

GOLDSMITH'S PR CAMPAIGN BEGINS

And so the man who began a silent revolt against BushCo's shredding of the Constitution begins to speak. The NYT has a long Magazine article on Jack Goldsmith reviewing the revolt and previewing Goldsmith's book, due to come out on September 17. The article provides details we've known in sketchy form before—like how the key decisions, prior to Goldsmith's arrival, were made by Cheney and Addington bypassing normal channels in the Department of Justice and instead developing these opinions with a small cabal.

In the Bush administration, however, the most important legal-policy decisions in the war on terror before Goldsmith's arrival were made not by the Office of Legal Counsel but by a self-styled "war council." This group met periodically in Gonzales's office at the White House or Haynes's office at the Pentagon. The members included Gonzales, Addington, Haynes and Yoo. These men shared a belief that the biggest obstacle to a vigorous response to the 9/11 attacks was the set of domestic and international laws that arose in the 1970s to constrain the president's powers in response to the excesses of Watergate and the Vietnam War. (The Foreign Intelligence Surveillance Act of 1978, for example, requires that executive officials get a warrant before wiretapping suspected enemies in the United States.) The head of the Office of Legal Counsel in the first years of the Bush administration, Jay Bybee, had little experience with national-security issues, and he delegated responsibility for that subject matter to Yoo, giving him the authority to draft opinions that were binding on

the entire executive branch. Yoo was a
“angels” to a White House nervous
about war-crimes prosecutions, Goldsmith
writes in his book, because his opinions
reassured the White House that no
official who relied on them could be
prosecuted after the fact. But Yoo’s
direct access to Gonzales angered his
boss, Attorney General John Ashcroft,
according to Goldsmith.

It depicts the compartmentalization that Cheney
and Addington used to make sure they could
ignore the country’s laws.