honor, it is the central and, we would submit, defining purpose of marriage. It is the — it is the basis on which and the reason on which marriage as an institution has been universal across societies and cultures throughout history; two, because it is a pro-child societal institution.

In later questioning, Prop 8 lawyer David Thompson asserted some of the following gender-based reasons that marriage had to be heterosexual:

- “If you look at the Homer Simpsons of the world [with regards to low intelligence], there are a lot more men than women”
- “wives spend money differently — or, I should say, that women spend money differently than men in terms of as it relates to children”

- “Fathers’ biological and socially-reinforced masculine qualities predispose them to treat their children differently than do mothers, correct?”
- “the differences between maternal and paternal behavior are more strongly related to either the parents’ biological gender or sex roles, than to either of their degree of involvement in infant care or their attitudes regarding the desirability of paternal involvement in infant care”
- “fathers are more concerned than mothers about the adoption of cultural values and traditionally-defined sex roles”

The picture of marriage the Prop 8 proponents rely on (which itself comes from long outdated scholarship as a factual matter) to justify their opposition to marriage equality includes not just on procreation as the necessary and primary goal of marriage. But it also depends on a daddy who instills moral conservatism, a mommy who breast feeds and spends frivolously, and a mommy who helps her children’s dumb daddy negotiate life.

Which is interesting because when Research 2000 polled those same bigots about subjects that would suggest an acceptance of this view of marriage, they found pluralities and majorities opposed:

Are marriages equal partnerships, or are men leaders of the household?

Equal: 76%; Men: 13%

Should contraceptives use be outlawed?

Yes: 31%; No: 56%

Do you believe the birth control pill is abortion?

Yes: 34%; No: 48%

Even among a group that has pretty frightening views otherwise, this group strongly believes in an equal marriage—precisely the kind long-outdated studies relied on by proponents advocated—and the availability of contraception.

If a majority of these people support keeping sex without procreation legal, then why won't they support the right to marry for those men and women fighting to serve in the military?

THE JOBS BILLS: THE BATTLE FOR COBRA

Congress has not yet seen fit to give Americans health care. But there's a new health care battle heating up right in the middle of the jobs bills that will be the next focus of Congress.

The jobs bill the House passed in December extended subsidies to help laid off workers pay for COBRA that were originally enacted as part of the Stimulus bill. The subsidy pays 65% of COBRA for those laid off, ensuring that families don't have to spend the bulk of their unemployment insurance check to pay for health coverage. At a cost of \$12.3 billion, the bill extended the subsidy from 9 to 15 months, and made it available for those laid off through June 30, 2010.

Obama has said he supports such a measure. And,

a bunch of Democrats in the Senate have written to Harry Reid and Max Baucus urging that he pass the same legislation through the Senate. They write:

... recent employment numbers are an indication that we must immediately extend jobless benefits and health assistance for individuals and families squeezed in this tighter economy. Nearly 40 percent of the unemployed – more than 6.1 million people – have been out of work for six months or longer. The average duration of unemployment is now at 29.1 weeks. What is more, many of those individuals and their families lost their health coverage when they lost their jobs. **On average, a monthly healthcare premium payment to cover a family costs \$1,111, which represents 83.4% of the average unemployment check. In some states, the average unemployment check is less than the cost of a monthly healthcare plan premium.**

Based on these figures, Congress must extend unemployment benefits and eligibility for the COBRA Premium Assistance Program through the end of the year. Short term extensions, while still helpful to families, only add strain to state agencies that must constantly re-tool their computer systems, and at the same time, continue to assist the millions still searching for work. **As our economy continues on a path to recovery, we need a robust extension of safety net programs that have provided a lifeline to families since the recession began.**

We urge quick action on the extension of the unemployment insurance provisions in the American Recovery and Reinvestment Act through December 31, 2010, including the Emergency Unemployment Compensation Program, full federal funding of the

Extended Benefit program, an increase of \$25 per week in state and federal benefits, and the suspension of the federal income tax on an individual's first \$2,400 of unemployment benefits. In addition, we must also extend the eligibility period of the COBRA Premium Assistance Program through December 31, 2010.

