

DIFI'S AMENDMENT

DiFi's discussion of her amendment on immunity raises all sorts of interesting questions. Did the telecoms get oral authorizations to wiretap Americans, or were they all written? Did those authorizations specifically vest their authority in the President's Article II power, rather than in the statutes governing wiretapping?

From what I can see in her discussion, though, her amendment offers one great advantage: it asks the FISA Court to review the program and rule on the limits of the President's Article II power to wiretap. Oh—and of course she requires the one court against which Bush can't invoke State Secrets to conduct this review.