

“IT’S ENTIRELY POSSIBLE THAT EVERYTHING THEY THINK THEY KNOW IS ENTIRELY FALSE”

cboldt linked to Wired’s liveblog from the warrantless wiretap Appeals hearing that took place today in San Francisco. Go read it. It may make you cry. Repeatedly, the government lawyers appeal to arguments outside all human cognition to defend their wiretap program.

"Was a warrant obtained in this case?"
Judge Pregerson asks.

"That gets into matters that were protected by state secrets," Garre replies.

Judge McKeown asks whether the government stands by President Bush’s statements that purely-domestic communications, where both parties are in the United States, are not being monitored without warrants.

"Does the government stand behind that statement," McKeown asks.

Garre: "Yes, your honor."

But Garre says the government would not be willing to sign a sworn affidavit to that effect for the court record.

[snip]

"Plaintiffs acknowledge that the room is central to their case and that they don’t know what is going on in that room," says Garre. "Something else could be going on in that room. Just to pick one, it could be FISA court surveillance in that room."

Not that he's saying that there *is* FISA court surveillance conducted in the secret room. Just that there could be. Who knows? Presumably, Garre does. But he's not saying.

[snip]

Al-Haramain Foundation attorneys, he points out, "think or believe or claim they were surveilled.

"It's entirely possible that everything they think they know is entirely false," he says.

They appear to have decided that the only means to defend these programs is to dissociate reality from any logical assertions, thereby preventing anyone from winning an argument in court. It was bad enough when Rove (or whoever) claimed that, as an empire, we create our own reality, pretending that if we asserted that the Iraq War was going well often enough, it might not matter anymore that it's not. But here, they're just refusing to allow anyone to make assertions about the reality in which they live.

Your world must remain entirely indescribable by words, solely so they can vacuum up your words into their spy system.