

JOHN YOO: STUPID POLITICAL HACK AND CRAVEN ADDINGTON DISCIPLE

If ever there were a doubt that John Yoo was not just a craven lackey for David Addington, but also a stupid political hack, his op-ed today puts that doubt to rest. After whining about how mean the Senate Judiciary Committee was to Robert Bork and Clarence Thomas and John Roberts (!) and Sam Alito, Yoo launches into the kind of fantastic ravings you'd expect from Glenn Beck.

Republicans can also use the filibuster to return the federal government to its proper role in our constitutional system. When Obama chose Sonia Sotomayor for the Supreme Court last year, the jury was still out on the president. It wasn't clear if Obama was a moderate technocrat, as much of the electorate hoped, or if he was a man of the left, as Republicans feared.

That answer is now clear. At home, Obama has launched a broad campaign to redistribute wealth and engineer social change. He and his large congressional majorities enacted a wasteful \$800 billion stimulus, increased the national debt by 50 percent in two years, and nationalized the health-care sector – fully one-sixth of the economy.

On national security, Obama kept to the Bush-Petraeus drawdown schedule for Iraq and reluctantly surged troops to Afghanistan. But he has tried his best to fit the war against al-Qaeda into the box reserved for criminal activities: He promised to shut down Guantanamo Bay, abjured tough questioning tactics, loosed a special prosecutor on CIA

interrogators, announced a civilian trial in New York City for 9/11 plotter Khalid Sheikh Mohammed, and automatically treated al-Qaeda's Christmas Day bomber as a criminal suspect.

[snip]

The GOP will earn public support for its actions, but more important it will be returning the Supreme Court to the original meaning and purpose of the Constitution. The framers wanted the federal government to play a limited role in domestic affairs, and an energetic one to protect the national security against unforeseen emergencies and war. They did not establish a government to redistribute income or impose a socialistic vision of regulated markets. The Constitution's preamble declares its purpose: to "provide for the common defense" and "promote the general welfare," not balance the common defense and promote special interests. If President Obama doesn't send the Senate a nominee who understands those words, the Supreme Court vacancy could be another issue to await the results of the November elections.

John Yoo, apparently, had no problem with the way George Bush redistributed wealth to the very rich with the Wall Street Bailout and huge cuts in the estate tax. And he seems to have missed the news that Obama has embraced the kind of tools of unchecked executive power—including the ability to target American citizens for death with no due process—that John Yoo loves. And how cute that John Yoo now questions the kind of civilian trials that Bush used with Richard Reid and (eventually) Jose Padilla.

But what I'm most amused by is Yoo's critique of Obama's choice to forgo torture (kind of).

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You see, John Yoo has always pretended he neutrally read the law when he wrote his torture memos. He claimed, repeatedly, that he just did the legal analysis and had no stake in the policy decision. He suggested that he didn't care, one way or another, whether Bush and Cheney embraced torture, he was just the lawyer doing analysis in isolation from those policy questions. He further has claimed that he only approved limited torture, not the techniques described by the press (which happen to match what the CIA IG saw on the torture tapes).

But all that, of course, is proven to be bullshit, as John Yoo bases his critique of Obama on the claim that Obama has chosen not to use the illegal tactics that Yoo himself authorized. That's not only an admission—on the part of Yoo—that his claims to political neutrality were all lies. But it's a repudiation of the very expansive claims to executive power that John Yoo holds dear: after all, if the executive has absolute authority to decide how to implement foreign policy, than the disgraced hacks from the past Administration have no business critiquing the exercise of that authority. The unitary executive is not a requirement that the executive always choose the most extreme policy just for shits and giggles, but rather that the executive has the authority to decide what to do, even including choosing less abusive but more effective policies (which is not to say Obama has always taken that approach).

John Yoo was always an embarrassing hack. But for some reason, the upcoming SCOTUS fight has made him reveal his hackery in full splendor.