Due to the importance of these issues, we respectfully request a meeting with you to discuss how we can provide for an extension of both programs. We thank you for your consideration of our request. All of our offices are committed to ensuring our constituents are able to properly provide for their families during this difficult time. [my emphasis]

The list of signers is interesting for those it includes—as well as those missing.

Barbara Boxer (D-CA)

Dianne Feinstein (D-CA)

Michael Bennet (D-CO)

Christopher J. Dodd (D-CT)

Edward E. Kaufman (D-DE)

Daniel Akaka (D-HI)

Tom Harkin (D-IA)

Roland W. Burris (D-IL)

John F. Kerry (D-MA)

Benjamin L. Cardin (D-MD)

Barbara Mikulski (D-MD)

Carl Levin (D-MI)

Debbie Stabenow (D-MI)

Al Franken (D-MN)

Jeanne Shaheen (D-NH)
Frank R. Lautenberg (D-NJ)
Robert Menendez (D-NJ)
Tom Udall (D-NM)
Kirsten E. Gillibrand (D-NY)
Sherrod Brown (D-OH)
Jeff Merkley (D-OR)
Ron Wyden (D-OR)
Bob Casey (D-PA)
Arlen Specter (D-PA)
Jack Reed (D-RI)
Sheldon Whitehouse (D-RI)
Bernard Sanders (I-VT)
Patrick J. Leahy (D-VT)
Herb Kohl (D-WI)
Robert C. Byrd (D-WV)
Jay Rockefeller (D-WV)

Aside from the usual ConservaDems (and Harry Reid himself) and a number of western Senators, even Chuck Schumer appears not to have signed the letter yet.

Granted, I live in the Clusterfuck state. But I know a ton of people for whom the COBRA subsidy has been the single thing that has kept them from panicking as they face long months with no job. Let's make sure the Democrats come together—with at least one Republican—to include this COBRA subsidy extension in the jobs bill.

TEABUGGER VICTIMOLOGY

Oh, this is rich. Chief TeaBugger, James O'Keefe is preparing to argue that, the whole time he was sitting in jail with the son of the acting US Attorney for Shreveport, the US Attorney for New Orleans was abusing his rights.

Interviewed on Fox just moments ago, Andrew Breitbart claimed that alleged Landrieu phone tamperer James O'Keefe "sat in jail for 28 hours without access to an attorney."

Breitbart, who has been on a public campaign defending O'Keefe, a paid contributor to Breitbart's BigGovernment.com, also charged that the U.S. Attorney's office in Louisiana leaked information to the press "helping" them to frame the episode as "Watergate Junior."

It's all retaliation, you see, because TeaBugger O'Keefe has pressured Eric Holder to investigate ACORN based on TeaBugger O'Keefe's own attempts to frame the organization.

Asked by Fox's Megyn Kelly what motivation the U.S. Attorney would have to make such an effort, Breitbart responded: "Well, it's tied to the Justice Department. And we've been very aggressive in asking Eric Holder to investigate what's seen on the ACORN tapes, and he's ignored it."

I guess Breitbart and his little TeaBugger honestly believe that the press, faced with news of inept Republicans entering Democratic offices in disguise with the intent of "interfering" with that office's phones, would need a cheat sheet to make the connection with Watergate?

You know, several days ago I was willing to

dismiss this as a stupid juvenile prank. But given the increasing concern that the perpetrators are showing—and their increasingly dubious stories—I’m convinced it merits a closer look.

In any case, I bet that O’Keefe is going to hang this complaint on being stuck with the representation of J. Garrison Jordan for 24 hours, rather than the big name Watergate lawyer who is now representing him, Michael Madigan. Because somewhere in the Constitution, I’m certain, it says citizens are entitled to a lawyer with Watergate experience, and may not be required to make do with the representation of local lawyers.

OPR REPORT TIMELINE

In response to the news that David Margolis spiked the misconduct conclusion in the OPR Report on OLC justifications for torture, I wanted to put together a timeline of its construction. Two things stick out. First, the role of Mary Patrice Brown—who replaced Marshall Jarrett at a time when OPR was backing off its offer of transparency—deserves further scrutiny in this report. When she presented the report to Holder in August, she apparently recommended that he reopen investigations into torture.

