

RAND PAUL'S TIMELY QUESTIONS

Charlie Savage has a report describing how Rand Paul's hold the reconfirmation of Robert Mueller threatens to push the process beyond the time when Mueller's ten year appointment date.

[A] necessary first step – enacting legislation that would create a one-time shortened term and make an exception to a 10-year limit on the amount of time any person may serve as director – has been delayed by Senator Rand Paul of Kentucky, a libertarian-leaning Republican who was elected last year. He is invoking a Senate rule that allows any member to block a swift vote on a bill.

There may be significantly less time to complete the steps necessary to avoid a disruption at the F.B.I. than had been generally understood.

The widespread understanding has been that Mr. Mueller's term will expire on Sept. 3, because he started work as F.B.I. director on Sept. 4, 2001.

But the administration legal team has decided that Mr. Mueller's last day is likely to be Aug. 2, because President George W. Bush signed his appointment on Aug. 3, 2001. Coincidentally, Aug. 2 is also the day the government will hit a debt ceiling if Congress does not raise it.

I'll be curious, though, whether the questions Paul has submitted to be answered before the vote might also lead to a delay, too In addition to questions about:

Circumstances implicating the Iraqis indicted in Bowling Green, KY

Investigative lapses of Zacarias
Moussaoui that happened under Mueller's
predecessor

A Resource Guide: Violence Against
Reproductive Health Care Providers
calling boycotts "intimidation" (that
might be more easily answered if the
government would get over its
squeamishness about calling Scott Roeder
a terrorist)

A Missouri fusion center report
suggesting support for Ron Paul (and Bob
Barr!) might be a political risk factor
for domestic terrorism

Paul also asks for the FBI to describe how many
time it used each of the following tools,
whether against citizens or non-citizens, and
how many convictions resulted:

John Doe roving wiretaps
Section 215 orders (including its use
for library records)
National Security Letters
Suspicious Activity Reports

He also asked, with respect to SARs, whether
they got minimized after being investigated.

Now, Paul did not ask for this data in the most
savvy fashion. For example, he did not specify
on his Section 215 request that he wanted
details on the secret program that uses cell
phone data to collect geolocation. Nor did he
ask generalized questions about minimization.
Nor did he specify he wanted this data in a form
which he could release publicly.

But these questions are, to a significant
extent, the kind of disclosures that Democrats
and Paul had been pushing to add to the PATRIOT
Act.

In the past, DOJ has not exactly been
forthcoming with some of this information. Even
assuming they'll answer Paul in classified form
(particularly his question about SARs

minimization), it's not clear how quickly they'll be able to produce some of this information.

All of which adds to the possibility that Paul's request might hold up Mueller's re-confirmation past August 2. If that happens—Tom Coburn has suggested—there are a range of surveillance authorizations that might be open to challenge because no confirmed FBI Director had approved them.

Nice to see someone wring some transparency out of this silly reconfirmation process.