

## CHAPTER 13

# An Outlaw Presidency—From Crimes Against Humanity to the Rape of the U.S. Constitution

### *The George Orwell Party (GOP) at Work*

*Naturally the common people don't want war... But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy, or a fascist dictatorship, or a parliament, or a communist dictatorship. ... Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them that they are being attacked, and denounce the peace-makers for lack of patriotism and exposing the country to danger. It works the same in any country.*

—Nazi Herman Goering, second in command of the Third Reich, during his Nuremberg War Crimes Trial in 1946.

### **The Fourth Reich**

There is broad worldwide consensus that the Bush administration has committed war crimes and crimes against humanity in its war on Iraq and its broader so-called global war on terrorism. Broadly-supported international criminal proceedings against Bush, Cheney and their chief neocon henchmen would already be underway but for the fact that America is, well, America, the world's number one superpower.

America's traditional allies and friends rightly refused to drink the toxic Iraqi Kool-Aid brewed by the Bush League neocons, and they do not understand why tens of millions of Americans in the face of Bush's imperialism, lying and tyranny—especially his war on Iraq and his assault on America's civil liberties—behave like sheep going to the slaughter. They are appalled that Americans took so long to grasp the sad truth about their imperial incompetent president, the outlaw George W. Bush. Where is that America—the land of the free and the home of the brave—they once admired?

**SIDEBAR: “Watch Us, Wiretap Us, Search Us, Jail Us ... The High Price of American Gullibility”**

A growing number of prominent conservative and libertarian Americans also have sounded the alarm against the Bush regime’s illegal and unconstitutional spying on Americans and the gullibility of countless millions of Americans, especially conservatives and America’s media, who succumbed to emotional appeals to fear and false patriotism, and turned a blind eye to reason and reality.

In a June 28, 2006, article in *CounterPunch* entitled, “Watch Us, Wiretap Us, Search Us, Jail Us ... The High Price of American Gullibility,” Paul Craig Roberts, Assistant Secretary of the Treasury in the Reagan administration and former Associate Editor of *The Wall Street Journal* editorial page, writes: “In National Socialist Germany, by the time propaganda lost its grip, Germans were in the hands of a police state. It was too late to take corrective measures. Not even the military could correct the disastrous policies of the executive. In the end, Germany was destroyed. Does a similar fate await Americans?”

The Bush administration since 9/11 has isolated America in unprecedented fashion precisely at that point in history when America most needs allies and multinational cooperation to fight stateless violence and terrorism.

- According to a June 2006 poll conducted in Great Britain, France, Spain and Italy by the Harris Poll and the *Financial Times*—regarded by many as the world’s foremost English-language daily newspaper—the United States is viewed as the number one threat to world security. Incredibly, 36% of those polled in this survey of *our allies* identified America as the greatest threat, followed by Iran with 30% and China with 18%.
- According to a 15-Nation Pew Global Attitudes Survey released June 13, 2006, positive views of the United States continued to decline, and majorities in most nations believe America will not achieve its objectives in Iraq. In Great Britain, which is America’s staunchest ally in Iraq, 60% say the Iraq war made the world more dangerous, compared with 30% who say it made the world safer.

The Bush administration has engaged in a broad assault on what America’s friends have long admired most about America: the U.S. Constitution and Bill of Rights; America as the brightest beacon of freedom and hope in a troubled world; and America’s huge inspirational role in leading competent democratic partnerships in times of conflict. Ironically, the Bush administration has rejected the main institutions of world order that generations of American leaders helped form and de facto led.

Over several decades America was the chief architect and supporter of a host of international alliances, organizations and treaties having progressive purposes and ideals, including the United Nations, NATO, the World Trade Organization, GATT and the Geneva Conventions. The principal structures were birthed in abhorrence to

twentieth century warmongering and totalitarianism, characteristics that now are associated with Bush's regime and the neo-GOP.

Secretary of State Colin Powell opposed the Bush administration's efforts to gut America's international treaty obligations and the Geneva Conventions, one of his many concerns being that captured American soldiers could be greatly endangered. It's a fair conclusion—and a widespread belief among America's allies and friends—that the Bush regime's above-the-law attitude led directly to the torture abuses at Abu Ghraib and elsewhere—including but not limited to waterboarding—and to a precipitous drop in America's moral standing throughout the world.

