

CREDIT WHERE DUE: KEITH OLBERMANN EDITION

I watch Keith Olbermann, and his *Countdown* show on MSNBC, pretty much daily, but I have been critical of him in the past, most notably in his unflinching willingness to blindly support Barack Obama's adoption of Bush/Cheney policies on civil liberties/surveillance and torture/detention. A prime example of this was my response to Olbermann and John Dean when they conjured up a ridiculous explanation to cover for Obama's about face on FISA retroactive immunity last summer prior to the election. In *The Obama & Olbermann Master Plan For Criminal FISA Prosecutions*, I said:

Okay, the words "Master Plan" in the title are a joke. So is the idea of criminal prosecutions, by a future Obama Administration, for Bush era FISA violations that has been hawked, to the point of near belligerence, by Keith Olbermann both on his show and in a running flame war with Glen Greenwald. The instant article will attempt to relate some of the glaring reasons, from a practical criminal justice perspective, that the Obama/Olbermann master plan is naive, almost to the point of being comical. Comical that is if we were not literally discussing the life and spirit of the Fourth Amendment and the health and well being of the Constitutional rule of law in this country.

Well that was then, this is now. That was the right thing to say then, but now it is time to give Keith Olbermann some very deserved credit. The last two nights, *Countdown* has dedicated substantial time to the depressing and maddening adoption by the Obama Administration of the

tricks and artifices of the Bush/Cheney regime. For a review of Keith's work in this regard Monday night with guest Jonathan Turley, see Glenn Greenwald at Salon who, in writing this, I have discovered had the same urge to give credit where due that I feel here.

Tonight, Keith had on Kevin Bankston of the EFF, who has been on the front line of the consolidated suits pending in front of Judge Vaughn Walker from the outset, and is lead on the new hot button case of *Jewel v. NSA* described here by Marcy. As the EFF press release states about *Jewel*:

The Obama Administration goes two steps further than Bush did, and claims that the US PATRIOT Act also renders the U.S. immune from suit under the two remaining key federal surveillance laws: the Wiretap Act and the Stored Communications Act. Essentially, the Obama Administration has claimed that the government cannot be held accountable for illegal surveillance under any federal statutes.

Again, the gulf between Candidate Obama and President Obama is striking. As a candidate, Obama ran promising a new era of government transparency and accountability, an end to the Bush DOJ's radical theories of executive power, and reform of the PATRIOT Act. But, this week, Obama's own Department Of Justice has argued that, under the PATRIOT Act, the government shall be entirely unaccountable for surveilling Americans in violation of its own laws.

This isn't change we can believe in.
This is change for the worse.

No kidding. Please take a look at the video above of Olbermann with Bankston.

These are tough things to say about President Obama and his nascent administration and Keith

Olbermann is to be commended for understanding the necessity for saying them. My hat is off for him doing so; please keep it up. In that regard, and as we wait for Judge Vaughn Walker's critical decision in *al-Haramain*, let's give some support to the effort. Donate to EFF or Accountability Now. Call, fax and email you congresspeople. Tell friends and family. Make a racket. The Constitution is worth it.