

DRAWINGS BY DALE FLOWERS

TOO LATE FOR EMPIRE

"The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiqués are belated, insincere, and incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. It is a disgrace to our imperial record and may soon be enflamed for any ordinary cure. We are today not far from disaster. Our unfortunate troops, Indian and British, under hard conditions of climate and supply are policing an immense area, paying dearly every day in lives for the willfully wrong policy of the civil administration in Baghdad but the responsibility, in this case, is not on the army which has acted only upon the request of the civil authorities.

—T. E. LAWRENCE (THE SUNDAY TIMES, AUGUST 1920)

BY JONATHAN SCHELL

Anyone who wants to write about the constitutional crisis unfolding in the United States today faces a peculiar problem at the outset. There is large body of observations that at one and the same time have been made too often and yet not enough — too often because they have been repeated to the point of tedium for a minority ready to listen but not often enough because the general public has yet to consider them seriously enough. The problem for a self-respecting writer is that that the act of writing almost in its nature promises something new. Repetition is not really writing but propaganda — not illumination for the mind but a mental beating. Here are some examples of the sort of observations I have in mind, at once over-familiar and unheard:

President George W. Bush sent American troops into Iraq to find weapons of mass destruction, but they weren't there. He said that Saddam Hussein's regime had given help to Al Qaeda, but it had not.

He therefore took the nation to war on the basis of falsehoods.

His administration says that the torture at Abu Graib and elsewhere has been the work of a few bad apples in the military, whereas in fact abuses were sanctioned at the highest levels of the executive branch in secret memos.

His administration lambastes leakers, but its own officials leaked the name of a CIA operative, Valerie Plame, in order to politically discredit her husband.

He flatly stated to the public that all wiretaps of Americans were ordered pursuant to court warrants, whereas in fact he was authorizing and repeatedly reauthorizing warrantless wiretaps.

These wiretaps violated a specific law of Congress forbidding them.

His administration has asserted a right to imprison Americans as well as foreigners indefinitely without the *habeas corpus* hearings required by law.

Wars of aggression, torture, domestic spying and arbitrary arrest are the hallmarks of dictatorship, yet Congress, run by the President's party, refused to conduct full investigations into either the false WMD claims, or the abuses and torture, or the warrantless wiretaps, or the imprisonment without *habeas corpus*.

When Congress passed a bill forbidding torture and the President signed it, he added a "signing statement" implying a right to disregard its provisions when they conflicted with his interpretation of his powers.

The President's secret legal memos justifying abuses and torture are based on a conception of powers of the executive that gives him *carte blanche* to disregard specific statutes as well as international law in the exercise of self-granted powers to the Commander in Chief nowhere mentioned in the Constitution.

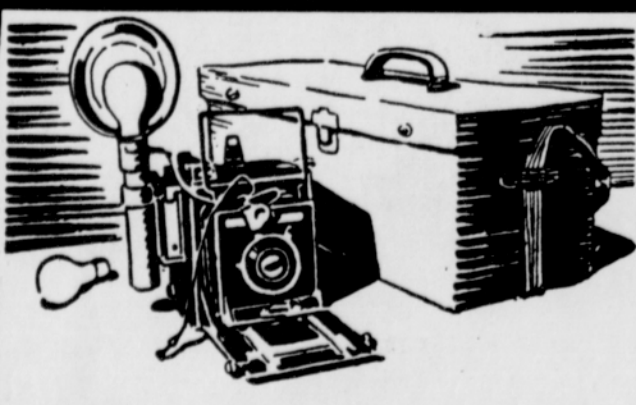
If accepted, these claims would fundamentally alter the structure of the American government, upsetting the system of checks and balances and nullifying fundamental liberties, including 4th Amendment guarantees against unreasonable searches and seizures and guarantees of due process. As such, they embody apparent failures of the President to carry out his oath to "preserve, protect and defend the Constitution of the United States."

The need to repeat these familiar points, as I have just done (while also begging the indulgence of the reader, as I do), is itself a symptom of the crisis. The same governmental and other power in the hands of a single party that led to the abuses stands in the way of action to address them. The result is a problem of political sanitation. The garbage heaps up in the public square, visible to all and stinking to high heaven, but no garbage truck arrives to take it away. The lawbreaking is exposed, but no legislative body responds. The damning facts pour out, and protests are made, but little is done. Then comes the urge to repeat.

The dilemma is reflected in microcosm in the news media, especially television — a process particularly on display in the failure to challenge the administration's deceptive rationale for the Iraq War. The reasons for severe doubt were, at the very least, available before the war, and they were expounded in many places. More truthful, contrary voices could and did speak up, especially on the Internet, the freest of today's media. But they were not widely heard. They were drowned out by the dominant voices in the mainstream, acceding to the deceptions of power and their variations and derivatives. All over the world, autocratic-minded rulers, from Italy's former Prime Minister Silvio Berlusconi to Russia's President Vladimir Putin, have learned that defacto control of the political content of television is perhaps the most important lever of power in our day. They have learned that it does matter politically if 15% or even 25% of the public is well informed as long as the majority remains in the dark. The problem has not been censorship but something very nearly censorship's opposite: the deafening noise of the official megaphone and its echoes — not the suppression of truth, still spoken and heard in a narrow circle, but a profusion of lies and half lies; not too little speech but too much. If you whisper something to your friend in the front row of a rock concert, you have not been censored, but neither will you be heard.



The one major breach in the monopoly was made by the Supreme Court in its decision in *Hamdan vs. Rumsfeld* requiring application of the Geneva Code of Military Justice to detainees. The decision's reasoning would have rolled back many of the usurpations by the executive, which claimed it would apply the Geneva Conventions to prisoners in U.S. custody and seek a constitutional opinion by the Foreign Intelligence Surveillance Act court on its wiretapping. It's notable that reaction to *Hamden vs. Rumsfeld* by one Republican Congressional leader was to accuse Democrats who applauded the decision of wanting "special privileges for terrorists." (*Hamden vs. Rumsfeld* was repealed by the Republican-dominated Congress in October, which got rid of *habeas corpus* as well as *Posse Comitatus*, the law that prohibits military intervention in civil law)

One-party monopoly of power is not the only inhibiting factor. Any oppositionist who is honest will keep in mind that a majority, however narrow, of Americans voted that one party into power in a series of elections. Especially important was the Presidential election of 2004, when many, though not all, of the abuses were already known. (And then the election itself was subject to grave abuses, especially in Ohio.) The weight and meaning of that majority does not disappear because it was demonstrably misinformed about key matters of war and peace. It's one thing to oppose an illegitimate concentration of power in the name of a repressed majority, another to oppose power backed and legitimated by a majority. In the first case, it will be enough to speak truth to power; in the second, the main need



THE COMPLEAT PHOTOGRAPHER
475 14TH ST., ASTORIA & 303 S. HOLLADAY, SEASIDE
325-0759 736-3686

HOPE L. HARRIS
LICENSED
MASSAGE
THERAPIST
503/325-2523

Ship Inn
Fish & Chips
Imported Beer on Tap
#1 on 2nd Street
Astoria * 325-0033