### **SIDEBAR: International Criminal Court**

America can improve its standing and influence in the world by joining the International Criminal Court (ICC)—the world's first permanent and independent international criminal court—and working to expand the ICC's enforcement powers. The ICC was born in 1998 when 120 nations voted to adopt the Rome Statute of the ICC treaty, and became effective in 2002 according to the Rome Statute's terms when a minimum of 60 nations had formally ratified it.<sup>117</sup>

Only seven nations voted against the Rome Statute: the United States, Israel, the People's Republic of China, Iraq, Qatar, Libya and Yemen. What a friendly, peace loving bunch!

Although the United States signed the ICC treaty just prior to the treaty's 2000 signature deadline, the United States never ratified it.<sup>118</sup> Upon becoming president, Bush nullified the U.S. signature, withdrew U.S. support, and declared that the United States would not ratify the treaty. One concern was that American soldiers and members of Bush's administration—including possibly Bush himself—could be brought before the ICC for trial. Many of America's closest allies—satisfied with the many protections and exemptions available under the ICC—have urged the United States to also join. The worst case foreseen by America's allies was that the United States would refuse to join and simply ignore the court. Unfortunately, imperial Bush went much further and launched an all-out campaign that was seen by many as an attempt to strangle the ICC at birth. Bush also threatened many third-world nations with various sanctions and punishments if they supported the ICC.

Nations ratifying the treaty have granted the ICC authority to try its citizens for *war crimes*, *crimes against humanity*, and *genocide*. Many assert that the nations most opposed to the ICC are the nations more likely to engage in these activities. Pro-torture officials and other war criminals in the Bush regime come to mind.

<sup>117</sup> By mid-2005, 99 nations had ratified the treaty. A nation is not subject to the ICC unless and until it ratifies the treaty.

<sup>118</sup> Desiring to negotiate an exemption for U.S. citizens participating in UN peacekeeping missions, the United States signed the ICC Statute just before the deadline in order to remain part of the negotiating process regarding ICC legal procedures.

The ICC—a complement to the national judicial systems of its members—steps in only if a nation’s legal system is unable or unwilling to investigate and prosecute covered crimes. A principal concern of the ICC is to help protect powerless people—especially women and children—who are not adequately protected by any umbrella of justice.

With U.S. ratification and support, the ICC could become the best hope for countless millions of victims of ethnic cleansing, rapes, torture and genocide. By obstructing the ICC, Bush has cast his lot with the “evil doers,” a term Bush frequently evokes in neocon propaganda promoting the so-called war on terrorism. One case in point is Darfur—for years Bush helped prevent the Darfur case from being referred to the ICC.

Apart from the ICC, it appears likely that several senior Bush administration officials, including Bush himself, could be tried for various *war crimes* arising out of torture committed under their watch. Some of Bush’s most senior lawyers, including then White House counsel Alberto Gonzales, worried about this very possibility before the Iraq invasion, as reflected in an internal White House memorandum dated January 25, 2002, signed by Gonzales. The problem facing the nasty nefarious neocons was how to neuter and circumvent the War Crimes Act—passed by the U.S. Congress in 1996—and the related Geneva Conventions. White House lawyers also apparently worried that they themselves could be tried for war crimes.

In 2005 Bush rewarded Gonzales—his longtime crony and loyal lapdog—by naming him to be the Attorney General of the United States, the most important law enforcement official in America and the person in charge of over 100,000 employees in more than 50 divisions in the Department of Justice. The Republican-controlled U.S. Senate confirmed Gonzales’ appointment as Attorney General notwithstanding unprecedented concern among America’s most respected senior military leaders. For example, in an open letter to the Senate Judiciary Committee, a group of 12 retired American military leaders—including admirals, generals and a Chairman of the Joint Chiefs of Staff—expressed their deep concern about the detention operations Gonzales helped shape: “It is clear that these operations have fostered greater animosity toward the United States, undermined our intelligence gathering efforts, and added to the risks facing our troops around the world.” America’s Uniform Code of Military Justice and the Geneva Conventions—which live in the soul of every graduate of America’s military academies—are just quaint niceties to Bush, Gonzales and the other civilian neocons.

