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[Home](#)  
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...bedlam is dreaming of rain...

Prev/Next Posts

« [Talking Smack in Northfield](#) | [Home](#) | [Did We Do Better This Week?](#) »  
Saturday, July 21st, 2007 at 4:03 pm

## [The Assault on Due Process and Civil Liberties](#)

By: [Ian Welsh](#)



One event that caused a lot of discussion and concern this week ([with Paul Craig Roberts going so far as to say it was the last necessary piece being put in place before a possible coup](#)) was the release of [a Presidential order giving the administration the power to freeze assets of any person or entity considered to be “undermining” efforts to stabilize Iraq](#). The order is very broad, but according to a couple of lawyers I consulted, probably not illegal, and may not be unconstitutional (unless you really do read the Constitution with strict attention to original intent, which despite their claims, few Supreme Court judges do.)

To me what was interesting about the order, aside from the apocalyptic possibilities (which I don't, frankly, rule out as “unthinkable”) was both that it's probably legal and that it's really nothing very extraordinary.

No, not extraordinary. The US has been allowing assets to be frozen and to be seized; has been allowing punishments to be inflicted for decades. This is just taking the refusal to follow due process to its logical extreme.

Now I'm neither a lawyer, nor do I play one on TV, and the last time I took a course in the law was over 20 years ago. But here's my layman's understanding of what's supposed to happen before someone can be punished severely in countries with due process protections.

- Be charged with a crime;
- have their day in court;

- Have competent counsel of their choicel
- Being able to face their accuser and see the evidence against them; and,
- Have the judge able to take into consideration the circumstances of the crime in sentencing after a Jury (for serious crimes) has determined guilt

Let's run through those one at a time:

### **Being Charged With A Crime**

The joke about the “War on Terror” is that it’s the “War on Drugs... on crack”. As with most good jokes, it hurts and it’s funny, because it’s true - the “War on Drugs” is where America lost a lot of its civil liberties and due process. Under a series of laws passed starting in 1970 with the “Comprehensive Drug Abuse Prevention Act” and codifying horrible incentives in the “1984 Comprehensive Crime Control Act” law enforcement received the ability to seize goods under civil forfeiture procedures. Unlike criminal forfeiture in civil there is no need that the owner of the property ever be convicted of the crime, only that the piece of property itself be convicted, under the less civil burden of proof of “probable cause” rather than “beyond a reasonable doubt”. [Since the property is seized, then the owner has to go to court and in effect “prove” it wasn’t used in a drug crime, and since court time is expensive, one study \(Blumenson and Nilsen 1998\) found that 90% are uncontested More damningly, another \(Schneider and Flaherty 1991\), found that in 80% of cases the owner was never convicted of a crime. \(pdf\)](#)

But the worst thing about these forfeiture laws is that the majority of the money (usually 80%) stays with the law enforcement agency that performed the seizure. I trust I don’t have to go into great detail about the perverse incentives this creates.

The freezing of “terrorist” assets done at the beginning of the “war on terror” was in this tradition - where “war” against an ill-defined enemy (drugs, terror) is used to justify taking people’s possessions away without every proving they’ve committed a crime. So is this week’s order.

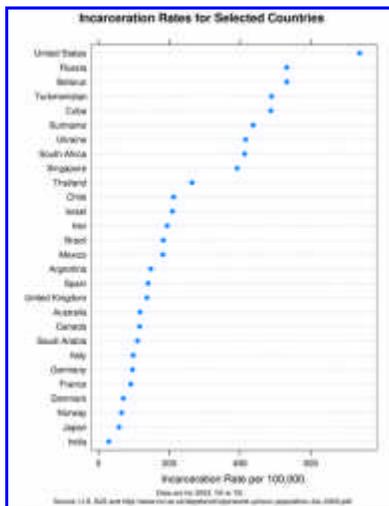
The no-fly list is another case of “punishment without being charged or convicted”. You get on it, you don’t know why, you can’t find out why, and you can’t appeal to a court to get yourself off. Not being able to fly is a pretty significant penalty, and with talk of extended the no-fly list to ships; with the extension of a no-fly list to Canada, it’s bordering on becoming an exit visa requirement. Pretty soon you’ll have to drive to Mexico and take a flight from there if you want to leave the US. Refusal to allow citizens to leave the state is practically the definition of an un-free nation, and while the US isn’t there yet, step by step, it’s walking the path.

### **Having Their Day In Court**

Ninety percent of all court cases are settled through a plea bargain. Plea bargaining is relatively recent - it didn’t exist at the time of the founders, and didn’t really start occurring until the very late 19th century, though even then it appears to have been less common than today. The poorer you are the more likely you are to take a plea bargain. If your black, or Latino, odds are you’ll get a worse bargain for the exact same crime. [According to the sentencing project:](#)

In the United States, more than 90 percent of all cases in the justice system are settled by plea bargaining rather than exercising the right to trial. The rate of felony convictions of nonviolent crimes in communities of color is over-whelming: African Americans constitute 13 percent of all drug users, yet they represent 35 percent of arrests, 55 percent of

convictions and 74 percent of prison sentences, according to a 2000 study by the Sentencing Project.



The assumption in the system as it stands today is that you won't have a trial. In fact, as the chart to the side here shows, the US system probably couldn't function if everyone got their day in court - there aren't enough courts, prosecutors, judges and so on to handle the flood. If pleading out was made illegal, the majority of cases would have to be thrown out (since they couldn't be tried quickly enough to meet requirements for a speedy trial.) One might argue that pleading is necessary, but one might equally note that not all countries use it (it's illegal in Scandinavian countries, for example).

[Again, the War on \(some\) Drugs bears a lot of responsibility for this.](#)

...increased incarceration of drug offenders has done little to decrease the number of people participating in illicit drug activities. 80 percent of the increase in the federal prison population from 1985 to 1995 can be attributed to drug convictions (USDOJ 1997). At the state level, the number of inmates incarcerated for drug offenses showed an almost three-fold increase from 1986 to 1995 (9% to 23%) (Haney and Zimbardo 1998).

All of this might be considered "worth it", except for the fact that there's little evidence that the "War on Drugs" has done anything to decrease the amount of drugs on the market or reduce the number of addicts. It has, however, acted nicely as a price support for drugs, supported many rural communities through the construction of prisons (where rural whites lock up urban blacks, pretty much) and increased the budgets of many law enforcement agents greatly (and as any ex-bureaucrat knows, all organizations exist to grow, if not kept carefully under control.)

All of this is before you even get to Padilla, the case against whom should simply have been thrown out because of gross due process concerns.

It's also before you get to government spying on its own citizens, which operates in the sweet catch-22 of "it's a secret who we're spying on and because you can't prove we're spying on you in particular, you have no standing to sue, so the courts can't overturn it." Maybe, maybe not - it still hasn't made its way to the Supremes, but I think it's safe to say that the court as currently constituted can't be counted on not to adopt such reasoning.

How many people a nation locks up is largely a policy choice. America locks up a ton of people because America chooses to do so. Locking up too many people is a direct assault on justice, because it requires

an assembly line process for dealing with those accused of crimes. Justice requires taking individual circumstances into account and dies when people are treated as just backlogs to be cleared.

There is a march towards making as much law as possible administrative - towards restricting the right to use the courts. The most recent (and thankfully unsuccessful) was in the late Immigration bill. One of the nastier provisions, which few commented on, was that everyone in the country, to get a job, had to be checked against a national database. If the database said you weren't legal - no job. But Congress, in writing it up, restricted the right of appeal to the courts. Restricting people's ability to use the courts to get redress again concentrates power in the executive and makes bureaucrats unaccountable.

