

# BUSH RE-UPS WAR, OBSTRUCTS ACCOUNTABILITY AS NATION TWITTERS OVER PALIN

The country and the progressive blogosphere have long been suckers for Cheney/Rovian shiny object distractions. I am afraid that is happening as we speak. First off (and i will come back to this later in a separate post) all of the heat, passion an unity that was generated and consolidated by Los Dos Clintonos, Al Gore and then, mightily and masterfully, Barack Obama, is being dissipated by the wind of fixation on Sarah Palin.

But more importantly, critical and substantive things are going on that we need to be paying attention to. Eric Lichtblau in the NYT reminds us of a huge one this morning:

Tucked deep into a recent proposal from the Bush administration is a provision that has received almost no public attention, yet in many ways captures one of President Bush's defining legacies: an affirmation that the United States is still at war with Al Qaeda.

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The language, part of a proposal for hearing legal appeals from detainees at the United States naval base at Guantánamo Bay, Cuba, goes beyond political symbolism. Echoing a measure that Congress passed just days after the Sept. 11 attacks, it carries significant legal and public policy implications for Mr. Bush, and potentially his successor, to claim the imprimatur of Congress to use the tools of war, including detention, interrogation and surveillance, against the enemy, legal

and political analysts say.

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The proposal is also the latest step that the administration, in its waning months, has taken to make permanent important aspects of its "long war" against terrorism. From a new wiretapping law approved by Congress to a rewriting of intelligence procedures and F.B.I. investigative techniques, the administration is moving to institutionalize by law, regulation or order a wide variety of antiterrorism tactics. (Emphasis added)

In all the flurry and bustle of the conventions and Palin, not to mention back to school and Labor Day weekend for the nation, this could be lost in the flow. It must not be. This provision has all the potential implications, problems, and potential for abuse that the Authorization For Military Force (AUMF) had in 2001. And with a Cheney/Bush Administration still in power, and with their known predilection for abuse, this *simply cannot* be allowed.

This is but another callous and cynical play by the Administration to manipulate timing and political posture for craven gain. Cheney, Bush and the GOP enablers are going to parry this against the Democrats during election season and try to fearmonger them into approving it.

In the midst of an election season, the language represents a political challenge of sorts to the administration's critics. While many Democrats say they are wary of Mr. Bush's claims to presidential power, they may be even more nervous about casting a vote against a measure that affirms the country's war against terrorism.

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Mr. Bush "is trying to stir up again the politics of fear by reminding people of something they haven't really forgotten:

that we are engaged in serious armed conflict with Al Qaeda,” said Laurence H. Tribe, a constitutional scholar at Harvard and legal adviser to Mr. Obama.

Make no mistake, this is yet another critical cog in their efforts to cloud the waters and fog the field so that they cannot be effectively subjected to accountability for the crimes, both moral and statutory, they have perpetrated. I made the same warning about the "seemingly innocuous" extension of the Protect America Act; I make that warning again here. This "seemingly innocuous" reaffirmation of our battle against terrorism is not innocuous at all; it is diabolical and craven. I am not the only one who thinks so.

The language recalls a resolution, known as the Authorization for Use of Military Force, passed by Congress on Sept. 14, 2001. It authorized the president to “use all necessary and appropriate force” against those responsible for the Sept. 11 attacks to prevent future strikes. That authorization, still in effect, was initially viewed by many members of Congress who voted for it as the go-ahead for the administration to invade Afghanistan and overthrow the Taliban, which had given sanctuary to Mr. bin Laden.

But the military authorization became the secret legal basis for some of the administration’s most controversial legal tactics, including the wiretapping program, and that still gnaws at some members of Congress.

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For Bush critics like Bruce Fein, a Justice Department official in the Reagan administration, the answer is simple: do not give the administration the wartime language it seeks.

“I do not believe that we are in a state

of war whatsoever," Mr. Fein said. "We have an odious opponent that the criminal justice system is able to identify and indict and convict. They're not a goliath. Don't treat them that way."

Bruce Fein is right. Larry Tribe is right. I am right.

Not now. Not again. Never again. This too cute by a half "little reaffirmation" slipped into the mix during the sturm, drang and heat of presidential election season must not be allowed to slip through and pass into law. People always want to know what they can do post FISA, what are our issues; well, here is one. Make sure that the Cheney/Bush/GOP cabal, and their Hoyer/Pelosi/Blue Dog enablers do not screw the pooch yet again.