When the cause is just, America’s allies and friends *are* willing to fight the good fight shoulder to shoulder with America. But they reject any American suggestion that America is superior, more moral, more competent, and more entitled. In short, they reject the notion of American *exceptionalism*. They reject Bush’s American-centric view of the world, which is inherently myopic. They reject his American chauvinism, jingoism and bullying.

American *competence*—once the envy of the world—has taken an extraordinarily severe beating under Bush. Bin Laden, Afghanistan, Iraq, Hurricane Katrina,

Lebanon and Iran—the list is endless. America, America, wherefore art thou, America?

As for Katrina and Iraq, the GOP would do better to, “Make Levee, Not War.”

Other than the impeachment of Bush and Cheney, nothing would help more to restore America’s reputation, and bring more cheer and reassurance to America’s friends and allies, than the total repudiation of the neocons’ Project for the New American Century. Like Hitler’s *Mein Kampf*, Mao Tse-Tung’s *The Little Red Book*, and Marx’s *Das Kapital*, that nice little neocon “book” known as *The Project for the New American Century* must be tossed in the garbage can of history, along with its imperial practitioners.

The Republican Party—the Cons—rubber stamped every madness of the Bush regime, thus making themselves an essential part of the problem. The GOP-controlled *do-nothing-good* Congress abdicated its constitutional role of oversight of the executive branch, and became a willing co-conspirator in a continuing, systematic cover-up for the most corrupt and incompetent government in U.S. history. The Cons cannot be trusted to defend America’s democracy and constitution. They cannot be trusted to govern.

Millions of traditionally conservative Republicans withdrew their support for the Bush administration and its policies, especially regarding his incompetent and duplicitous war on Iraq. The Project for the New American Century has even been rejected by some of its signers, including Francis Fukuyama, who wrote: “Neoconservatism, as both a political symbol and a body of thought, has evolved into something I can no longer support.”<sup>119</sup>

Former neocon Fukuyama also noted the obvious: “By invading Iraq, the Bush administration created a self-fulfilling prophecy: Iraq has now replaced Afghanistan as a magnet, a training ground and an operational base for jihadist terrorists, with plenty of American targets to shoot at.”

America must unequivocally reject The Project for the New American Century, and it must return to constitutional government. The only certain way to accomplish this is to impeach Bush and Cheney. Anything short of that is half-hearted and ineffective. The world cannot wait.

In the last chapter of this book, we set forth three plans to help America “out of the wilderness,” including: *Beyond Iraq and Afghanistan—A 7-Point International Plan*. Here are three additional small but important actions the United States should take to improve its credibility and effectiveness in the world:

- America must fire the numerous incompetent Neanderthals that Bush appointed to the United Nations and high government positions. The departure of UN ambassador John Bolton shortly after the 2006 midterm elections was worth celebrating. The long list of other thugs who need to be booted out include: John Negroponte, the U.S. director of national intelligence, previously U.S. ambassador to Iraq, who as U.S. ambassador to Honduras in the 1980s performed shamefully regarding U.S.-backed death squads that killed tens of thousands of civilians during Reagan’s illegal secret war on Central America; and Elliott Abrams, Bush’s deputy national security advi-

---

<sup>119</sup> “After Neoconservatism,” *New York Times* article by Fukuyama, Feb. 19, 2006.

sor, who also was instrumental in the 1980s in supporting the Central American death squads and was convicted of lying to Congress about the illegal Iran-Contra affair.

