

DAVID ADDINGTON?

Really, really doesn't want to be deposed by CREW.

Last week, the judge in CREW's lawsuit against Vice President Dick Cheney approved our request to take the depositions of David Addington, Vice President Cheney's chief of staff.

On the eve of that deposition, Vice President Cheney and the other defendants filed an emergency petition for a writ of mandamus with the U.S. Court of Appeals for the D.C. Circuit.

Mandamus is an extraordinary remedy and defendants seek it here to have the D.C. Circuit intrude directly into the district court litigation by demanding that the district court judge vacate her discovery orders. The petition is based on a claim that the discovery authorized by the district court raises serious separation of powers concerns merely because the deponent is David Addington.

I double dog dare the Appeals Court to tell David Addington that, even if such a deposition would present a problem according to Article II, separation of powers complaints are not available to the Fourth Branch.