Also, I still think the timing suggests DOJ delayed its release to protect Yoo in the Padilla suit.

January 4, 2008: Padilla sues Yoo.

February 12, 2008: Senators Durbin and Whitehouse request that OPR investigate torture authorizations

February 18, 2008: Marshall Jarrett informs Durbin and Whitehouse that torture authorizations included in OPR investigation of

OLC, agrees to share report with them
and—possibly—release an unclassified public
version

Late December 2008: Draft of OPR submitted,
Michael Mukasey and Mark Filip demand that Yoo,
Bybee, and Bradbury get to respond

February 14, 2009: Isikoff reports that OPR
report came to harsh conclusions of OLC lawyers'
work; reports Mukasey and Filip allowance for
lawyer response

February 16, 2009: Whitehouse and Durbin inquire
about process used with OPR report

March 6, 2009: Hearing in Padilla-Yoo law suit

March 25, 2009: OPR response (signed by M. Faith
Burton, Acting AAG) to Whitehouse and Durbin
states Mukasey/Filip comments already
integrated, OLC lawyer counsel in process of
reviewing report; it doesn't mention "career
prosecutor" review:

When the review and comment [from Yoo,
Bybee, and Bradbury's lawyers] is
concluded, OPR intends to review the
comments submitted and make any
modifications it deems appropriate to
the findings and conclusions. OPR will
then provide a final report to the
Attorney General and Deputy Attorney
General. After any additional review
they deem appropriate, the department
will determine what disclosures should
be made.

The letter backs off Jarrett's earlier promise
to release the report:

In determining appropriate disclosures,
we will be mindful of the considerable
interest that Congress has previously
expressed in connection with this matter
and will seek to accommodate the
information needs of our oversight
committees in response to requests from
their chairmen. While we appreciate your

request for a disclosure commitment, we can only fully evaluate the scope of appropriate disclosures once the review process is completed. We trust you understand that those decisions depend in part on the content and conclusions of the OPR final report and the outcome of any further Departmental review.

March 31, 2009: Durbin and Whitehouse reply to OPR letter

April 8, 2009: Holder names Mary Patrice Brown to replace former OPR head, Marshall Jarrett

April 29, 2009: Leahy invites Bybee to testify to Senate Judiciary Committee; Bybee panics in response

May 4, 2009: According to AAG Ronald Welch, deadline for Yoo, Bybee, and Bradbury response to OPR report; on that day, Welch responds to Durbin and Whitehouse laying out the following as “normal” process for OPR reports:

In the past, former Department employees who were subjects of OPR investigations typically have been permitted to appeal adverse OPR findings to the Deputy Attorney General’s Office. A senior career official usually conducted that appeal by reviewing submissions from the subjects and OPR’s reply to those submissions, and then reaching a decision on the merits of the appeal. Under this ordinary procedure, the career official’s decision on the merits was final. This appeal procedure was typically completed before the Department determined whether to disclose the Report of Investigation to the former employees’ state bar disciplinary authorities or to anyone else. Department policy usually requires referral of OPR’s misconduct findings to the subject’s state bar disciplinary authority, but if the appeal resulted in

a rejection of OPR's misconduct findings, then no referral was made. This process afforded former employees roughly the same opportunity to contest OPR's findings that current employees were afforded through the disciplinary process. While the Department has previously released public summaries of OPR reports under some circumstances, public release of the reports themselves has occurred only rarely. In the past, the release of a public summary occurred only after the subjects were afforded an opportunity to appeal any adverse findings.

The May 4 letter also informed the Senators of the CIA review.