### **Competent Counsel of The Accused's Choice**

This isn't a modern problem, this is as old as our system. The rich get good counsel, the poor, if they're lucky, get an overworked public defender who, even if he gives a damn, simply doesn't have the time and resources to give them the best defense. And so the richer you are, for the same crime, the more likely you are to get off. If you're white you're more likely to get off than Latinos or blacks; if your Latino, more likely to get off than a black.

Under Bush, as usually, this has reached ludicrous levels - with counsel to prisoners denied both denied access and spied on regularly (violating client-lawyer confidentiality). To be fair, in Guantanamo the American legal community has had perhaps its finest hour - with lawyers from the most prestigious white shoe firms taking on case after case, while the firms eat its cost. It's things like this - the willingness of lawyers to see the bright line has been crossed that gives me hope for America. But it's the steady creep of individuals like Roberts and Scalia, vetted by the Federalist Society, who make me worry that even this right will continue to be chipped away.

### **Being able to face their accuser and see the evidence against them**

We've been faced with a barrage of assaults on this since Bush took charge. The torture act made it legal to use coerced testimony (read - what will you say to make the pain stop?) and to use secret evidence in trials. If you can't see the evidence against you, if you can't be told where it was received from, how can you possibly defend yourself? The answer is simple - you can't. There's no need to write a long discourse on this - any nation which does this sort of thing no longer has a justice system, it only has a legal system. But it should be understood that this sort of thing follows logically from laws which allow the seizure of property first, determination of guilt later - it follows logically from the sort of reasoning that says its okay to take away a person's rights or their property, without ever letting them have a day in court, or face their accuser, or see the evidence. This stuff didn't come out of nowhere, it came out of a legal tradition, a way of doing things, set up for the War on Drugs, to make law "efficient" and "effective" and to hell with the accused's rights. I mean, seriously, they're almost all guilty anyway, right?

A long ways from Blackstone's "*better that ten guilty persons escape than that one innocent suffer*".

### **Have the judge able to take into consideration the circumstances of the crime in sentencing after a Jury (for serious crimes) has determined guilt**

Now since 90% of all cases are plead out, we already know that most people never get a jury trial. The important thing about jury trials is mostly the right (which they are not informed of) to "jury nullification". In jury nullification, a jury refused to convict an obviously guilty person, because they believe the penalty is too harsh, or the law is wrong. Quite a number of capital crimes in England, for

example, were overturned for this reason. (Stealing a chicken shouldn't be a capital crime.) Because juries routinely refused to convict, the laws had to be revised.

In the US because most cases are plead out, most people don't have to serve on juries as much as they would otherwise have to do. People hate jury duty, but that's the point - people hate it, but they should be forced to see how the legal system operates. If people were called up more often they would be forced to take responsibility in a personal way for locking someone up under 3 strikes laws, when their third strike was, say, stealing a bike. When government functions as important as justice are performed too much by civil servants (police, prosecutors and judges) and not enough by the public itself the full consequences of what is being done in their name is not made apparent to them. Perhaps, indeed, citizens would still approve. Good enough - but perhaps they wouldn't. In either case, the responsibility for locking people up under draconian 3 strikes laws, mandatory sentencing laws and so on needs to be put directly in the hands of citizens and they need to be given the ability to nullify such laws if they choose. (Trivia: Canada's last abortion law was repealed after repeated jury nullification. Juries knew the abortionist was guilty and refused to return guilty verdicts.)

Which leads us to mandatory sentencing laws and three strike laws. Yes, there will always be cases where judges use their discretion in ways we don't like. But for every outrage of a judge "letting someone off light" there's a case where, indeed, someone's third strike is stealing a bike, and for that he's going away for 20 years.

### **The War on Terror is Just the War on Drugs, on Crack**

Civil liberties and due process have been under relentless assault for nearly 40 years now in the US. The War on Terror, for all that it has had horrible human rights and civil liberties abuses enacted in its name, would not have been possible without the preceding War on Drugs. What many seem to not realize is that the rights lost by one person are lost by everyone. When some "terrorist" or "trafficker" loses his or her rights, so do you.

Asset forfeiture didn't begin under Bush. The No Fly list didn't begin under Bush. Punishing people for crimes they had never been convicted of, didn't begin under Bush.

Of course, many things did start under Bush - torture, repeal of habeas corpus and so on. But it's worth remembering, at the end of the day, that what has happened in the last 6 years did not happen in a vacuum - it was an acceleration of a trend that already existed towards the land of liberty becoming a land where due process was only something that some people, the right sort of people, had access to.

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163 Responses to "The Assault on Due Process and Civil Liberties"

1  
[Mutant Poodle](#) says:  
July 21st, 2007 at 4:07 pm

Zed!

2  
[Mutant Poodle](#) says:

July 21st, 2007 at 4:09 pm

...and wow - great post. All these things we take as fundamental are so fragile.

I remember LA Law (don't laugh) doing a show where the IRS went after a guy - and the rules with the IRS were completely stacked against the individual.

Thanks for this.

3

[yellowdog jim](#)  says:

July 21st, 2007 at 4:15 pm

i was off topic two(three) threads back  
AND i epu-ed myself on both threads.

i am in Ian's debt for getting me On Topic now:

[yellowdog jim @ 203](#)

“Can you hear me now?”

gets a whole new meaning here:

[http://news.zdnet.com/2100-1035\\_22-6140191.html](http://news.zdnet.com/2100-1035_22-6140191.html)

The U.S. Commerce Department's security office warns that “a cellular telephone can be turned into a microphone and transmitter for the purpose of listening to conversations in the vicinity of the phone.” An article in the Financial Times last year said mobile providers can “remotely install a piece of software on to any handset, without the owner's knowledge, which will activate the microphone even when its owner is not making a call.”

i heard about this here: <http://www.theleftcoaster.com/archives/010683.php>

i thought you should know.  
and maybe tell everyone.

ah

can you hear me now?

4

[Siun](#)  says:

July 21st, 2007 at 4:19 pm

What a good meaty post Ian ... and an important reminder that we have been all too willing to ignore protection of our civil rights in this country.

5

[eCAHNomics](#) says:

July 21st, 2007 at 4:19 pm

Raising the heat on the frog in the pot.

6

*Oklahoma kiddo* says:

July 21st, 2007 at 4:19 pm

The deal is: Money and connections buys 'justice'. Mr. Libby is just the most recent example of this. Mr. Rove has been packing the Supreme Court and federal courts his way. I'm not at all sure that the majority of the American people appreciate the gravity of the situation. It is imperative that the GOP be defeated roundly in 2008. Otherwise, it's a 'done deal'. There is but one thing standing between Democracy and dictatorship. The rule of law.

7

*LS* says:

July 21st, 2007 at 4:20 pm

Yellowdog Jim and LS are EPUing this again...we keep getting caught at the end of everything..tee,hee..anyway - it is On Topic:

<http://www.theleftcoaster.com/archives/010683.php>

8

*eCAHNomics* says:

July 21st, 2007 at 4:22 pm

The one thing you know about these government incursions—they're one way. No on ever "law" enforcement will allow any of them to be reversed.

9

*Ian Welsh* says:

July 21st, 2007 at 4:25 pm

*yellowdog jim @ 3*

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i thought you should know.  
and maybe tell everyone.

ah

can you hear me now?

Could be done with old fashioned rotary phones too, apparently (different method, same result). One of my friends worked at Bell in the 80's and I remember him telling me about it.

10

*Eureka Springs*  says:  
July 21st, 2007 at 4:26 pm

I will never cease to be amazed at how many so called conservatives are so willing and able to dismiss the significance of our lost civil liberties.

Should be an American issue, not at all partisan.

11

*Siun*  says:  
July 21st, 2007 at 4:26 pm

But we're all when they impose these sorts of injustices on ... oh ... say ... kids in Compton (just gangbangers and drug dealers clearly ) ... then how many Muslim men after 9/11 - did we ever find out what happened to all of those secret prisoners?

