

Read this book: " Bush's Law: The Remaking of American Justice "

Source: <http://newsgroups.derkeiler.com/Archive/Alt/alt.politics/2008-04/msg00974.html>

- *From:* "Kickin' Ass and Takin' Names" <PopUlist349@xxxxxxxxxxxxx>
 - *Date:* Mon, 7 Apr 2008 03:30:22 -0700 (PDT)
-

By Eric Lichtblau
Pantheon, \$26.95
New York, 2008

As political bombshells go, the headline that popped up on New York Times Web site on December 15, 2005, "Bush Lets U.S. Spy on Callers Without Courts," was a pretty big one, the biggest in the chronicling of the Bush administration's "war on terror." The story had been well over a year in the making, the process of it coming to light filled with nearly as much intrigue as the story itself.

Eric Lichtblau and his colleague James Risen won a much deserved Pulitzer prize for that story. They also won the enmity of the administration and the right wing Wurlitzer. Just this year, Director of National Intelligence Mike McConnell predicted that "some Americans are going to die" because of the public debate. Now that the full story of Lichtblau's and Risen's reporting on the NSA warrantless wiretapping, on torture, on FBI- and CIA-bungled operations, on Cheney and Gonzales and Addington and Bradbury and Ashcroft and Yoo, is compiled in one coherent and compelling book by Mr. Lichtblau, he's like to see his press pass, one revoked but restored by the Pentagon, permanently black-listed.

Bush's Law is a compelling read, and lays out with the clarity and the precision you would expect from a Pulitzer-caliber investigative reporter, the path from 9/11 through the litany of extra-legal, illegal, and even just mundanely ridiculous programs and actions by the Bush administration: those that we know about, that is. From Ashcroft's \$8,000 drapery preserving the modesty of a statue to torture, extraordinary renditions, warrantless wiretapping, to the Prosecutor Purges, Mr. Lichtblau manages to bring it all together in an engaging and informative read. If the book has a missing component, it's an understandable one. Mr. Lichtblau largely avoids the subject of the war and occupation in Iraq, a forgivable omission given the scope of what he set out to cover.

But, like Jeffrey Rosen, the most resonate stories for me are those

Read this book: " Bush's Law: The Remaking of American Justice "

about the "collateral damage," as Mr. Lichtblau titles one of his chapters, of the zealous and unfocused war on terror.

Mr. Lichtblau has especially memorable accounts of some of the 2,700 men locked up after 9/11 by American authorities; most of those men were never shown to have connections to terrorism.

There is Taj Bhatti, an elderly Pakistani doctor in Virginia whose house and computer discs were surreptitiously ransacked and who was secretly imprisoned in the county jail as a "material witness."...

There is Brandon Mayfield, the lawyer and former Army lieutenant from Kansas whose house was secretly searched and who was arrested after being linked to the Madrid bombings by an F.B.I. agent's mistaken fingerprint match. (He got an apology and \$2 million from the government.)

Mr. Lichtblau also describes the many innocent victims whose e-mail messages, phone calls and political activities were secretly surveilled. More than 180 peaceful groups opposed to the Iraq war ended up in the Pentagon's Talon database, which was designed to collect leads that might be related to terrorism....

They included an Iranian-American doctor in Kentucky suspected of possibly helping Osama bin Laden with his kidney ailments simply because he was a nephrologist. Mr. Lichtblau identifies another possible victim: a teenage student at the Horace Mann School in New York who sent e-mail messages to India about parking spots in Manhattan, which led F.B.I. agents to show up at his door. (It turned out he wanted to rent the spots to out-of-towners.)

And there is, of course, the damage that has been done not only to our reputation abroad, but to our government itself—to the career employees who devoted their lives to public service to be drummed out for political reasons, or who found serving under this administration untenable. Like Mike German, a 16 year employee of the FBI who had been an invaluable asset in infiltrating white supremacist organizations who became a whistle-blower when one of his operations was taken over and completely bungled. German ended up working as a lawyer on national security issues for the ACLU.

Mr. Lichtblau's book is that proverbial onion, layer after layer of documentation of the administration's abuse of the rule of law, each stinkier than the last, and each revealing the essential core—or lack thereof—of these programs and activities. What have they achieved? Beyond the moral and constitutional arguments against torture, against illegal spying, against this assault on the rule of law, has any of this worked to keep us safer? Torture provides unreliable information. Wiretapping millions of communications makes sifting through the data to find real, actionable information that much more impossible. Subverting the Constitution damages the republic more deeply and

permanently than any terrorist attack could.

The Bush administration substituted zeal and its vision of an unimpeachable unitary executive for remaking an efficient and competent government capable of working within the rule of law to answer the demands of a changing world. On this shaky foundation, they built a government that is becoming increasingly unsustainable. Mr. Lichtblau spoke with the former, and first, director of Homeland Security, Tom Ridge, about these things.

Yes, the nation had avoided another attack. Whether it was the result of smarter defense, or stronger offense, or luck, or patience by al Qaeda, or some combination of all these factors, no one was quite certain. But everyone was thankful for it, even as they prayed that it held true. In the months after the attacks, Bush and his aides were given wide berth to do whatever it took to stop the much-feared "second wave" of attacks, and many of the changes put in place to fortify the country were no doubt essential and overdue. Few blinked at the beginning when Bush declared the country was in a state of emergency, a wartime footing. The problem, even in the view of many counterterrorism officials in Bush's own administration, was that the state of emergency never ended and that the modus operandi—the extralegal measures; the obvious disdain for oversight from Congress, the courts and international allies; the intense secrecy and lack of transparency—all continued unabated as part of that wartime footing. There was little attempt to go back to Congress to get clear authority for some of the secret programs the administration had been running. There was little attempt to take a breath, to step back a year or two after the attacks and say: What now? As Ridge put it to me: "Shouldn't we be talking about adjusting the adjustments? Or do we want to operate in this new world permanently?"

We know what Bush's answer is, we're in a permanent state of war. Answering that question is going to be the primary challenge of his successor.