

# HINTS THAT THE FISCR PLAINTIFF IS AN EMAIL PROVIDER

The plaintiff in the FISCR opinion is almost certainly an email provider.

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## MUKASEY FLIP FLOPS ON PIXIE DUST

Back during Michael Mukasey's confirmation hearings, Sheldon Whitehouse got Michael Mukasey to commit that, when a President changes an executive order, he appropriately should actually change the executive order—so schmoes like you and I can know what the President is actually doing.

2. Do you believe that the President may act contrary to a valid executive order?

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## SJC LIVEBLOG

Michael Mukasey's

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## MUKASEY'S TROUBLING HISTORICAL ARGUMENT

Mukasey's defense of John Yoo in his commencement address at Boston College Law

School has drawn a lot of attention. But it's the logic behind his defense, and not the defense per se, that really concerns me.

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## **PUBLICIZING PIXIE DUST**

One of my early posts on Pixie Dust is nominated for one of the most important under-reported stories from last year. I guess that's just emblematic of the kind of attention Pixie Dust attracts.

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## **CONYERS TO MUKASEY: SO YOU DID SPIN SHAMELESSLY, DIDN'T YOU?**

Conyers wants DOJ to admit that Mukasey was spinning wildly when he claims a revamped FISA could have prevented 9/11. And by demonstration that Mukasey was spinning wildly, he highlights that the Administration—not the House—has been negotiating in bad faith.

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## **SHELDON WHITEHOUSE'S SPEECH**

Whitehouse is up, hitting on the same issues he hit in his speech a week ago Friday. He accuses Mukasey and McConnell are being disingenuous

when they ignore the issues outstanding on the FISA debate.

These two gentlemen do know what is going on and chose to talk past the issue, ignore it's very existence.

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## **ALL YOUR DATA BELONG TO GEORGE**

Guess what? ODNI has told Congress it doesn't want minimization procedures to be codified in statute because it would make it too hard to change those procedures. That, plus a continued emphasis on Executive Orders that George Bush can turn into pixie dust, suggests they really don't want to be held responsible for protecting US persons' privacy when conducting wiretaps.

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## **WHEN ALL EXECUTIVE ORDERS TURN TO PIXIE DUST**

Marty Lederman tells us not to worry about the legality of the OLC opinions Senator Whitehouse revealed last Friday. But he tells us we may need to worry about the constitutional bad faith that Whitehouse's revelations imply. This post begins a discussion about what happens when all the President's Executive Orders turn to Pixie Dust.

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# **WHITEHOUSE REVEALS SMOKING GUN OF WHITE HOUSE CLAIMING NOT TO BE BOUND BY ANY LAW**

Sheldon Whitehouse got the key provisions that justify the Unitary Executive declassified—and boy will they make you mad.