12

*Siun*  says:  
July 21st, 2007 at 4:28 pm

Good point ES - it always seemed that the Bill Buckley's of the world would not allow for this kind of intrusion by government into our rights.

13

*Elliott*  says:  
July 21st, 2007 at 4:31 pm

Ian, you've outdone yourself. Thanks for laying this out so clearly.

14

*LS* says:  
July 21st, 2007 at 4:31 pm

*Eureka Springs @ 10*

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I was talking to a "conservative" about eavesdropping and loss of civil liberties one day...they seem to think that although the laws are there, "they" will never be affected, because "they" are not at fault. They think the laws are designed for the "bad guys" who deserve to be watched, and that to imagine it would ever be abused and used against "good" guys in any kind of corrupt fashion, is a ridiculous thought and, quite frankly, unpatriotic.

15

LS says:

July 21st, 2007 at 4:34 pm

LS @ 14

*Eureka Springs @ 10*

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I forgot to mention that I should have asked that conservative whether they felt at all uneasy to find that they are living in “**The Homeland**” rather than the United States of America...but I didn’t bother.

16

eCAHNomics says:

July 21st, 2007 at 4:37 pm

LS @ 14

*Eureka Springs @ 10*

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That’s why I call Larry Flynt the man we hate to love. People don’t realize that in order to protect “normal” people’s liberties, the line must be drawn very far away from the center of the normal distribution (3 standard deviations?).

People also have no idea how innocent things can be twisted against you in court. My 5-year will contest was a real eye opener.

17

Ed\*ard Teller  says:

July 21st, 2007 at 4:37 pm

Great Essay, Ian! Bookmarked it and put it right next to your “repetition” essay from July 7.

18

*Carl from L.A.* says:  
July 21st, 2007 at 4:37 pm

Have you really read Bush’s proclamation?

Bush has just given himself the right to take any person who disagrees with him and throw them and their family out into the street, penniless, to starve to death. Further, anyone who takes pity on them and buys them a meal, or who gives their children shelter, would be subject to the same thing.

Possible legal? This behavior is absolutely on a level with that of the Nazis in 1930’s Germany. This is not hyperbole but the simple truth.

This country is on the very edge of becoming a fascist dictatorship in the most literal meaning of the term. It has been obvious for years that that was Bush’s goal, and he has just about achieved it, while “liberals” sit around and wonder about the legality of starving to death his opponents, or whether it would be a good idea to fight back.

Wake up- it’s out with Bush and Cheney, or out with all of the rest of us. Take your choice.

19

*TexB*  says:  
July 21st, 2007 at 4:38 pm

Ian, this is the grimmest post I have read in a long time.

20

*behindthefall* says:  
July 21st, 2007 at 4:40 pm

Ian — I think you wanted to have the line beginning “Have the judge able to take into consideration...” in bold like your other headings.

Thanks very much for this post. Oh dear. When did we begin to hate the less-privileged among us so? Or at least, perhaps always having hated them, when did we lapse into deciding that they deserved unequal treatment? No, that won’t work either ... we’ve always done that, too. Uh, well, when did the privileged lose their fine sense of self-interest?

21

*Ian Welsh* says:  
July 21st, 2007 at 4:41 pm

*Carl from L.A. @ 18*

Have you really read Bush’s proclamation?

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Legal doesn't mean just. I was outraged when I heard the bill, but I actually wound up consulting with two US lawyers, one of whom works in this area of law, and they both said they thought it was probably legal and would probably be upheld by the courts (bear in mind, Congress has given a lot of power to the President in this regard, according to the lawyers the statutes listed in the order are relevant and can easily, without a stretch, be argued to give him this authority).

Again - legal doesn't mean Just and one must be careful not to argue concerns of justice on narrow legal grounds.

[22](#)

*Elliott*  says:

July 21st, 2007 at 4:43 pm

well it all scares me. especially the rather blase way it's happening.

[23](#)

*wigwam* says:

July 21st, 2007 at 4:44 pm

[Carl from L.A. @ 18](#)

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Basically it says that if the Secretary of the Treasury decides that you pose an impediment to progress in Iraq, the government can seize and liquidate your assets without prior warning (which implies without due process). So kiss the fifth amendment “goodbye”.

[24](#)

[Ian Welsh](#) says:

July 21st, 2007 at 4:44 pm

[behindthefall @ 20](#)

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Thanks for the catch behindthefall, fixed it. Had some connection issues and was posting in a rush (and I compose in Wordpad, so there's a bit of conversion required.)

I think your point about “self interest” isn't a bad one. People hate “slippery slope” arguments, but ultimately, the privileged and powerful always saw these laws and trends as applying to other people - not to them, or people like them (their friends, families, etc...) It's the primary sin of the US, which is that for the elites, things really have never been better in most ways and all the ugly, punitive and disastrous things they have done mostly don't effect them, so to them, the world is great and the future is glorious!

[25](#)

[Ed\\*ard Teller](#)  says:

July 21st, 2007 at 4:44 pm

[behindthefall @ 20](#)

Uh, well, when did the privileged lose their fine sense of self-interest?

When they were allowed to accumulate so much wealth that they utterly failed to understand their relationship to a general social contract. This fascist state phase is an inevitable outgrowth of that. It is being erected largely to keep a big barrier between their wealth and what it means to them, and us.

[26](#)

[LS](#) says:

July 21st, 2007 at 4:45 pm

Directive 51, 1943 - Germany

Directive 51, 2007 - The Homeland

Google it, if you are interested.

[27](#)

[BigMitch](#)  says:

July 21st, 2007 at 4:45 pm

Hello.

[28](#)

[TexB](#)  says:

July 21st, 2007 at 4:47 pm

[Elliott @ 22](#)

well it all scares me. especially the rather blase way it's happening.

I am with you.

[29](#)

[Ed\\*ard Teller](#)  says:

July 21st, 2007 at 4:47 pm

[BigMitch @ 27](#)

Hello.

Uh oh! Another attorney. Gorgeous day, eh, Mitch?

[30](#)

*Oklahoma kiddo* says:

July 21st, 2007 at 4:48 pm

Buckley is a real conservative. That is, he doesn't believe in foreign adventures or deficit spending or intrusion into our bedrooms or whatever. Conservatives believe in taxation 'with' representation. They do not think we should be the policeman of the world. They come down in favor of separation of church and state. And they like the idea of three independent branches of government with attendant checks and balances. What we have in Bush and the rest is not 'conservatives'. We have fascists. An altogether different animal. Conservatives should realize they've been had by the GOP, the Republican Party and George Bush.

[31](#)

*LS* says:

July 21st, 2007 at 4:48 pm

Boiling frogs.

[32](#)

[TexB](#)  says:

July 21st, 2007 at 4:49 pm

[Ed\\*ard Teller @ 25](#)

[behindthefall @ 20](#)

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When they were allowed to accumulate so much wealth that they utterly failed to understand their relationship to a general social contract. This fascist state phase is an inevitable outgrowth of that. It is being erected largely to keep a big barrier between their wealth and what it means to them, and us.

It literally hurts to think how race and class can still be such determinants of “justice” and “rights” in this country. Shameful.

[33](#)

*eCAHNomics* says:

July 21st, 2007 at 4:49 pm

[LS @ 31](#)

Boiling frogs.

See me @ 5.

[34](#)

*Elliott*  says:

July 21st, 2007 at 4:50 pm

[LS @ 31](#)

Boiling frogs.

we are!

[35](#)

*LS* says:

July 21st, 2007 at 4:50 pm

[eCAHNomics @ 33](#)

[LS @ 31](#)

Boiling frogs.

See me @ 5.

I second that ribbitt.

[36](#)

*TexB*  says:

July 21st, 2007 at 4:51 pm

[LS @ 31](#)

Boiling frogs.

