

DECLINING JUSTICE: DOJ LETS STATUTE RUN ON BUSH CRIMINALITY



graphic by politicalbase

On March 10, 2009 Emptywheel noted that the five year statute of limitation on the initial criminal wiretapping acts by the Bush/Cheney Administration were expiring.

...the statute of limitations on the potentially criminal March 11 wiretaps of Belew expire today. By all appearances, that means the statute will expire without George Bush being punished for illegally wiretapping an American citizen, even though clear evidence of that criminal wiretapping almost certainly exists.

This is because the one period of time that it is crystal clear that the Bush/Cheney surveillance program was operating without legal sanction was subsequent to the hospital incident:

On March 11, 2004, remember, the warrantless wiretap program was operating without the approval of the Acting Attorney General. After Jim Comey refused to recertify the program on March 9, after Andy Card and Alberto Gonzales tried to get John Ashcroft to overrule Comey from his ICU bed on March 10, Bush reauthorized the program using only the legal sanction of then-White House Counsel Alberto Gonzales on March 11.

Thus, even if the rest of the program were somehow deemed legal (which it wouldn't be, because it violated FISA, which is the question at hand), it would

be not be deemed legal on March 11, 2004, because the program didn't have sanction from the Attorney General.

There are, or were at least, three critical dates on which the lawyers for the al-Haramain organization knew themselves to be wiretapped that occurred during the period in which criminality would undoubtedly attach, March 10, 11 **and 25** of 2004. It is believed that the program was reinstated under formal footing (as opposed to being run on Alberto Gonzales' worthless signature as was the case in the days after the hospital incident) in early April, 2004. So, while Emptywheel gave the obituary on the expiration of the first two dates of known criminal culpability, I am here to give the post mortem on the last. It died at 12 pm Eastern time last night.

Now the one entity that has, and has had all along, the proof of the Bush/Cheney criminality in its hot little hands is the United States Department of Justice. You would think that the national press would be swimming with articles about the DOJ declining to pursue Executive Branch crimes in the biggest conspiracy against American citizens in the history of the country. But nary a peep. The only sound was a regurgitating by the Washington Post of information we already knew and that perpetrates a misconception about the state of the al-Haramain case as it exists In Judge Walker's court.

So, the day after the DOJ has let the five year statute for the known underlying criminal acts expire without any action, all the while fighting like rabid dogs to conceal the criminality, the Washington Post and the rest of the media are as silent as a vacuum about the government shirking its duty to the Constitution and citizenry.

Lovely. The national media is asleep at its insipid wheel and there is effectively no Justice Department, only the department of just

us .