

# WHAT DID THE BLUE DOGS PROMISE TO DNI MCCONNELL?

My house guests are gone, I'm recovering from the turkey (on the heritage turkey? It is better, but I'm not sure it's enough better to justify the price tag), and now I'm wading through Friday's document dump. These are the documents the EFF forced DNI to release after he had been stalling on their release; he was supposed to provide all correspondence between Congress and DNI and between the telecoms and DNI. More on how far short he fell of compliance in another post.

A lot of the attention so far has focused on this letter from Jello Jay to Mike McConnell, rebuking him for his bait and switch during the debates over the Protect America Act.

For the moment, though, I'm just as interested in this letter, from the Blue Dogs to McConnell. It memorializes a meeting the Blue Dogs had with McConnell that same day, August 1. I find it interesting for two reasons. First, it shows that McConnell was working the faction of the Democratic Party that would most likely split from the rest to give the Administration proposal a majority without widespread support among Democrats (which, of course, is precisely what happened just two days later).

The other interesting detail is how reasonable the Blue Dog proposal was. In particular, they note that they supported a revision that required individual warrants for Americans, and one that sunsets in six months. Though—of serious concern for the upcoming FISA debate—they state,

We also agree that it is important to address the issue of retroactive liability for private sector partners.

While their stance is not terrible, their understanding only addressed one of the real issues (the sunset provision) that remained up for debate that week—the ones that McConnell baited and switched over. So we don't know whether McConnell made his agreements with Democratic leadership already having undercut them in an agreement with the Blue Dogs. So I wonder—what was said in that Blue Dog meeting on August 1?

I also wonder, is this the kind of back channel negotiation that Jane Harman has been so excitable about?

**Update:** provided more explanation about the document dump.