

4 DAYS ON THE JOB AND ALREADY MUKASEY HAS LAPPED GONZALES

I guess this offers at least a trickle of hope that those that made up reasons to torture and wiretap and ignore the Constitution might be held to account?

The Justice Department has reopened a long-dormant inquiry into the government's warrantless wiretapping program, a major policy shift only days into the tenure of new Attorney General Michael Mukasey.

The investigation by the department's Office of Professional Responsibility was shut down after the previous attorney general, Alberto Gonzales, refused to grant security clearances to investigators.

"We recently received the necessary security clearances and are now able to proceed with our investigation," H. Marshall Jarrett, counsel for the OPR, wrote to New York Rep. Maurice Hinchey. A copy of the letter, dated Tuesday, was obtained by The Associated Press.

Recall that the inquiry was designed to find out whether the Office of Legal Counsel acted improperly when it approved the illegal wiretapping program. Of course, none of the lawyers in question work at DOJ anymore, and OPR investigation results are not made public. But still, I'm happy to start with baby steps if you promise we'll keep walking.

Update: TP notes this:

Â In a response to an inquiry from Sen. Dick Durbin (D-IL), Mukasey suggested that the decision to re-start the OPR inquiry had already been made prior

to his confirmation. On Oct. 25, Durbin (D-IL) submitted this written question for Mukasey:

If you are confirmed, will you pledge to review this issue and to make a recommendation to the President regarding whether the OPR investigation of the Justice Department's role in the NSA program should be allowed to proceed?

On Oct. 30, Mukasey answered, "It is my understanding this issue has already been decided. I have committed, however, to reviewing the over-all circumstances of this matter." (p.126)

I noted the same thing when I read Mukasey's answers—but I took it to mean the exact opposite of what this means. That is, I took it to say, "Bush has already squelched this investigation, and I'm not going to promise to unsquelch it." But I see now it could mean any of several things: that Bush approved the clearances during the vetting and pre-nomination process (did Mukasey make Bush do it?), that Bush hadn't done it and Mukasey has already made progress with Bush, or that AGAG did it in his last act as AGAG. Maybe the unsquelching of the investigation is tied more closely to AGAG's departure than we know?