It's just too easy to attribute malice to the poor frogs that have been burnt up and not to notice who's feeding more gas to the stove.

[37](#)

*wigwam* says:

July 21st, 2007 at 4:52 pm

[Ian Welsh @ 21](#)

[Carl from L.A. @ 18](#)

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This country is on the very edge of becoming a fascist dictatorship in the most literal meaning of the term. It has been obvious for years that that was Bush's goal, and he has just about achieved it, while "liberals" sit around and wonder about the legality of starving to death his opponents, or whether it would be a good idea to fight back.

Wake up- it's out with Bush and Cheney, or out with all of the rest of us. Take your choice.

Legal doesn't mean just. I was outraged when I heard the bill, but I actually wound up consulting with two US lawyers, one of whom works in this area of law, and they both said they thought it was probably legal and would probably be upheld by the courts (bear in mind, Congress has given a lot of power to the President in this regard, according to the lawyers the statutes listed in the order are relevant and can easily, without a stretch, be argued to give him this authority).

Again - legal doesn't mean Just and one must be careful not to argue concerns of justice on narrow legal grounds.

It may be legal, but it is not constitutional. Per Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury ... nor be deprived of life, liberty, or property, without due process of law ...

But, as you point out, we've relinquished this liberty by allowing it to be breached in the case of accused drug traffickers. "No skin off my ass; I don't traffic in drugs."

38

*NorskeFlamethrower* says:

July 21st, 2007 at 4:54 pm

1,583 DAYZ AND THE KILLIN' GOEZ ON AND ON AND..

Citizen Ian Welsh and the Firepup Patriots:

Your post is absolutely spot on...most of the actions of the administration or it's kangaroo courts are either by precedent or interpretation "lawful". Maybe now folks who have had religious faith in the *idea* of rule of law and reason will come to understand that the system as it has evolved over the last 200 years serves the interests of property and class and is used as a mechanism of social and political control of the majority of folks. The *idea* of an egalitarian rule of law or blind justice has NEVER been a reality and the few cases that saved individuals against the powerful are simply exceptions that when analyzed, prove the rule.

We have a crisis of constitutional governance here that can only be solved by politics and the power of the politics that will solve this crisis will only come from the street. If we don't use our power to assemble and "petition" our governors, we will lose it though application of the law through the courts sure as George Bush is a fascist

So let's stop tryin' ta figure out the next legal "gambit" that someone else must advance in the courts to get our democracy back and stop the crimes bein' committed in our name under the existing "rule of law"...let's put the heat on our elected Democratic leaders to take these criminals down *politically* and then go about the job of cleanin' up the legal system.

KEEP THE FAITH AND PASS THE AMMUNITION...THEY WON'T GIVE UP WITHOUT A FIGHT!!

39

*A'57* says:

July 21st, 2007 at 4:54 pm

*LS @ 14*

*Eureka Springs @ 10*

I will never cease to be amazed at how many so called conservatives are so willing and able to dismiss the significance of our lost civil liberties.

Should be an American issue, not at all partisan.

I was talking to a "conservative" about eavesdropping and loss of civil liberties one day... they seem to think that although the laws are there, "they" will never be affected, because "they" are not at fault. They think the laws are designed for the "bad guys" who deserve to be watched, and that to imagine it would ever be abused and used against "good" guys in any kind of corrupt fashion, is a ridiculous thought and, quite frankly, unpatriotic.

“When the Nazis came for the communists,  
I remained silent;  
I was not a communist.

When they locked up the social democrats,  
I remained silent;  
I was not a social democrat.

When they came for the trade unionists,  
I did not speak out;  
I was not a trade unionist.

When they came for me,  
there was no one left to speak out.”

[40](#)

*LS* says:

July 21st, 2007 at 4:55 pm

Lies leading to so-called war.

No Habeas.

Executive Privilege.

RNC infiltration in all departments.

VP Executive office, not executive office.

Obstruction of all oversight.

Eavesdropping illegally on American citizens without a warrant.

Torturing in the name of the Homeland.

Directive to take over all three branches of government.

Executive Order to freeze assets of those who interfere with the Homeland's plans for Iraq.

No declaration of war on Iraq.

No war powers.

Not a pretty froggy picture.

[41](#)

*LS* says:

July 21st, 2007 at 4:57 pm

[TexB @ 36](#)

[LS @ 31](#)

Boiling frogs.

It's just too easy to attribute malice to the poor frogs that have been burnt up and not to notice who's feeding more gas to the stove.

Bad froggies, bad, bad, unpatriotic froggies, tadpoles, and frog spawn!!!

42

[yellowdog jim](#)  says:  
July 21st, 2007 at 4:58 pm

LS @ 7

Yellowdog Jim and LS are EPUing this again...we keep getting caught at the end of everything..tee,hee..anyway - it is On Topic:

<http://www.theleftcoaster.com/archives/010683.php>

thanks again LS.

43

LS says:  
July 21st, 2007 at 4:59 pm

My dog once caught a frog. It caused a bunch of foaming at the mouth and all kinds of conniptions. Not wise of my dog. Never went after a frog again.

44

[Oklahoma kiddo](#) says:  
July 21st, 2007 at 4:59 pm

“...let’s put the heat on our elected Democratic leaders to take these criminals down politically and then go about the job of cleanin’ up the legal system.”

;0)

45

[argosfalcon](#)  says:  
July 21st, 2007 at 4:59 pm

So its just one more brick in the walling off of our rights and liberties, and the silence of the MSM is deafening, what was once a topic of the fringes is coming to pass. It’s like seeing a forest fire and even being able to convince someone all that smoke is not a BBQ gone wrong.

46

[TexB](#)  says:  
July 21st, 2007 at 4:59 pm

My sister in law is a victim of the war on drugs. I was not living in the same town or directly involved in happenings around her case until after her second arrest, but I have a very strong suspicion that things would have been very different if her skin had been lighter and her ancestry more European. Being Texas, still no possibility of treatment RATHER than jail, but perhaps a more lenient ~~sentence~~-plea bargain.

47

[nonplussed](#)  says:  
July 21st, 2007 at 5:00 pm

Superb post. The point about jury duty & plea deals is particularly well taken. As for the “War on Drugs” more Billions well spent. Simply another case of the Government for the People, of the People, and by the people listening to the People.

[48](#)

*behindthefall* says:

July 21st, 2007 at 5:00 pm

[A'57 @ 39](#)

snip

“When the Nazis came for the communists,  
I remained silent;  
I was not a communist.

When they locked up the social democrats,  
I remained silent;  
I was not a social democrat.

When they came for the trade unionists,  
I did not speak out;  
I was not a trade unionist.

When they came for me,  
there was no one left to speak out.”

Where’s that from? It sounds vaguely familiar, and right now, it sounds like genius.

[49](#)

*LS* says:

July 21st, 2007 at 5:00 pm

[argosfalcon @ 45](#)

So its just one more brick in the walling off of our rights and liberties, and the silence of the MSM is deafening, what was once a topic of the fringes is coming to pass. It’s like seeing a forest fire and even being able to convince someone all that smoke is not a BBQ gone wrong.

MSM apparently does not recognize themselves as the froggies they are.

[50](#)

*BigMitch*  says:

July 21st, 2007 at 5:02 pm

Hi ET — good to see you. Man o man, it is gorgeous today.

Ian, I congratulate you on an excellent post. I would take exception to one small thing, which is the inference in this sentence.

“The rich get good counsel, the poor, if they’re lucky, get an overworked public defender who, even if he gives a damn, simply doesn’t have the time and resources to give them the best defense. “

My experience working with public defenders is that they are highly dedicated, capable, caring individuals, totally dedicated to the defense of their clients. Frequently they have MORE resources than the average middle class client, who can afford a lawyer, (therefore not qualified for a P.D. but not his own expert witnesses or investigators.)