- America must turn away from the Dark Side and once again base its foreign policy on reasoning and reality, recognizing that force multiplication results from friends and allies working willingly together to attain shared moral objectives. Success against terrorism requires mutual trust, shared values, and the cooperation of people and organizations worldwide. Unfortunately, senior officials in both the Bush White House and the Pentagon have virtually no understanding, and even less curiosity, regarding the varied cultures and peoples with whom they muck. As destroyers, not builders, these amateur carpenters have only sledgehammers, and everything they see is a nail.
- America must stop appointing so many ambassadors and diplomats who cannot speak the principal language of the host nation. Virtually none of America's ambassadors speak Arabic, making it impossible for America to communicate effectively with more than 200 million people in more than 20 nations whose first language is Arabic. One would expect, years after 9/11, that every American embassy in an Arabic-speaking nation would have several American Foreign Service personnel fluent in Arabic, but this is not the case. In the *entire* Foreign Service there are fewer than ten Foreign Service personnel who speak Arabic at a 4+ or 5 level of proficiency on the Foreign Service Proficiency Scale. Although teaching Arabic to Foreign Service professionals is helpful, Arabic is a very difficult language to learn, and the best solution is to recruit first and second generation Arabic-speaking Americans. However, Bush does not trust "such people." He prefers instead to appoint culture-deaf cronies like Texan Karen Hughes, who shamefully fell on her face during her farcical, know-nothing tour of the Middle East in 2005 as Bush's official mouthpiece, a job for which she had little more experience than Monica Lewinsky. As the laughing stock of the Middle East, and one of the last of Bush's Texas Mafia to slither out of the White House, "heck-of-a-job" Hughes resigned in October 2007, thus ending her two-year immensely-damaging run as America's undersecretary of state for public affairs. In December 2007 the Iraq Study Group reported that only six of the 1,000 workers in the U.S. Embassy in Baghdad spoke Arabic fluently.

The problem with the Bush administration is not simply that the ends justify the means. It is much more sinister than that. *Both* the ends *and* the means of Bush's underworld are unlawful and un-American. In this chapter, we'll discuss just a few of the un-American and unlawful *means*, although it is sometimes difficult to separate the ends from the means, as one dirty Con hand washes the other.

### **The Outlaw Bush—An Imperial Presidency Above the Law**

The Project for the New American Century is one huge evil, and the Bush administration's assault on the U.S. Constitution is a second. Bush and Cheney married these two poisonous endeavors in order to put their evil schemes into hyperdrive. It was not enough that their party controlled all three branches of the U.S. Govern-

ment—the executive branch, both houses of Congress, and the U.S. Supreme Court—and enjoyed the cheerleading support of America’s fourth estate, the Corporate Media. No, Bush and Cheney desired to be above the law—unfettered by oversight and accountability, and bathed in secrecy—and so they rewrote and mutilated the Constitution that stood in their way.

The Bush regime uses the Constitution as toilet paper in the Waste Wing. Yes, “W” also stands for “Waste Wing.”

In Bush-speak, it is: “The Constitution Don’t Matter.”

Just as that nefarious neocon-conceived America must stand above and outside international law, so also must America’s King George III stand above and outside domestic law. He can do whatever he chooses at any time, unilaterally, in open or in secret, unhindered by such anachronistic niceties as the Constitution and the other two constitutional branches of government. Yes, the neocon wet dream works best when Bush—America’s number one outlaw—places himself above and outside the law.

After all, even with the two other constitutional branches of government in friendly GOP control, at best they are an inconvenience, and, at worst, there’s the risk that a few Republicans might find enough backbone to permit investigations of some of the most egregious madness emanating from that Bush League lunatic asylum previously known as America’s White House.

Privacy—a sense of minding your own business and allowing others to mind theirs, all without governmental interference—has been thrown on the trash heap of discarded American values. Without increasing America’s security, Bush and the Cons gleefully trampled freedoms guaranteed by the Constitution and the Bill of Rights.

#### **SIDEBAR: America’s Liar in Chief Speaks About Illegal Wiretaps**

Bush willfully violated, and continues to violate, the Foreign Intelligence Surveillance Act of 1978 (FISA), the Fourth Amendment of the Constitution (which prohibits searches and seizures without judicial warrants based on probable cause), and other constitutional protections of American citizens, by directing the National Security Agency and other executive personnel to conduct illegal electronic surveillance or other illegal investigations of American citizens without a court order. Thousands of telephone calls by American citizens were illegally monitored without court order, and the full truth will never be known without a full investigation.

This criminal behavior alone, without regard to numerous other impeachable offenses, demands the immediate impeachment of Bush.

Conducting wiretaps (also known as “electronic surveillance”) without a court order was a central charge in the articles of impeachment brought against Richard Nixon in 1974, and the illegal wiretaps by Nixon led not only to his resignation but also to the passage of FISA in 1978, the violation of which is a felony punishable by up to five years in prison on each count.