May 6, 2009: WaPo reports OPR report still recommends sanctions against Yoo and Bybee

June 12, 2009: Judge rules Padilla suit can move forward

June 17, 2009: Whitehouse reveals that CIA conducting "substantive comment and classification review"

July 9, 2009: Yoo appeals decision on Padilla suit—and DOJ stops representing Yoo; Miguel Estrada would take on that role

July 12, 2009: Scott Horton reports that reading OPR Report was one thing that convinced Eric Holder to launch criminal review of torture

Prior to August 24, 2009: OPR submits report to Holder, recommends reopening criminal investigation into torture

August 24, 2009: Holder announces criminal investigation, citing (among other things) OPR report

November 16, 2009: Yoo submits opening brief in Padilla suit appeal

November 18, 2009: Holder announces OPR report

due out “this month;” Court grants government extension to December 3 to submit amicus brief

November 20, 2009: Padilla requests extension—because of delay in government brief—until January 15

December: Margolis, purportedly reviewing OPR report, out sick (though reports say Yoo’s lawyer making last appeal for changes)

December 3, 2009: DOJ submits amicus brief claiming that OPR can address Padilla’s concerns

December 29, 2009: Yoo starts book publicity

January 18, 2010: Padilla submits response to appeal

January 29, 2010: Klaidman and Isikoff report OPR conclusions have been altered

REVISITING THE AL-HARITHI/DERWISH ASSASSINATION

I wanted to expand on this comment, because the discussion of whether Anwar al-Awlaki is on both the JSOC and CIA kill lists or not has focused new attention on the assassination, on November 3, 2002, of Abu Ali al-Harithi and Kamal Derwish.

Greg Miller mentions the assassination in his story today.

The CIA has carried out Predator attacks in Yemen since at least 2002, when a drone strike killed six suspected Al Qaeda operatives traveling in a vehicle across desert terrain.

The agency knew that one of the operatives was an American, Kamal

Derwish, who was among those killed. Derwish was never on the CIA's target list, officials said, and the strike was aimed at a senior Al Qaeda operative, Qaed Sinan Harithi, accused of orchestrating the 2000 attack on the U.S. destroyer Cole.

Dana Priest mentions the assassination in her story on escalated operations in Yemen.

In November 2002, a CIA missile strike killed six al-Qaeda operatives driving through the desert. The target was Abu Ali al-Harithi, organizer of the 2000 attack on the USS Cole. Killed with him was a U.S. citizen, Kamal Derwish, who the CIA knew was in the car.

And ABC mentions it as well.

An American citizen with suspected al Qaeda ties was killed in Nov. 2002 in Yemen in a CIA predator strike that was aimed at non-American leaders of al Qaeda. The death of the American citizen, Ahmed Hijazi of Lackawanna, NY, was justified as "collateral damage" at the time because he "was just in the wrong place at the wrong time," said a former U.S. official familiar with the case.

Now, all of these articles were written by journalists with long experience in intelligence reporting, so all must know this detail. Still, I find the inclusion of it in all three stories (including Priest's, in which the focus is on Yemen, rather than assassination) rather notable. Is it possible that all the guys leaking this story have pointed the journalists to the earlier assassination?

I ask because—for starters—I find it rather interesting that that 2002 assassination was rationalized in the name of killing al-Harithi,

accused of organizing the USS Cole bombing. That strike happened not long after the US started torturing a guy—Rahim al-Nashiri—whom we're about to try in military commission for organizing the USS Cole bombing. (And remember, al-Nashiri had been in custody in Dubai for a month by the time the US took custody.) Who was the mastermind of the Cole bombing, then? al-Harithi, who doesn't even merit a mention in the 9/11 Commission report (though reports from when he was killed said he was among the 12 most senior al Qaeda figures), or al-Nashiri, who does, and is about to be tried for it? Note, too, that the Bush Administration did not announce it had custody of al-Nashiri until several weeks later in November.

Now compare al-Harithi, with his loosely accused role in the Cole, with Kamal Derwish, whom the US accused of recruiting a number of Lackawanna youth into al Qaeda. Not only was Derwish accused of being an ongoing threat—the standard purportedly used to put Americans on kill lists now. But he was accused of training Americans in al Qaeda. Which is not all that different than what the government is accusing al-Awlaki of now.

And note, too, that Priest and maybe Miller [ed. changed per MD's comment] both now report that the CIA knew Derwish was in the car when they targeted (they say) al-Harithi. When Miller first reported this in 2002, he didn't mention Derwish's presence (nor did Pincus). When Priest broke the story of Derwish's presence in the car, she stated it was unclear whether CIA knew he was there or not.

It was unclear whether the CIA operatives who fired the missile from hundreds of miles away knew that an American citizen was among their targets. It also was unclear whether that would have made any difference.

