

# ONE SMALL VICTORY FOR OVERSIGHT

One lingering suspicion that they're just moving this off the books:

After several requests from the Homeland Security Committee calling for a moratorium on the controversial use of spy satellite imagery for domestic purposes, the Department has heeded the call and delayed its planned October 1st launch of its new National Applications Office (NAO). The Department has cited the need to address unanswered privacy and civil liberties questions from Congress "as addressed in the Committee's September 6th

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# HAS DICK CHENEY OUTLASTED BILL LEONARD?

Bill Leonard is resigning at the end of the year.

It is with deeply mixed emotions that I inform you I have decided to leave government service at the end of the calendar year.

[snip]

I will miss all the great public servants at the National Archives as I move on to the next phase of my professional life.

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# **\$290 MILLION ON SCRAPPED SURVEILLANCE PROGRAMS**

The Democrats on the House Homeland Security Committee are trying to force the Administration to implement procedures for protecting the privacy of Americans before it will approve funding that will fund the Administration's domestic satellite surveillance program. In their letter to the Democrats who oversee this appropriation, they put a price tag on all the surveillance programs the Administration has had to scrap because they didn't first implement procedures to protect

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# **IS LARRY CRAIG STICKING AROUND FOR IMMUNITY FROM SUBPOENA?**

Larry Craig's not gonna go, he says. At least not yet.

That's not that big a surprise—he had been threatening to un-resign since early in September. Though his decisions to resign and then un-resign correlate curiously with his receipt of a subpoena in the Brent Wilkes trial.

August 13: Subpoenas issued (to House members)  
August 27:

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# THE CONGRESSIONAL APPROPRIATIONS PROCESS AND HOW IT WORKS

The House response to the Brent Wilkes subpoena is now online—it's 81 pages long. I'll comment more on the rationale for quashing the subpoenas in an update (I've got a talk to go give shortly, but the short version is speech and debate). But some initial details: The subpoena to Ike Skelton has been withdrawn. Wilkes also subpoenaed:

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## UNRELIABLE SOURCES

In what might be the best testament to the wisdom of mounting primary challenges, Jane Harman has turned into a bulldog debunking this Administration's lies to drum up support for expanded surveillance. On Olbermann yesterday, she revealed that the terror threat the Administration used to scare up support for the FISA amendment came from a source deemed to be unreliable.

Well the chatter was up all summer at the level of pre-9/11

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## DID DUKE-OR THE 13 CONGRESSMEN-MAKE

# WILKES DO IT?

Paul Kiel notes the most curious of the three recent filings from the Wilkes/Michael case, in which prosecutors attempt to prevent Wilkes from citing duress as his defense against the bribery charges. I think the target of this filing is not—or not just—Duke Cunningham. Rather, I think prosecutors filed this to stave off Wilkes' Congressional testimony ploy.

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# HISTORIC COMPARTMENTALIZATION

There's something that Director of National Intelligence Mike McConnell has suggested in the past, but which he has made crystal clear in his testimony today. The Administration has compartmentalized him out of the warrantless wiretapping program as it existed before he became DNI earlier this year. Senator Leahy made this clear—but then dropped the obvious follow-up.

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# THEY REALLY DO WANT MONICA TO DO FISA APPLICATIONS!

I joked earlier that the Administration had requested FISA be expanded so that Monica Goodling could make FISA certifications.

I'll come back to his summary of the extra

goodies the Administration is requesting (the short version: they want to make it impossible for any case relating to wiretapping to go through normal courts, and they want to expand the universe of people who can make FISA certification to include Monica Goodling non-Senate approved people the President

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## **CBS COLLABORATES IN TORTURE**

The most interesting thing about the Dan Rather complaint, IMO, is the description it gave of CBS and Administration attempts to spike the Abu Ghraib story.

In late April 2004, Mr. Rather, as Correspondant, and Mary Mapes, a veteran producer, broke a news story of national importance on 60 Minutes II—the abuse by American military personnel of Iraqi prisoners in the Abu Ghraib prison.