Our central focus here in this sidebar, however, is not so much on impeachment or impeachable offenses, but rather on Bush's role as *America's Liar in Chief*, and, in particular, the mind-boggling adolescent manner in which he went out of his way to lie to the American people about wiretaps, long before the public knew of the existence of his illegal wiretapping operation.

Bush's totally *voluntary* unnecessary lies about wiretaps are stunning. He started lying in Buffalo, New York, on April 14, 2004, and he lied later in other venues. No one had even asked him a question about his illegal wiretapping operation because no one outside his regime knew of its existence. Yet Bush went out of his way to lie. Perhaps remembering where he was speaking, Bush decided to "Buffalo" his audience, like a spoiled child lying to his teacher or parents. Perhaps he just wanted to have a little fun, like poking out the eyes of a baby bird, or—harking back to his youthful days in Midland, Texas—like putting firecrackers up the anus of frogs and blowing them up. Bush is just not wired right. He has the conscience of a cesspool.

Here are just a few of Bush's dumbfounding wiretap lies from Buffalo and elsewhere:

- Bush lied: "Secondly, there are such things as roving wiretaps. Now, by the way, any time you hear the United States government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so. It's important for our fellow citizens to understand, when you think Patriot Act, constitutional guarantees are in place when it comes to doing what is necessary to protect our homeland, because we value the Constitution." (April 20, 2004, in Buffalo, New York.)
- Bush lied when he asserted, "the government can't move on wiretaps or roving wiretaps without getting a court order." (July 14, 2004.) He knew then that his regime was engaged in a broad illegal spying operation.
- Bush lied: "One tool that has been especially important to law enforcement is called a roving wiretap. Roving wiretaps allow investigators to follow suspects who frequently change their means of communications. These wiretaps must be approved by a judge, and they have been used for years to catch drug dealers and other criminals. Yet, before the Patriot Act, agents investigating terrorists had to get a separate authorization for each phone they wanted to tap. That means terrorists could elude law enforcement by simply purchasing a new cell phone. The Patriot Act fixed the problem by allowing terrorism investigators to use the same wiretaps that were already being using against drug kingpins and mob bosses." (June 9, 2005, in Columbus, Ohio.)
- Bush lied: "The Patriot Act helps us defeat our enemies while safeguarding civil liberties for all Americans. The judicial branch has a strong oversight role in the application of the Patriot Act. Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, or to track his calls, or to search his property. Officers must meet strict standards to use any of the tools we're talking about. And they are fully consistent with the Constitution of the United States." (July 20, 2005, in Baltimore, Maryland.)



The official White House Fact Sheet dated July 20, 2005, continued the campaign of lies: “The judicial branch has a strong oversight role in the application of the Patriot Act. Law enforcement officers must seek a federal judge’s permission to wiretap a foreign terrorist’s phone, track his calls, or search his property. These strict standards are fully consistent with the Constitution. Congress also oversees the application of the Patriot Act, and in more than three years there has not been a single verified abuse.”

In December 2005 *The New York Times* broke the story that the Bush administration had been violating FISA since 2002 by conducting illegal surveillance of American citizens without the knowledge of the FISA court (the Foreign Intelligence Surveillance Court.) A few days later Judge James Robertson resigned from that court, apparently to protest the illegal operation.

The most plausible explanation—you can bet on it—for the Bush regime’s circumvention of the FISA procedure is that it was wiretapping in situations it knew it could not obtain the FISA court’s approval, such as wiretapping the regime’s real and imagined enemies, including journalists, citizen activists, government employees and political opponents.

The illegal wiretapping operation certainly had nothing to do with national security, although Bush apologists argued that the FISA process didn’t work well enough. But it did. Of the more than 18,000 wiretap warrants requested from the inception of FISA in 1978 through 2004, only five had been rejected, and at least four of these five were partially granted after being resubmitted.

Also, the claim that sometimes the situation is so urgent that the government cannot afford the time to seek court approval rings hollow, since FISA has an emergency procedure that allows the government to *immediately* start a wiretap without a warrant, and then go the court within three days to seek approval after the fact.

Nixon’s evil side was alive and on steroids in the Bush White House.

