News & Observer, September 17, 2008

Miller's bill demands less secrecy on national security
By Barbara Barrett, Washington correspondent

WASHINGTON - U.S. Rep. Brad Miller wants the Department of Justice to come out of the dark and embrace the sunlight.

Miller, a Raleigh Democrat, introduced legislation today that would force the Justice agency to give more information to Congress about what he calls ***"secret law."***

Such secrecy has been used in the past, as in a memo by legal counsel John Woo in 2003 that allowed for extreme interrogation techniques, according to Miller.

The bill would require the U.S. Attorney General to tell Congress whenever the executive branch decides it is not bound by federal law.

The White House has in the past relied on secret legal opinions to avoid following the law, charge Miller and Sen. Russ Feingold, a Wisconsin Democrat, who introduced a companion bill in the Senate.

Feingold held a hearing on the issue last spring that found a loophole in the current law that allows some legal decisions to remain secret.

The bill includes special procedures for national security matters.