

# **BUSH WOULD FORGO NEW FISA PROGRAMS TO MAKE SURE DICK GETS IMMUNITY**

Bush says he wants a new FISA bill, and he wants it now.

The White House told Democratic congressional leaders Saturday that President Bush opposes a 30-day extension of an expiring eavesdropping law and instead wants an expanded version to be passed by Friday.

"The president would veto a 30-day extension," a senior administration official said.

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## **HOW TO LEAD: CHRIS DODD EDITION**

While Hillary and Obama were leaving the work of legislating to others, Chris Dodd stepped up to lay out the stakes for the FISA debate. Senators are not entitled to see their amendments pass. But they are entitled to this: a good-faith debate, honest criticism, and, ultimately, a vote. Last night, they didn't get it.

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## **ANTI-IMMUNITY PORN**

Feingold and Dodd are still working hard to defeat immunity for the telecoms.

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## **REID: THE PRESIDENT AND THE REPUBLICANS WANT FAILURE**

One of the things we're fighting for now on FISA is to make sure the Republicans get pinned as the obstructionists here. The key is explaining that the Republicans don't want to protect our country, they want failure.

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## **WHAT EVER HAPPENED TO "UPPERDOWN VOTES"?**

Say what you will about Senator Reid. But right now, he's in a giant showdown with Mitch McConnell (and, disgustingly, Jello Jay Rockefeller), and I guarantee you'd rather have Reid win than McConnell.

The Republicans have refused to allow an "upperdown" vote on any amendment since the Leahy substitution amendment went through.

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## **DID BUSH RE-NOMINATE BRADBURY TO CONTROL MUKASEY?**

Mind you, I'm sure Bush re-nominated Steven Bradbury, the second incarnation of John Yoo,

because Bradbury has dutifully shredded the Constitution on demand, and Bush would like to reward him. But the National Journal's coverage of the Bradbury re-nomination raises an interesting point. It notes, as does everyone else, that Bradbury's nomination is a big "Cheney yourself" to the Democrats who have refused to approve Bradbury's nomination in the past.

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## **DICK WANTS HIS IMMUNITY, AND HE WANTS IT NOW**

Dick Cheney decided that he would be a good person to exhort Congress to pass telecom immunity and that the Heritage Foundation would be a good venue for doing so. It's laughable on its face. The pity is, it'll still probably work.

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## **TWO REMINDERS: NOT AN AGENCY AND SEARCH TERMS**

We've been discussing whether the amazing disappearing emails disappeared for nefarious reasons or not. While I still can't answer that question, there are two data points it's worth remembering: the White House suddenly decided that Office of Administration was not an agency, just so it could avoid responding to any FOIA requests about its missing email. And

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## **TONY FRATTO OPENS HIS BIG FAT MOUTH-AND WAXMAN RESPONDS**

When I read Tony Fratto's aggressive denials that the White House had lost millions of emails today I said to myself, "Tony, you just got the White House in a big heap of trouble with your big fat mouth." After all, I reasoned to myself, the White House has previously represented to people, including Patrick Fitzgerald, that they had lost email. That's how they kept Jenny Mayfield and Cathie Martin out of jail for not turning over what appears to be email responsive to subpoena. So if you now say that there are no emails missing, it means all that legal testimony the White House has given—some of it under oath—is incorrect. If you say that, Tony, you're just inviting someone to respond.

And respond Henry Waxman did.

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## **JUDGE HELLERSTEIN CALLS THE CIA ON ITS BS**

Wow. Judge Hellerstein is not amused with the CIA's assertion that the torture tapes—which IG staffers flew to Thailand to view as part of their investigation into CIA interrogation methods—were not part of their investigation. Nor does he buy the assertion that the "special review" is not an investigation. He basically called Bull on the CIA's assertions in about six

different ways.