It is true that they are overworked, and more directly to the point of your post, more inclined to take a plea bargain. But since they do a high volume business with the D.A. they sometimes get a better deal than a private attorney could negotiate. So the fact that P.D.s are more likely to make plea deals doesn’t mean that they serve their clients any worse than private attorneys. Another fact is that a guy who is caught in the act and knows that he will be convicted (or confessed before he got a lawyer) and qualifies for a P.D. is likely to stick with him. If he has a triable defense, he may borrow from friends and family to get a private attorney. This fact skews the statistics relating to P.D.s giving rise to the impression that they sell their clients down the river, resulting in them going up the river, if you follow my metaphore here on the lake.

[51](#)

*Sid58* says:

July 21st, 2007 at 5:03 pm

The quote “When they came....” is from Pastor Niemoller (sp?).

[52](#)

*argosfalcon*  says:

July 21st, 2007 at 5:04 pm

[LS @ 49](#)

[argosfalcon @ 45](#)

So its just one more brick in the walling off of our rights and liberties, and the silence of the MSM is deafening, what was once a topic of the fringes is coming to pass. It’s like seeing a forest fire and even being able to convince someone all that smoke is not a BBQ gone wrong.

MSM apparently does not recognize themselves as the froggies they are.

Well I have always seen them as toads, and in doing so found myself apologizing to the amphibians for comparing them to that group of clueless fools.

[53](#)

*BigMitch*  says:

July 21st, 2007 at 5:05 pm

[behindthefall @ 48](#)

[A’57 @ 39](#)

snip

“When the Nazis came for the communists,  
I remained silent;  
I was not a communist.

When they locked up the social democrats,  
I remained silent;  
I was not a social democrat.

When they came for the trade unionists,  
I did not speak out;  
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When they came for me,  
there was no one left to speak out.”

Where’s that from? It sounds vaguely familiar, and right now, it sounds like genius.

Martin Niemöller

Martin Niemoller on a post stamp, painted by Gerd Aretz in 1992

Born January 14, 1892 in Lippstadt, Germany

Died March 6, 1984 in Wiesbaden, Germany

Church Evangelical Church in Germany

Confessing Church

Evangelical Church in Hesse and Nassau

Writings First they came...

Stuttgart Declaration of Guilt

Congregations served St. Anne’s in Dahlem, Germany

Offices held President, Evangelical Church in Hesse and Nassau (1945-1961)

President, World Council of Churches (1961-1968)

Title Ordained Pastor

Friedrich Gustav Emil Martin Niemöller (January 14, 1892 – March 6, 1984) was a prominent German anti-Nazi theologian[1] and Lutheran pastor. He is best known as the author of the poem First they came....

54

*Oklahoma kiddo* says:

July 21st, 2007 at 5:06 pm

If we want freedom and liberty, there’s a price to be paid. And that price is the understood need to fight for it and to sacrifice.

From Lahoma and I to you Mr. Bush.

<http://www.youtube.com/watch?v=N4v6qRdnKas>

55

*A’57* says:

July 21st, 2007 at 5:08 pm

[behindthefall @ 48](#)

[A'57 @ 39](#)

snip

“When the Nazis came for the communists,  
I remained silent;  
I was not a communist.

When they locked up the social democrats,  
I remained silent;  
I was not a social democrat.

When they came for the trade unionists,  
I did not speak out;  
I was not a trade unionist.

When they came for me,  
there was no one left to speak out.”

Where’s that from? It sounds vaguely familiar, and right now, it sounds like genius.

One of many variations of a poem in German attributed to Pastor Martin Niemöller (1892–1984) about the inactivity of German intellectuals following the Nazi rise to power and the purging of their chosen targets, group after group.

[56](#)

*mls* says:

July 21st, 2007 at 5:08 pm

This is very telling..Congressman (member of homeland security committee no less) denied access...

<http://www.oregonlive.com/news.....7#continue>

[57](#)

*dakine01*  says:

July 21st, 2007 at 5:08 pm

[BigMitch @ 50](#)

Hi ET — good to see you. Man o man, it is gorgeous today.

Ian, I congratulate you on an excellent post. I would take exception to one small thing, which is the inference in this sentence.

“The rich get good counsel, the poor, if they’re lucky, get an overworked public defender who, even if he gives a damn, simply doesn’t have the time and resources to give them the best defense. “

My experience working with public defenders is that they are highly dedicated, capable, caring individuals, totally dedicated to the defense of their clients. Frequently they have MORE resources than the average middle class client, who can afford a lawyer, (therefore not qualified for a P.D. but not his own expert witnesses or investigators.)

It is true that they are overworked, and more directly to the point of your post, more inclined to take a plea bargain. But since they do a high volume business with the D.A. they sometimes get a better deal than a private attorney could negotiate. So the fact that P.D.s are more likely to make plea deals doesn't mean that they serve their clients any worse than private attorneys. Another fact is that a guy who is caught in the act and knows that he will be convicted (or confessed before he got a lawyer) and qualifies for a P.D. is likely to stick with him. If he has a triable defense, he may borrow from friends and family to get a private attorney. This fact skews the statistics relating to P.D.s giving rise to the impression that they sell their clients down the river, resulting in them going up the river, if you follow my metaphore here on the lake.

Mitch, I don't doubt your experiences with PDs but were you dealing with PDs in place like NYC or LA or DC or Miami? From all that I have read about the "justice" system in those areas, the PDs are heavily overworked with minimal resources. Plus, in a lot of the states in the south, the PDs are capped at how much an hourly rate they can charge the state at something like \$35 per hour with no resources for experts.

58

[Ian Welsh](#) says:

July 21st, 2007 at 5:10 pm

[wigwam @ 37](#)

[Ian Welsh @ 21](#)

Legal doesn't mean just. I was outraged when I heard the bill, but I actually wound up consulting with two US lawyers, one of whom works in this area of law, and they both said they thought it was probably legal and would probably be upheld by the courts (bear in mind, Congress has given a lot of power to the President in this regard, according to the lawyers the statutes listed in the order are relevant and can easily, without a stretch, be argued to give him this authority).

Again - legal doesn't mean Just and one must be careful not to argue concerns of justice on narrow legal grounds.

It may be legal, but it is not constitutional. Per Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury ... nor be deprived of life, liberty, or property, without due process of law ...

But, as you point out, we've relinquished this liberty by allowing it to be breached in the case of accused drug traffickers. "No skin off my ass; I don't traffic in drugs."

Ah, but what is “due process of law”. All it has to mean is that the law has been followed.

Right?

That’s what they’ll argue, anyway - this is the law, and we’re following it.

[59](#)

*behindthefall* says:

July 21st, 2007 at 5:10 pm

[Sid58 @ 51](#)

The quote “When they came....” is from Pastor Niemoller (sp?).

Wow.

Good Wikipedia article: <http://en.wikipedia.org/wiki/F.....ame...>

[60](#)

*argosfalcon*  says:

July 21st, 2007 at 5:10 pm

It seems more want discount freedom and liberty (a 90% off type deal) where the real cost is not seen until its far to late and generally paid by someone else first.

[61](#)

*BigMitch*  says:

July 21st, 2007 at 5:10 pm

The version inscribed at the United States Holocaust Memorial Museum in Washington, D.C. reads:

First they came for the Social\*sts, and I did not speak out -  
because I was not a Social\*st.

Then they came for the Trade Unionists, and I did not speak out -  
because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out -  
because I was not a Jew.

Then they came for me - and there was no one left to speak for me.

*Edited and released by MOD.*

[62](#)

*dmac* says:

July 21st, 2007 at 5:11 pm

ian at 9 says-”Could be done with old fashioned rotary phones too, apparently (different method, same result). One of my friends worked at Bell in the 80’s and I remember him telling me about it.”

ummmmmmmmm.....(looking over my shoulder, twice)....yep, they could do that.....and much more.

