

Subpoenas Sent to White House on Wiretapping

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WASHINGTON, June 27 — The Senate Judiciary Committee on Wednesday issued subpoenas to the White House, Vice President Dick Cheney's office and the Justice Department after what the panel's chairman called "stonewalling of the worst kind" of efforts to investigate the National Security Agency's policy of wiretapping without warrants.



VP Cheney -- above the Law

The move put Senate Democrats squarely on a course they had until now avoided, setting the stage for a showdown with the Bush administration over one of the most contentious issues arising from the White House's campaign against terrorism.

Senator Patrick J. Leahy, the Vermont Democrat who is chairman of the committee, said the subpoenas seek documents that could shed light on the administration's legal justification for the wiretapping and on disputes within the government over its legality.

In addition, the panel is seeking materials on related issues, including the relationship between the Bush administration and several unidentified telecommunications companies that aided the N.S.A. eavesdropping program.

The panel's action was the most aggressive move yet by lawmakers to investigate the wiretapping program since the Democrats gained control of Congress this year.

Mr. Leahy said Wednesday at a news conference that the committee had issued the subpoenas because the administration had followed a "consistent pattern of evasion and misdirection" in dealing with Congressional efforts to scrutinize the program.

"It's unacceptable," Mr. Leahy said. "It is stonewalling of the worst kind."

The White House, the vice president's office and the Justice Department declined Wednesday to say how they would respond to the subpoenas.

"We're aware of the committee's action and will respond appropriately," said Tony Fratto, White House deputy press secretary.

“It’s unfortunate that Congressional Democrats continue to choose the route of confrontation,” Mr. Fratto added.

A spokeswoman for Mr. Cheney said his office would respond later, while a Justice Department spokesman said, “The department will continue to work closely with the Congress as they exercise their oversight functions, and we will review this matter in the spirit of that longstanding relationship.”

Under the domestic eavesdropping program, the N.S.A. did not obtain warrants before listening in on phone calls and reading e-mail messages to and from Americans and others in the United States who the agency believes may be linked to Al Qaeda. Only international communications — those into and out of the country — were monitored, according to administration officials.

The Senate panel’s action comes after dramatic testimony last month by James B. Comey, former deputy attorney general, who described a March 2004 confrontation at the hospital bedside of John Ashcroft, then attorney general, between Justice Department officials and White House aides over the legality of the wiretapping program.

Before Mr. Comey’s testimony, the White House had largely been able to fend off aggressive oversight of the N.S.A. wiretapping since it was first disclosed in December 2005. The Republican-controlled Congress held hearings last year, and even considered legislative proposals to curb the scope of the eavesdropping. But Mr. Cheney repeatedly pressured Republican Congressional leaders to pull back.

When the Democrats won the 2006 midterm elections, many observers predicted that the N.S.A. program — which a federal judge declared unconstitutional — would be one of the first Bush administration operations to undergo new scrutiny. But in January, the administration announced that it was placing the program under the legal framework of the Foreign Intelligence Surveillance Act, a move it had previously refused to consider.

The Democrats have largely focused on objections to the Iraq war in their first months in power, and have appeared reluctant to take aggressive steps to challenge policies on harsh interrogation practices, secret Central Intelligence Agency prisons and domestic wiretapping for fear of being labeled soft on terrorism.

For instance, at a confirmation hearing on June 19 for John A. Rizzo as general counsel of the C.I.A., no member of the Senate Intelligence Committee directly challenged the agency’s secret detention or harsh interrogation practices.

Mr. Rizzo successfully dodged tougher questions by saying he preferred to answer them in closed session. The Senate Intelligence Committee has conducted closed-door oversight of the wiretapping, but it has not been as aggressive as the Judiciary Committee in publicly challenging the administration over it.

But Mr. Comey’s testimony has given Democrats an opening to argue that they are focusing on the legal issues of the program, rather than on the merits of monitoring the phone calls of terrorist suspects.

“The Comey testimony moved this front and center,” said Senator Charles E. Schumer, the New York Democrat who is a member of the Judiciary Committee. “Alarm bells went off. His testimony made it clear that there had been an effort to circumvent the law.”

The Senate panel has been asking the administration for documents related to the program since Mr. Comey testified. But the White House had not responded to a letter from Mr. Leahy and Senator Arlen Specter of Pennsylvania, the ranking Republican on the panel. As a result, the panel voted 13 to 3 last Thursday to authorize Mr. Leahy to issue the subpoenas, with three Republicans voting in favor of issuing them. Separately, the House Judiciary Committee has also threatened to issue subpoenas for the same documents.

The wiretapping is just one of several legal issues on which Congress and the administration are squaring off. For example, the White House is under pressure to respond to subpoenas issued two weeks ago by the House and Senate Judiciary Committees for witnesses and documents related to the dismissal of federal prosecutors. Thursday is the deadline for the White House to turn over documents linked to Harriet E. Miers, the former White House counsel, and Sara M. Taylor, the former White House political director.

If the White House fails to produce the material, the House and Senate could begin a process leading to contempt resolutions to force compliance. Meanwhile, Mr. Cheney is in a separate standoff with Congress and the National Archives over his office's refusal to follow an executive order concerning handling of classified documents.

Mr. Cheney declared that his office did not have to abide by the order that all executive branch offices provide data to the Archives about the amount of material they have classified. His office said that he is not a member of the executive branch, because he is president of the Senate.

David Johnston and Scott Shane contributed reporting.

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Blight on landscape -- NSA headquarters

<http://www.nytimes.com/2007/06/28/washington/28nsa.html>

Cleaves Alternative News. <http://cleaves.lingama.net/news/story-557.html>