

# **NOT THREE BRANCHES, NOT TWO BRANCHES, JUST ONE BRANCH OF GOVERNMENT**

Just eight years ago, I remember our country having three independent branches of government. Apparently, the Mukasey DOJ has decided that three branch thing is quaint. In addition to sending Congress snotty letters telling them to back off the torture tape destruction, they've sent a similar letter to at least one judge.

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## **OVERSIGHT OR POLITICS?**

Michael Mukasey has engaged in a remarkable bit of sophistry with his refusal to clue Congress in on the joint DOJ/CIA IG investigation into the destruction of the torture tapes. He explains his decision as an attempt to avoid "any perception that our law enforcement decisions are subject to political influence."

Of course, the "political influence" Mukasey was asked to address during his nomination hearings was the kind exerted when a Senator or a Congresswoman called the Attorney General privately to demand that a USA either accelerate the prosecution of a political figure or be fired. In this matter, Mukasey has been asked to respond to what is an almost unparalleled degree of bipartisan support for an open inquiry into a matter that just stinks, already, of a cover-up. Leahy and Specter (and Reyes and Hoekstra and Durbin and Biden and more) called for a procedure that had oversight built in.

And Mukasey said no.

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## **REALLY BAD GITMO PROPAGANDA**

I'm not really surprised that the Gitmo command is disseminating propaganda about the prison. But I just wish those that engage in propaganda for the government not be so pathetically bad at it.

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## **BAM!!! CIA SCORES DIRECT HIT ON THE UNITARY EXECUTIVE!**

At least that's what I take from this quote:

In the e-mail version of the Politico Playbook this morning, Mike Allen quotes "a senior administration official" lamenting that "they should have burned the NIE and kept the tapes." The official was referring to the administration's debacles with the intelligence community since the new NIE on Iran was released and the CIA revealed that it had destroyed videotaped interrogations.

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## **INTELLIGENCE OVERSIGHT AND PARTISANSHIP**

David Ignatius complains that partisanship has ruined our intelligence oversight. Well, perhaps

he should blame Cheney, who turned the Senate Intelligence Committee into his own personal plaything to hide the Administration's complicity in the bad intelligence leading to war.

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## **PHONE SLIP**

One thing about the EFF document dump is immediately apparent. There is one trace—a phone slip—of any conversations between ODNI personnel and the phone companies.

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## **DID THE D.O. LAWYER EVEN KNOW ABOUT BRINKEMA'S REQUEST?**

Among the details in Isikoff and Hosenball's piece on the decision to destroy the torture tapes is a representation of DO's lawyer who advised the tapes could be destroyed which makes it sound like he had no clue there was an active inquiry for the tapes.

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## **SEEING A CATFIGHT WHERE THERE IS NONE**

Spencer Ackerman's seeing a catfight between Nancy Pelosi and Jane Harman where there is none. Sure, we all know they don't get along. But on the issue of torture briefings, Pelosi

(if anything) makes Harman look good, and portrays agreement rather than disagreement.

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## **MICHAEL MUKASEY, THE SHORTEST HONEYMOON EVER**

Mukasey's having a heck of a honeymoon, isn't he? In addition to running the joint CIA-DOJ investigation of the destroyed terror tapes, now Feingold (on both SJC and SSCI) wants him to answer the questions he refused to answer in his nomination hearings.

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## **THE REVOLT OF THE SPOOKS**

There has been a lot of hand-wringing suggesting that the story revealing some Democratic members of the Gang of Four was a hit piece by Republicans (or, specifically, Porter Goss). That strikes me as an overly Manichean view of things, in which an article that makes Democrats look bad could only be a Republican hit piece. There's another party in this equation—the Intelligence Community. The events of the last ten days make more sense, it seems to me, if you consider all of those events as a revolt on the part of the Intelligence Community.