Most of Bush’s assaults on Americans’ constitutional freedoms and civil liberties can be grouped into three broad categories:

- 1) While promoting fear, Bush pushed the Republican-controlled Congress to include as many draconian measures as possible in the so-called Patriot Act and other anti-civil rights legislation.
- 2) Bush acts unlawfully in secret—a la Nixon—in violation of Americans’ civil liberties, praying that his skullduggery will never see the light of day (two good examples being his secret warrantless surveillance of American citizens by the NSA, and the secret unconstitutional data mining regarding *trillions* of telephone records of *tens of millions* of Americans); and
- 3) Bush takes the unprecedented, unconstitutional position that both Congress and the courts are superfluous when the issue is the extent of his powers as *unitary president*—also know as *unitary executive*—especially during the so-called war on terrorism, which in fact is a perpetual non-war.

The novel theory of the so-called *unitary executive* (i.e., *unilateral executive*) is a noxious tool trumpeted by the Bush White House that is intended to neuter the other

two constitutional branches of America's democracy and to authorize virtually any action by Bush, America's dictator wannabe. Although *unitary executive* sounds innocuous, under Bush's radical unprecedented interpretation it is a nuclear bomb threat to the U.S. Constitution and America's democracy. If American voters really understood the import of Bush's actions, they would clamor for his head, as well as the head of every GOP Con who blindly genuflected before America's King George the Mad.

To be clear, *unitary executive* does *not* mean that Bush has joined the Unitarian Church. It has nothing to do with that, unless perhaps you wish to extend the religious humor by postulating that the term *unitary executive*—as immaculately conceived by Bush's legal toadies—means that the three roles of Father, Son and Holy Ghost have been usurped by one evil person, a self-appointed king, an American president known in the Constitution-free underworld as Lucifer the Bush. Whew!

One of the young acolytes during Reagan's presidency who supported the novel notion of a *unitary executive* is a lawyer by the name of Samuel Alito, Jr., who unfortunately in 2006 was appointed by Bush to the U.S. Supreme Court, a no-review position of power from which he will expand rightwing presidential powers at the expense of the legislative and judicial branches, in addition to his major *political* role, which is promoting and expanding the freedom of corporations to do whatever they want, all at the expense of human freedoms and rights.

Presidential *signing statements*, which are addenda attached by the president to laws passed by Congress, are a deceptive, below-the-radar tool used by Bush to promote the notion of a unitary president while emasculating Congress and the courts. Bush has used them more often than all other presidents combined, and he has used them in novel unconstitutional ways. Popularized during Reagan's presidency by his Attorney General Ed Meese III, signing statements have been taken by Bush in unprecedented fashion to absurd and dangerous levels.

Previous signing statements had been used infrequently and did not carry much weight, since they were intended to ask a reviewing court to perhaps take the president's perspective into account in determining the intent of Congress in passing legislation. But Bush's signing statements are not intended to provide minor interpretative gloss to legislation. Rather, they are a rogue attempt to assert the supremacy of the president over the legislative and judicial branches, making those two branches of government irrelevant when the issue is presidential authority.

America's founding fathers wisely recognized that a three-legged stool is both stable and strong, in contrast to a one-legged stool, which serves no beneficial purpose other than as a metaphor for the unstable Bush administration—a one-legged stool, like the deranged Bush regime, ultimately falls and fails.

In contrast to the dubious signing statement, the presidential veto *is* a power granted to the president by the Constitution. If the president objects to a bill, he can veto it, and then Congress has the constitutional power to override his veto by a two-

thirds vote. Ironically, more than five years into his presidency, Bush had *never* vetoed a single bill.<sup>120</sup>

In comparison, by 2006 Bush had used signing statements with respect to more than 750 laws passed by Congress, an incredible total under any circumstances, but all the more incredible because Congress was controlled by the president's own party. Yes, the score was more than 750-to-1, signing statements to vetoes.

Bush's style—the style of his entire regal life—is to ignore laws he doesn't like, and he undoubtedly was advised that signing statements may be more effective than vetoes in accomplishing this. Signing statements offer several advantages over vetoes:

- 1) With a veto, the president has to accept or reject the entire bill, whereas with a signing statement, the president has the flexibility to say whatever he dreams up about each provision of a bill;
- 2) The veto, but not the signing statement, is subject to a two-thirds override by Congress;
- 3) The signing statement, although a public document, until recently was not covered by the media and was read by virtually no one; and
- 4) The signing statement allows the president to “have the last word.”

