

YOO MISLEADS YOU

The most breathtaking moment in John Yoo's op-ed today in the LAT comes when he seamlessly moves from claiming British "advantages" over our civil liberties protections don't go far enough to throwing out probable cause as equally old fashioned.

But increasing detention time or making warrants easier to come by merely extends an old-fashioned approach to catching terrorists. These tools require individualized suspicion and "probable cause"; police must have evidence of criminal activity in hand. Such methods did not prevent 9/11, and stopping terrorists, who may have no criminal record, requires something more.

Yoo never mentions probable cause again in his op-ed. But he's already done it—declared probable cause old-fashioned, "quaint" in the same way the Geneva Conventions are.