I guess I'm suggesting that, first of all, it would seem unnecessary to kill a guy for

planning the Cole bombing if you knew you had the guy who—you say—planned the Cole bombing in custody. But that claiming a tie between him and the Cole bombing might provide the excuse to target a car carrying your real target, Derwish.

LAT: THE CIA HASN'T YET ADDED AL-AWLAKI TO ITS KILL LIST

The most interesting thing about Greg Miller's story on whether Anwar al-Awlaki has been added to the CIA's list of assassination targets is how it differs from the two stories already written on this subject. Miller says that al-Awlaki has not yet been added to the list.

No U.S. citizen has ever been on the CIA's target list, which mainly names Al Qaeda leaders, including Osama bin Laden, according to current and former U.S. officials. But that is expected to change as CIA analysts compile a case against a Muslim cleric who was born in New Mexico but now resides in Yemen.

Anwar al Awlaki poses a dilemma for U.S. counter-terrorism officials. He is a U.S. citizen and until recently was mainly known as a preacher espousing radical Islamic views. But Awlaki's ties to November's shootings at Ft. Hood and the failed Christmas Day airline plot have helped convince CIA analysts that his role has changed.

That accords with what ABC reported on January 25.

White House lawyers are mulling the legality of proposed attempts to kill an

American citizen, Anwar al Awlaki, who is believed to be part of the leadership of the al Qaeda group in Yemen behind a series of terror strikes, according to two people briefed by U.S. intelligence officials.

One of the people briefed said opportunities to “take out” Awlaki “may have been missed” because of the legal questions surrounding a lethal attack which would specifically target an American citizen.

But not with what Dana Priest wrote on January 27.

Both the CIA and the JSOC maintain lists of individuals, called “High Value Targets” and “High Value Individuals,” whom they seek to kill or capture. The JSOC list includes three Americans, including Aulaqi, whose name was added late last year. ~~As of several months ago, the CIA list included three U.S. citizens, and an intelligence official said that Aulaqi’s name has now been added.~~ [Update, February 17, 2010: WaPo has since retracted the report that CIA had US citizens on its kill list.]

I’d suggest Priest’s initial focus on JSOC (though Miller, too, confirms that al-Awlaki is on JSOC’s list) may explain this flurry of articles describing the government’s ultra-secret kill list(s). That is, Priest’s focus on JSOC may suggest the long-brewing turf war between JSOC and CIA on such issues is bubbling up to the surface. That also might explain the spin of the other two article. ABC’s article seems designed to force someone’s hand by painting the CIA as incompetent for missing al-Awlaki in the past. And it might explain CIA spokesperson Paul Gimigliano’s snippiness about the public nature of this debate.

CIA spokesman Paul Gimigliano declined to comment, saying that it is “remarkably foolish in a war of this kind to discuss publicly procedures used to identify the enemy, an enemy who wears no uniform and relies heavily on stealth and deception.”

Now, whatever the differences in the article Miller doesn't appear to have asked some of the obvious questions any more than Priest or ABC. If we haven't even tried indicting al-Awlaki yet (particularly with all the increased presence we've got in Yemen to pick him up), then how do we have enough information to assassinate him? And why didn't our vaunted surveillance system pick up this apparently growing threat from al-Awlaki?

As to what new information has come up to merit al-Awlaki's placement on the kill list (whether CIA's or JSOC's)?

But it was his involvement in the two recent cases that triggered new alarms. U.S. officials uncovered as many as 18 e-mails between Awlaki and Nidal Malik Hasan, a U.S. Army major accused of killing 13 people at Ft. Hood, Texas. Awlaki also has been tied to Umar Farouk Abdulmutallab, the Nigerian accused of attempting to detonate a bomb on a Detroit-bound flight.

At least on first report, the emails were not sufficiently damning to concern the FBI. Has that changed? And the phrase “Awlaki has been tied”—you're going to put someone on a kill list using a passive construction? Really?

RAHM'S AUTHORIZATION TO USE MILITARY FORCE

Is Rahm planning on using Rove's tactics to get a crappy health insurance reform passed using the urgency of the upcoming election?