Let's digress for a moment to consider the interplay between signing statements and Bush's AWOL financial stewardship. During Bush's presidential watch, a core plank of the GOP's party platform was “borrow, spend and waste.” Yet Bush never used a signing statement to counter this, and he never vetoed a spending bill during his first six years in office.

Bush's deceptive use of signing statements to gut the Constitution and usurp power was at work when Congress' anti-torture bill was signed into law in late 2005. To the dismay of the world community including coalition partners, Bush strongly opposed the anti-torture legislation and, incredibly, even attempted to carve out an exception that would permit torture by the CIA, which was at the heart of the torture problem in the first place. However, it soon became clear that a veto-proof supermajority in Congress—as well as a huge majority of Americans—supported the legislation. Yes, torture at Abu Ghraib and Guantanamo, as well as torture throughout a Bush-friendly gulag of torture chambers hosted by friendly dictatorships in several third world countries, had cast a dark shadow. Thus Bush, with great fanfare at a photo op with key supporters of the anti-torture legislation, announced he would sign the bill, duplicitously giving the impression he opposed torture. But when Bush later signed the bill out of the limelight, he added a signing statement to it.

Was it possible that Bush had dropped his support for torture and had become a supporter of human rights? No. His signing statement in effect claimed that his presidential powers—his King George III powers—reigned supreme over those of the other two branches of government, and that he would ignore the anti-torture law whenever he thought it might interfere with his role in supervising the unitary executive branch.

---

<sup>120</sup> On July 19, 2006, Bush used his veto power for the first time when he vetoed an embryonic stem-cell research bill. Bush declared the vetoed bill “would support the taking of innocent human life in the hope of finding medical benefits for others.”

“He issues a signing statement that says he retains all of the inherent power that will permit him to go out and torture just the way they’ve gone ahead and tortured before,” said Senator Ted Kennedy (D-MA), describing the process as an “arrogance of power.” In this 21<sup>st</sup> century it is shocking that Bush and the GOP made torture a *debatable* topic.

It is disheartening that there is even a question as to whether America should comply fully with the letter and spirit of the anti-torture provisions of U.S. law (including the Uniform Code of Military Justice) and international law (including: the Geneva Conventions; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which became effective in 1987; and other agreements to which the United States is a party.)

It is disturbing that the U.S. Senate had to even contemplate *anti-torture* legislation in 2005, and that senators opposing torture (including Ted Kennedy and John McCain, himself a torture victim during the Vietnam War) were threatened with a White House veto, which would have been the first veto of his presidency. All Americans should have been outraged. Christians especially should have been outraged.

But things got even worse in 2006 with the passage of the U.S. Military Commissions Act, which the GOP pushed through just before the 2006 midterm elections. America’s bright beacon of liberty and human rights grew dimmer, and billions of people around the world could no longer see it at all.

#### **SIDEBAR: The 2006 Military Commissions Act: McCain Caves on Torture**

The 2006 U.S. Military Commissions Act (MCA) set a new low in GOP attacks on the U.S. Constitution and liberty in America. It was drafted and passed after the U.S. Supreme Court’s decision in *Hamdan v. Rumsfeld*, ostensibly to set up a new procedure for bringing terrorists and other “unlawful enemy combatants” to justice, but it greatly damaged America and is worse than the infamous Alien and Sedition Acts passed in 1798.

The GOP rushed the legislation to signature right before the 2006 midterm elections so they could claim they were tough on terrorism.

Notwithstanding its name, the MCA dealt with more than military commissions.

The MCA gave the most incompetent and distrusted president in America’s history unprecedented and unilateral authority to interpret the Geneva Conventions and determine interrogation methods to be used. Bush became the Decider on torture. There is virtually no judicial check on the president’s power under the MCA to determine who is an “unlawful enemy combatant,” a broad category and status that does not even exist under international law.

A dagger was thrust through the heart of habeas corpus. Alien torture victims have no right to bring claims for redress to any court. The person charged has no right to know the charges against him. Hearsay evidence is permitted.