63

*LS* says:

July 21st, 2007 at 5:13 pm

<http://www.britannica.com/eb/a.....-Number-51>

I expect that all agencies will make a supreme effort toward utilizing every moment of the remaining time in preparing for the decisive battle in the West.

All authorities will guard against **wasting time and energy in useless jurisdictional squabbles**, and will direct all their efforts toward strengthening our defensive and offensive power.

signed: Adolf Hitler

<http://www.whitehouse.gov/news.....09-12.html>

64

*Ian Welsh* says:

July 21st, 2007 at 5:13 pm

*BigMitch @ 50*

Hi ET — good to see you. Man o man, it is gorgeous today.

Ian, I congratulate you on an excellent post. I would take exception to one small thing, which is the inference in this sentence.

“The rich get good counsel, the poor, if they’re lucky, get an overworked public defender who, even if he gives a damn, simply doesn’t have the time and resources to give them the best defense. “

My experience working with public defenders is that they are highly dedicated, capable, caring individuals, totally dedicated to the defense of their clients. Frequently they have MORE resources than the average middle class client, who can afford a lawyer, (therefore not qualified for a P.D. but not his own expert witnesses or investigators.)

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Fair enough, sounds like you know the details better than I. I think we can both agree, however, that the rich get far better counsel, on average, than either the poor or middle class since they can afford, in effect, to pay for more of it (entire teams, if necessary, for as long as necessary.)

65

Ian Welsh says:

July 21st, 2007 at 5:15 pm

dmac @ 61

ian at 9 says-"Could be done with old fashioned rotary phones too, apparently (different method, same result). One of my friends worked at Bell in the 80's and I remember him telling me about it."

ummmmmmmmm.....(looking over my shoulder, twice)....yep, they could do that.....and much more.

Dead easy to use your cell phone as a triangulating device too, as far as that goes.

If you don't want a little betrayer sitting in your pocket, actually pull out the batteries when not in use.

Mind you, I don't even own a cell phone, so what do I know. I'll get one eventually, but the idea of being "on call" and "hooked in" all the time is actually unpleasant to me. I like to be unhooked.

66

Oklahoma kiddo says:

July 21st, 2007 at 5:16 pm

JOHANNESBURG, South Africa - Bill Clinton charmed crowds in South Africa this week, showing the diplomatic skills he could put to use if his wife becomes America's first female president.

<http://www.msnbc.msn.com/id/19888577/>

67

BigMitch  says:

July 21st, 2007 at 5:17 pm

dakine01 @ 57

Mitch, I don't doubt your experiences with PDs but were you dealing with PDs in place like NYC or LA or DC or Miami? From all that I have read about the "justice" system in those areas, the PDs are heavily overworked with minimal resources. Plus, in a lot of the states in the south, the PDs are capped at how much an hourly rate they can charge the state at something like \$35 per hour with no resources for experts.

I am speaking of Anchorage Alaska, and I admit that our justice system here leaves a lot to be desired, but is still a lot better than many if not most.

If the state doesn't nickle and dime you on the bill \$35 an hour may not be too bad in a southern state; it can easily produce \$70,000 a year, plus what you make on your private cases.

I was speaking of public defender agencies where the attorney is salaried usually at a comfortable level, though less than is assumed to be made in the private sector. There are many good reasons for choosing to have a private attorney, and you hit on some of them. But it is a mistake to question the caring or commitment of the P.D.s I have known.

[68](#)

[TexB](#)  says:

July 21st, 2007 at 5:17 pm

[Oklahoma kiddo @ 65](#)

JOHANNESBURG, South Africa - Bill Clinton charmed crowds in South Africa this week, showing the diplomatic skills he could put to use if his wife becomes America's first female president.

<http://www.msnbc.msn.com/id/19888577/>

Does this mean that he wouldn't be willing to be an ambassador with a different dem president?

[69](#)

[argosfalcon](#)  says:

July 21st, 2007 at 5:18 pm

A friend from Russia use to tell me that he always kept a blue shirt and a red tie with him (it was I guess a communist dress code thing), now I wonder what color brown goes well with fascism.

[70](#)

[kirk murphy](#)  says:

July 21st, 2007 at 5:20 pm

Great post, Ian.

*It's mourning in America.*

[71](#)

[NorskeFlamethrower](#) says:

July 21st, 2007 at 5:21 pm

1,582 DAYZ AND THE KILLIN' GOEZ ON AND ON AND..

Citizens Oklahoma kiddo and Lahoma and all the Firepup Patriots:

“If we want freedom and liberty, there is a price to be paid. And that price is the understood need to fight for it and to sacrifice.”

Bless you kiddo...many of us thought we had paid the price through service and survival only to come to understand that we had only served the slaveholder. I have 3 beautiful children to whom I pledged that they would not be called to ever give or take life for profit, if my promise is to be kept I need the help of others. I need the help of those whose talents of communication and organization are beyond my own. I need the help of those who are willing to lend their talents to empowering others. I need the help

of others to teach my children the courage of citizenship and the power of common people in action together.

We need to get our asses into the streets all across this nation this summer and be ready after Labor Day to mass outside the doors of the assemblies all across this land...if we don't our freedom will be taken from us LEGALLY and we won't have any answer to our kids when they ask us why we let it happen.

And watch for Mrs. Clinton to become the "unity" candidate of the corporations...

KEEP THE FAITH AND GET AL GORE INTO THE RACE!!

[72](#)

*sporkovat* says:

July 21st, 2007 at 5:22 pm

Asset forfeiture didn't begin under Bush. The No Fly list didn't begin under Bush.  
Punishing people for crimes they had never been convicted of, didn't begin under Bush.

lets not forget to thank the Party of the Least Worst for helping roll back our rights all these years!

makes things a little less comfortably binary, doesn't it?

[73](#)

*dakine01*  says:

July 21st, 2007 at 5:23 pm

[BigMitch @ 66](#)

[dakine01 @ 57](#)

Mitch, I don't doubt your experiences with PDs but were you dealing with PDs in place like NYC or LA or DC or Miami? From all that I have read about the "justice" system in those areas, the PDs are heavily overworked with minimal resources. Plus, in a lot of the states in the south, the PDs are capped at how much an hourly rate they can charge the state at something like \$35 per hour with no resources for experts.

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I was speaking of public defender agencies where the attorney is salaried usually at a comfortable level, though less than is assumed to be made in the private sector. There are many good reasons for choosing to have a private attorney, and you hit on some of them. But it is a mistake to question the caring or commitment of the P.D.s I have known.

Oh, I do not in any way question the commitment of those who work in the PD office. They have to be

committed (or maybe committable) to put up with the sh\*t that is inherently passed their way by the legislatures and politicians. It is that they are often forced to do thankless work under far less than ideal circumstances.

74

*Oklahoma kiddo* says:

July 21st, 2007 at 5:24 pm

My six year old cousin, Desiree has a cell phone and tells me, “kiddo, I couldn’t live without it”. (My gawd. I think.) And being the smarty pants she is, she follows this up by telling me “it’s just like you and your computers”. Keep in mind though, that this little girl already knows how to solve for two variables. I’m going to teach her ‘Cramer’s Rule next’.

75

*wigwam* says:

July 21st, 2007 at 5:24 pm

The Project for a New American Century is an effort to establish the Fourth Reich. Many Sunni insurgents have given their lives to derail that project. I don’t approve of their tactics, but it is they who have prevented the neocons from consolidating their power, not just in Baghdad but in Washington as well.

76

[Ed\\*ard Teller](#)  says:

July 21st, 2007 at 5:25 pm

[BigMitch @ 50](#)

Hi ET — good to see you. Man o man, it is gorgeous today.

Ms. ET and I are sitting out on the deck, eating [little salads](#). Just gave my dog a bath.

