## 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 decisionsin the war on terror before Goldsmith's arrival were made not by theOffice of Legal Counsel but by a self-styled "war council.â€∏ Thisgroup met periodically in Gonzales's office at the White House or Haynes'soffice at the Pentagon. The members included Gonzales, Addington, Haynes and Yoo. These men shared a belief that the biggest obstacle to a vigorous responseto the 9/11 attacks was the set of domestic and international laws that arosein the 1970s to constrain the president's powers in response to the excessesof Watergate and the Vietnam War. (The Foreign Intelligence Surveillance Actof 1978, for example, requires that executive officials get a warrant beforewiretapping suspected enemies in the United States.) The head of the Officeof 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 opinionsthat were binding on

the entire executive branch. Yoo was a "godsendâ€☐ toa White House nervous about war-crimes prosecutions, Goldsmith writes in hisbook, because his opinions reassured the White House that no official who reliedon them could be prosecuted after the fact. But Yoo'S direct access toGonzales 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.