Evidence and confessions resulting from torture are allowed, including torture done on behalf of America at rendition sites in countries such as Syria, Egypt and Uzbekistan. The accused has no right to effective legal counsel. Detainees can be imprisoned forever without charges being brought. Of the hundreds of prisoners held for years at Guantanamo Bay in Cuba, far fewer than 5% have even been charged with crimes.

Just in case, the MCA gave criminals in the Bush regime retroactive immunity for war crimes already committed.

If the worst dictatorial regimes in the world adopted similar schemes in their countries, they could then *lawfully* continue torture and other barbaric practices with impunity.

McCain lied when he declared, “There’s no doubt that the integrity and letter and spirit of the Geneva Conventions have been preserved.” McCain caved, along with the small group of anti-torture GOP senators he led, and the GOP-controlled Congress gave Bush everything he wanted, on every major point. At the same time, recruiters for terrorists worldwide got exactly what they wanted.

With noble chest thumping, McCain for years had positioned himself as the leader who would prevent Bush and his GOP regime from torturing.

But when the chips were down, McCain cried uncle and went AWOL. Protecting America’s Constitution and liberties took second seat to his upcoming presidential campaign. The image of McCain as a champion of human rights is a Con job.

The reason for America to honor the Geneva Conventions and our own tradition of constitutional liberties is not because we believe terrorist groups will do the same. They won’t. No, we do it for ourselves. We do it for America and the kind of people we want to remain. We do it in order not to surrender the moral high ground to those groups who claim America is anti-Muslim and pitch militant jihad to potential new recruits. The draconian MCA confirms negative views of America, causing America to lose hearts and minds worldwide.

Colin Powell summed up the problem succinctly in his letter opposing the MCA: “The world is beginning to doubt the moral basis of our fight against terrorism.” He said the legislation “would add to those doubts” and furthermore “would put our own troops at risk.”

Bush gutted America’s system of government—its constitutional separation of powers and system of checks and balances—by claiming that it is he, not Congress and not the courts, who will determine the limits, if any, on his powers. In the meantime, he does what he wants, ignoring or rewriting federal law whenever he wishes. He frequently acts completely contrary to federal law, knowing that even if lawsuits are filed, it will take a long time for them to wind their way through the judicial system, especially when the Bush White House obstructs the judicial process every inch of the way.

In addition, Bush has virtually no appreciation or understanding of *states’ rights* and America’s unique system of federalism. Driven totally by narrow, Machiavellian politics—the ends justify the means—Bush asserts willy-nilly either that something

is a federal matter, or that it's a matter to be left to the states, if it helps him win the immediate prize. To the chagrin of many principled conservatives, Bush inserts the federal government into areas traditionally reserved for the states, whenever the policy meets the demands of his donors. Bush is Mr. Big Government.

Early on, America's allies and friends accurately read Bush's heart and concluded he was incompetent, morally corrupt, a disgrace to America, and a danger to the world. On November 4, 2004, the day after Bush's reelection, the British woke to read the *Daily Mirror's* front page headline: "How can 59,054,087 people be so DUMB?" Bush's supporters of all stripes—including many GOP politicians destined to wear prison stripes—should ask themselves that question each morning when they look in the mirror.

In addition to the twin evils of The Project for the New American Century and the assault on the U.S. Constitution, Bush and the GOP use a variety of other anti-democratic imperial tools to get Bush and other rightwing candidates elected. Assisted by Big Money and America's fawning corporate media, these tools work well domestically for America's rightwing regime. However, they do not work well outside the United States, where neither Bush nor Cheney would have a chance of being elected village dogcatcher, let alone a national leader, in any other democracy.

America's allies and friends see the diverse wonderful world outside the Bush Bubble occupied by America's president, who from their perspective is a hugely dangerous simpleton from another planet. They detest his policies and don't trust him and his administration. The nefarious tools used by Bush and the GOP contributed to this worldwide distrust and to the dismal failure of his coalition in Iraq, the Bush League of Nations.

In the next five chapters, we'll look at just a few of the other nefarious tools used by the Bush administration, the worst in American history, and the GOP, better known as the Cons, which has morphed into the most corrupt American political party ever.