

# **THOMAS DRAKE PROVED TO BE BLOODY WELL RIGHT**

Thanks to POGO's FOIA release here, we now know that not only was the persecution of Tom Drake by the DOJ completely bogus and vindictive, Tom Drake was bloody well right about TRAILBLAZER versus THIN THREAD to start with. Who couldda predicted?

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# **OBAMA WAR POWERS TREACHERY AND THE FOUNDERS' REMEDIES**

If our society and political discourse cannot seriously discuss impeachment for the type of executive perfidy demonstrated by Barack Obama in relation to Libya and the War Powers Resolution, and could not discuss it during the Bush/Cheney crimes, then the impeachment provision of the Constitution has no meaning and should be stricken.

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# **GOING ASTRAY - OBAMA AND NATO BOMBINGS IN LIBYA**

EW and probably bmaz as well will likely have more to say on this one when they free up.

Charlie Savage reported on Friday that Obama rejected advice from both Jeh Johnson (Pentagon

general counsel) and, even more significantly, Caroline Krass (the acting head of DOJ's Office of Legal Counsel) when he availed to himself the power to continue bombings and killings in Libya, under the assertion that he's, well, he's just not being all that hostile in his bombing campaign.

Like Nixon in Cambodia, Obama did find supporters for his decisions about Libya. Ex-Yale Dean, current assassination proponent, Harold Koh (legal advisor for the State Department) apparently assured Obama that the bombings just do not rise to the level of being "hostilities" for which Obama needs Congressional permission. Robert Bauer, Obama's White House counsel, reportedly provided his own version "yeah buddy" for Obama.

Just as Bush found it convenient to get his White House Counsel, Alberto Gonzales, to opine that as long as Bush designated his torture victims as being "illegal enemy combatants" (whatever the ultimate facts) he was exempt from war crimes prosecutions, Obama's White House counsel is equally eager to tell Obama that, as long as he doesn't call them "hostilities," Obama can bomb any nation for any period of time.

Most importantly – all of this is being done in derogation of the Office of Legal Counsel opinion that the President has exceeded his authority. At issue, according to White House Spokesman Eric Shultz (Dan Pfeiffer was tied up) isn't the very same, age old, typical power grab of any unchecked sovereign, but instead the age of the War Powers resolution.

"It should come as no surprise that there would be some disagreements, even within an administration, regarding the application of a statute that is nearly 40 years old to a unique and evolving conflict," Mr. Schultz said. "Those disagreements are ordinary and healthy."

The Obama theory is that with 10 years of Bush-Obama battering of the psyches and vocabularies of Americans and with some very dedicated government propaganda processes to boot, the meaning of the term “hostilities” has changed to exclude American or American led NATO bombings. And this is “ordinary and healthy.”

Apparently the words “ordinary” and “healthy” have changed some over the last 40 years as well. For those civilian residents in Tripoli who were killed or maimed by NATO’s bombing run today, there is no translation dictionary or program current enough to convert their descriptions of the outcome of the NATO bombing into the words “ordinary” and “healthy.” NATO provided an assist though – what happened wasn’t a bombing of civilians, but rather a strike on an unintended target.

“[I]t appears that one weapon did not strike the intended target and that there may have been a weapons system failure which may have caused a number of civilian casualties.”

Cue up Obama’s spox to explain to us how words like “civilian casualties” have also changed a lot over the last few decades – in an ordinary and healthy way. Maybe they’ll even bring on Henry Kissinger to help with the explanation.

I don’t completely buy Glenn Greenwald’s take that Bush had “better” lawyers, because [now starts my paraphrase of Glenn’s point] some were prepared to threaten to quit over the NSA program (which they demanded be revised into an equally unconstitutional format) and others were prepared to blindly follow the lead without even knowing anything about why they’d be resigning, still, I will say that Bauer and Koh can easily fill the shoes of Gonzales and Bellinger.

Bush and “torture.” Obama and “hostilities.” The one thing that we can rely upon is that the meaning of the phrase “Executive Power” has changed over the years. Unchecked, it will

continue to change at an ever-increasing rate. And for those of us who remember Obama's "stern face" as he promised during primaries and campaigns to "restore the rule of law" we can only wonder when that phrase went so far astray as to encompass the things the Obama administration has done over the last few years.

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## **DOJ: CALLING OUT GOVERNMENT LIES WOULD ENDANGER NATIONAL SECURITY**

No matter how you look at this attempt to suppress and ignore the WikiLeaks material, it is bizarre and somewhat comical. The WikiLeaks Gitmo Detainee files genie is out of the bottle; it would behoove the US government to join the battle and arguments on the merits and facts instead of trying to cram the genie back in and play hide the bottle.

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## **THE QUIET DEATH OF HABEAS CORPUS**

When our children askin the future how the Great Writ of Habeas Corpus, the foundation of law, died, this is the time and this is the answer.

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# **EXECUTIVE NOMINATIONS, JUDICIAL EMERGENCIES AND CHANGE IN WH COUNSEL'S OFFICE**

There are hundreds of top posts in the government, including nearly a hundred federal judicial positions, vacant and the Obama Administration's record on making nominations and getting confirmations is lacking.

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## **THE UN-PATRIOT ACTS OF HARRY REID**

When the government, through its executive and compliant Congress, wants to cut surveillance and privacy corners out of laziness and control greed, and otherwise crush the soul of the Constitution and the 4th Amendment, demagoguery and fake exigencies are the order of the day. And so they are again. Oh, and of course they want to get out of town on their vacation. And that is what has happened today.

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## **GOODWIN LIU TO GET SENATE FLOOR VOTE ON CLOTURE THURSDAY**

Goodwin Liu will finally get a vote Thursday on cloture for his nomination to the 9th Circuit Court of Appeals. It will be a tough road, but

Liu is worth the fight.

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## **BREAKING: UNUSUAL HASTY SUNDAY NIGHT OBAMA STATEMENT**

Emergency Presidential statement set for tonight, very unusual for a late Sunday night.

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## **US ASSASSINATES SAIF QADDAFI AND THREE QADDAFI GRANDSONS**

A Nato air strike in the Libyan capital, Tripoli, has killed the son and three grandsons of the Libyan leader, Colonel Gaddafi, a government spokesman has said