77

*Oklahoma kiddo* says:

July 21st, 2007 at 5:25 pm

[TexB @ 67](#)

[Oklahoma kiddo @ 65](#)

JOHANNESBURG, South Africa - Bill Clinton charmed crowds in South Africa this week, showing the diplomatic skills he could put to use if his wife becomes America’s first female president.

<http://www.msnbc.msn.com/id/19888577/>

Does this mean that he wouldn’t be willing to be an ambassador with a different dem president?

I’m a Gore fan. As you might perhaps know. ;0)

78

[TexB](#)  says:

July 21st, 2007 at 5:25 pm

[Oklahoma kiddo @ 73](#)

My six year old cousin, Desiree has a cell phone and tells me, “kiddo, I couldn’t live without it”. (My gawd. I think.) And being the smarty pants she is, she follows this up by telling me “it’s just like you and your computers”. Keep in mind though, that this little girl already knows how to solve for two variables. I’m going to teach her ‘Cramer’s Rule next’.

Yikes! I live with two like this. Best of luck my friend.

79

[Steve T.](#) says:

July 21st, 2007 at 5:25 pm

[Eureka Springs @ 10](#)

I will never cease to be amazed at how many so called conservatives are so willing and able to dismiss the significance of our lost civil liberties.

It’s part of how self-centered we’ve become as a culture, and how narrow-minded. People do care about civil liberties, but they only care about the ones that they personally use. The rest, feh. Since civil liberties generally are the legal protection of the powerless against the powerful, and since those conservatives who aren’t themselves powerful identify with those who are.... Q.E.D.

80

[TeddySanFran](#) says:

July 21st, 2007 at 5:27 pm

[Elliott @ 22](#)

well it all scares me. especially the rather blase way it’s happening.

At the same time our Senate votes unanimously with Joe Lieberman to practically declare war on Iran. It seems like it’s all happening in slow motion. Is this what 1939 felt like?

81

[yellowdog jim](#)  says:

July 21st, 2007 at 5:30 pm

[Ian Welsh @ 9](#)

[yellowdog jim @ 3](#)

i was off topic two(three) threads back  
AND i epu-ed myself on both threads.

i am in Ian’s debt for getting me On Topic now:

ah  
can you hear me now?

Could be done with old fashioned rotary phones too, apparently (different method, same result). One of my friends worked at Bell in the 80's and I remember him telling me about it.

that is true.  
i was witness to a government (wireless) wire tap clipped to the speaker of an emergency elevator phone.  
spooks screwed up the legit phone operation, so we took the bug out of service.  
my boss turned the bug on at the shop and told them to come and get it.  
they did.

Howsome so ever, we weren't carrying our rotary phones around with us everywhere.  
and the rotary's wouldn't take software uploads perhaps for specific calls we might make.

still ....

82

*Bloix* says:

July 21st, 2007 at 5:30 pm

It's worth adding that Guantanamo didn't begin under Bush. During the Clinton administration Haitians picked up at sea were detained at Guantanamo, and denied their legal right to demand asylum in the US on the theory that they were legally outside the US and had no right to the protections of the US law.

83

*LS* says:

July 21st, 2007 at 5:32 pm

*Ed\*ard Teller @ 75*

*BigMitch @ 50*

Hi ET — good to see you. Man o man, it is gorgeous today.

Ms. ET and I are sitting out on the deck, eating [little salads](#). Just gave my dog a bath.

My dog needs a bath, but when I say the word "bath", he's long gone...

Hey ET, maybe you want to swap some of that smoked salmon you smoked for some yellow squash...!!!!!!!

Bwaahhaaha...just a joke!!! A joke!!!

Your evening sounds positively heavenly!! Enjoy!!

84

*Scarecrow* says:

July 21st, 2007 at 5:33 pm

Excellent post, Ian — thanks for the broader perspective.

85

*diogenes* says:

July 21st, 2007 at 5:35 pm

*LS @ 14*

*Eureka Springs @ 10*

I will never cease to be amazed at how many so called conservatives are so willing and able to dismiss the significance of our lost civil liberties.

Should be an American issue, not at all partisan.

I was talking to a “conservative” about eavesdropping and loss of civil liberties one day... they seem to think that although the laws are there, “they” will never be affected, because “they” are not at fault. They think the laws are designed for the “bad guys” who deserve to be watched, and that to imagine it would ever be abused and used against “good” guys in any kind of corrupt fashion, is a ridiculous thought and, quite frankly, unpatriotic.

Then why don't said conservatives demand Bush/Cheney cooperate with congressional investigations?

If they've done no wrong, they have nothing to hide, right?

86

*dmac* says:

July 21st, 2007 at 5:35 pm

ian at 65 says-”Dead easy to use your cell phone as a triangulating device too, as far as that goes.

If you don't want a little betrayer sitting in your pocket, actually pull out the batteries when not in use.

Mind you, I don't even own a cell phone, so what do I know. I'll get one eventually, but the idea of being “on call” and “hooked in” all the time is actually unpleasant to me. I like to be unhooked.”

i used to work there, from what i hear, disconnecting the battery is just extra work for the user, and means nothing.....that's what i heard.....and i believe it.....

and does anyone else wonder, due to voice prints and satellites, that they didn't/ and don't know exactly where osama was/is.....

gimme a break, that technology was being used in the 80's....i know that for a fact....gimme a break.....if he used a phone, which it was reported he did, they knew exactly where he was.....no doubt about it in my mind.....and if he's alive, he never uses the phone????????????? righhhhhhhht.

and ian-and in my hometown, if you had a public defender, you were screwed.

87

*eCAHNomics* says:

July 21st, 2007 at 5:35 pm

*Bloix @ 82*

It's worth adding that Guantanamo didn't begin under Bush. During the Clinton administration Haitians picked up at sea were detained at Guantanamo, and denied their legal right to demand asylum in the US on the theory that they were legally outside the US and had no right to the protections of the US law.

Everything is Clinton's fault. Check this out to find out how he & bleeding heart liberals contributed to the rise of al Qaeda thru the Bosnian & Kosovo wars. (Hint: they gave AQ someplace to go after Afghanistan, and made war into a righteous cause.)

<http://www.antiwar.com/blog/20.....an-oneill/>

88

*Miss P.* says:

July 21st, 2007 at 5:36 pm

Totally OT (and I have to run) but isn't there some sort of conflict of interest when a DOJ employee swears oath to Bush rather than the constitution? On record?

89

*dakine01*  says:

July 21st, 2007 at 5:36 pm

*diogenes @ 85*

*LS @ 14*

I was talking to a "conservative" about eavesdropping and loss of civil liberties one day...they seem to think that although the laws are there, "they" will never be affected, because "they" are not at fault. They think the laws are designed for the "bad guys" who deserve to be watched, and that to imagine it would ever be abused and used against "good" guys in any kind of corrupt fashion, is a ridiculous thought and, quite frankly, unpatriotic.

Then why don't said conservatives demand Bush/Cheney cooperate with congressional investigations?

**If they've done no wrong, they have nothing to hide, right?**

My Bold. DING!DING!DING!DING!DING!

90

*eCAHNomics* says:

July 21st, 2007 at 5:36 pm

My dog needs a bath, but when I say the word "bath", he's long gone...

You don't spell in front of your dog?

91

*behindthefall* says:

July 21st, 2007 at 5:37 pm

*LS @ 26*

Directive 51, 1943 - Germany

Directive 51, 2007 - The Homeland

Google it, if you are interested.

Thanks for bringing this up. I haven't been able to remember where I read about POTUS being able to declare unilaterally his (her) assumption of extraordinary powers.

I read through Directive 51 again just now (<http://www.whitehouse.gov/news.....09-12.html>), and it didn't seem that bad: responsible, almost.

