

HOUSE TO GO INTO SECRET SESSION

At the request of the Republican leadership (who want to say something to the entire House that can't be said publicly), the House is going to go into a secret session to debate FISA.

Here's what John Conyers had to say about the secret session:

The more my colleagues know, the less they believe this Administration's rhetoric. As someone who has chaired classified hearings and reviewed classified materials on this subject, I believe the more information Members receive about this Administration's actions in the area of warrantless surveillance, the more likely they are to reject the Administration's scare tactics and threats. My colleagues who joined me in the hearings and reviewed the Administration's documents have walked away with an inescapable conclusion: the Administration has not made the case for unprecedented spying powers and blanket retroactive immunity for phone companies.

Whether this is a worthwhile exercise or mere grandstanding depends on whether Republicans have groundbreaking new information that would affect the legislative process. There must be a very high bar to urge the House into a secret session for the first time in 25 years. I eagerly await their presentation to see if it clears this threshold. As someone who has seen and heard an enormous amount of information already, I have my doubts.

I'm frankly optimistic about this development. I **think** this gives the Democratic members of HJC and HPSCI an opportunity to explain to their

colleagues what they saw in the justifications for the wiretap program and what they heard from the telecom executives who gave secret briefings in the last several weeks. For the immediate debate, the issue is winning over the Blue Dogs who—at least currently—appear to be channeling their Democratic past. And it seems like this argument is fairly easy to make.

At the very least, we know the telecoms continued to wiretap in the days after March 10, 2004, when White House Counsel Alberto Gonzales authorized the program rather than Acting AG Jim Comey. We know the telecoms didn't follow the clear guidelines about when they can accept the Administration's assurances that a program is legal.

That seems like an important part of the debate.