

# IMMUNITY

I'm all in favor of holding the several people in the White House who intervened to destroy evidence responsible for their actions.

But as we begin to hear about Jose Rodriguez considering immunity it might be well to remember what I pointed out when Rodriguez was first floating the idea of immunity.

In the hands of a less than shrewd majority and a politically reliable minority leader, immunity can be counter-productive. In the case of Monica Goodling, the Dems basically gave Monica a get out of jail card for nothing in exchange. Until I see that Crazy Pete Hoekstra's heart is in the right place on this issue (which would, frankly, astound me), then I'd suggest we want to be very careful before we give Rodriguez something for nothing.

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# TIMING, AGAIN

Marty Lederman suggests that BushCo timed their terror tape destruction for a moment when they might technically evade obstruction charges for doing so. That might explain the general dodginess surround public reports of White House opposition to the torture tape destruction.

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# THE WHEELS OF JUSTICE

Top of the morning to one and all. As Marcy and family hit the road on their much delayed Christmas expedition, it occurs to me that it is time to grease the wheels of justice and get them rolling down the road of accountability. EW and Mad Dog are right about the implications of

the new AP article.

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## **DATES**

The AP has a story out that seems to clear all the White House lawyers of supporting the destruction of the torture tapes. All of them, that is, except David Addington.

But it also raises still more questions about timing, focusing (as a WaPo article yesterday did) on discussions in 2004. If the substantive discussions happened in 2004, then why did the tapes get destroyed in 2005?

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## **IN WHICH COUNTRY WERE THE TAPES STORED?**

The NYT's article has one more detail of note—again, reporting something that is intuitive, but not something that had been confirmed before AFAIK. That's that the torture tapes were stored in the country—singular—where the interrogations of Abu Zubaydah and al-Nashiri took place.

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## **SUB-HEADING: WHITE HOUSE PANICS**

The White House has gone to the trouble of making the NYT correct their headline indicating

that news of the involvement of Addington and Gonzales in discussions of the terror tapes differs from the story the White House was pitching—that Harriet Miers was the only one involved.

While the White House is correct that they never officially claimed that Harriet was the only one involved, someone has certainly been shopping that story for over a week. Which is why it behooves those who received that story to out their source, particularly if that person is in the White House.

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## **HENRY GETS IMPATIENT**

Apparently, I'm not the only one who noticed that, since the time when Henry Waxman first asked Michael Mukasey to hand over the White House-related materials from the CIA Leak Case investigation, he has proven to be mighty responsive to requests from Congress when it involves covering up for the White House.

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## **ISIKOFF TO CONGRESS: MAKE SURE YOU ASK FOR THE NEGROPONTE MEMO**

For all his faults, Michael Isikoff certainly allows people to reliably launder leaks through him. And today's leak offers a clear message to Congress to go after the memo recording a meeting between John Negroponte and Porter Goss, where Negroponte told Goss not to destroy the torture tapes.

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# **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.