Then I read this blog entry (<http://mickarran.com/2007/05/2.....t-annexes/>), which pointed out possibly dangerously sloppy contradictions in its wording and structure. E.g., no specification that the triggering event had to directly affect the gov in DC, and what's POTUS doing ensuring that all three branches of government function if each is presumed to have its own emergency plans?

92

*BigMitch*  says:

July 21st, 2007 at 5:37 pm

The idea that there is a right to jury nullification is also controversial. Prosecutors will tell you the opposite, which I am sure is as shocking as gambling in Casablanca. Either way, when the jury says the magic words, "Not Guilty," there is no further inquiry, and the defendant has double jeopardy protection from further prosecution.

As to forfeiture, this is a neat little legal fiction. The constitution says that "no one shall be deprived of life, liberty or property without due process of law." So, if the government is going to "take" your property, e.g. a car used to transport drugs, you would expect a trial, or at least some kind of "due process hearing," which at minimum requires notice and opportunity to be heard. You would expect that but you would be wrong.

The reason is because of this legal fiction: the government didn't take your car. (There was no taking.) Rather you gave it up (forfeited it.) Bummer for you. You can petition the government for a remission of forfeiture, but the burden is on you. Things that can be forfeited include the proceeds of crime, which, on the face of it, makes sense. However, if you worked hard, and payed on your mortgage for 15 years, until your wife got sick and you needed some money so you did something stupid for which you got paid and used the money to make a mortgage payment, the law has a succinct answer for you. Tough shit.

Often, the first notice that a guy has that the government is going to bust him is that all of his assets are seized. Not so easy to get a lawyer in those circumstances. See Answer of Government, supra.

Finally, governments are using the simple "punishment" of forfeiture more and more. For example, in

Anchorage, the municipality passed a law saying that Johns who pick up hookers forfeit their cars. Double bummer if the car was the family vehicle, and wife didn't know that hubby was getting a head in life. Or not. Or if your entire income comes from rents from an apartment building that you own. Some knucklehead starts dealing pot out of apartment 2F. Double F for you, if you catch my drift. Forfeiture is routine in fish and game violations, and in Alaska that means you can lose a float plane which hurts. Notice that in most of these cases, we are talking about misdemeanors.

The federal government some years ago took up a zero tolerance policy, and since remissions are within the prerogatives of the government, they are increasingly rare.

[93](#)

*LS* says:

July 21st, 2007 at 5:37 pm

[diogenes @ 84](#)

[LS @ 14](#)

I was talking to a “conservative” about eavesdropping and loss of civil liberties one day...they seem to think that although the laws are there, “they” will never be affected, because “they” are not at fault. They think the laws are designed for the “bad guys” who deserve to be watched, and that to imagine it would ever be abused and used against “good” guys in any kind of corrupt fashion, is a ridiculous thought and, quite frankly, unpatriotic.

Then why don't said conservatives demand Bush/Cheney cooperate with congressional investigations?

If they've done no wrong, they have nothing to hide, right?

That is exactly the crux of the point. They think Bush/Cheney reflect them. They think they are like them...the whole BBQ thing. They think Bush/Cheney is “everyman”. That is the genius of KKKRove, so they question nothing.

[94](#)

*David Olsen* says:

July 21st, 2007 at 5:38 pm

*Is this what 1939 felt like?*

Spain, 1939. See Auden, W.H.

All the elements were there in the Spanish Civil War for the greater conflagration to come.

[95](#)

*Elliott*  says:

July 21st, 2007 at 5:39 pm

[TeddySanFran @ 80](#)

[Elliott @ 22](#)

well it all scares me. especially the rather blase way it's happening.

At the same time our Senate votes unanimously with Joe Lieberman to practically declare war on Iran. It seems like it's all happening in slow motion. Is this what 1939 felt like?

it must be, Teddy

[96](#)

[cynic](#) says:

July 21st, 2007 at 5:39 pm

Dems in Congress won't do anything. They're in on it.

*[Mod Note; personal information removed from public view.]*

[97](#)

[LS](#) says:

July 21st, 2007 at 5:40 pm

[eCAHNomics @ 89](#)

My dog needs a bath, but when I say the word "bath", he's long gone...

You don't spell in front of your dog?

I absolutely do spell, but he spells too!!! Arthur is an Old English Mastiff. Nothing, and I mean nothing, nada, zilch, gets by him. He's freaky deaky intelligent.

[98](#)

[TexB](#)  says:

July 21st, 2007 at 5:40 pm

[Elliott @ 93](#)

[TeddySanFran @ 80](#)

At the same time our Senate votes unanimously with Joe Lieberman to practically declare war on Iran. It seems like it's all happening in slow motion. Is this what 1939 felt like?

it must be, Teddy

I suspect that the citizens of 1939 were a bit more aware of what was happening than most Americans.

[99](#)

[TeddySanFran](#) says:

July 21st, 2007 at 5:40 pm

[mls @ 56](#)

This is very telling..Congressman (member of homeland security committee no less) denied access...<http://www.oregonlive.com/news.....7#continue>

wow.

[100](#)

[behindthefall](#) says:

July 21st, 2007 at 5:42 pm

[TeddySanFran @ 80](#)

[Elliott @ 22](#)

well it all scares me. especially the rather blase way it's happening.

At the same time our Senate votes unanimously with Joe Lieberman to practically declare war on Iran. It seems like it's all happening in slow motion. Is this what 1939 felt like?

It feels like falling, to me. Started at least back in Reagan's days or with Jerry Ford or Nixon, has been accelerating since then. We'll make a nice 'splat' any time now.

[101](#)

[LS](#) says:

July 21st, 2007 at 5:42 pm

They are drawing the line in the sand.

[102](#)

[Ed\\*ard Teller](#)  says:

July 21st, 2007 at 5:43 pm

[eCAHNomics @ 90](#)

My dog needs a bath, but when I say the word "bath", he's long gone...

You don't spell in front of your dog?

My dog is re-creating "Doghenge." by a big bush in the yard. Whenever we move rocks when we're cultivating or tilling, he goes and gets them Then he puts them in a ring around the bush, along with balls and bones and sticks. Then he gets down in front of it. Am I reading too much in his behavior? He's part husky, lab and Newfie. What kind of dogs did the Druids have?

[103](#)

[BigMitch](#)  says:

July 21st, 2007 at 5:45 pm

My dog now wants to get fed and so he sticks his nose under my forearm and lifts it off the keyboard preventing me from typi

104

*TexB*  says:

July 21st, 2007 at 5:46 pm

*BigMitch @ 101*

My dog now wants to get fed and so he sticks his nose under my forearm and lifts it off the keyboard preventing me from typi

You were expecting “Dinner please” ?

105

*Suzanne* says:

July 21st, 2007 at 5:46 pm

*TeddySanFran @ 98*

*mls @ 56*

This is very telling..Congressman (member of homeland security committee no less) denied access...<http://www.oregonlive.com/news.....7#continue>

wow.

add this with the letter hrc got when she wanted information about government plans regarding withdrawal from iraq.

our government is locking out members of our government from learning what our government has plans for in the future.

106

*nonplussed*  says:

July 21st, 2007 at 5:46 pm

That’s why you hear stories of the Public Defender sleeping during a Capital case down here in Texas. Many here are, in all fairness less than the cream of the crop of the legal profession, altruistic motivations aside.

I know from first hand experience what a difference it makes to have powerful friends in the legal community in this Good Ol’ Boy State. Be it Real Estate or Criminal Law, it’s a simple matter of whose campaign you donated to, a few phone calls to the District Attorney from the right people can make many things go away or become significantly less serious. The poor rarely enjoy those connections, so they at best end up on probation, setting them up to go to prison.

107

*marymccurnin*  says:

July 21st, 2007 at 5:46 pm

There are many ways to upend a person’s existence.  
Take me. I use my name on the comments. I started this out of ignorance and continued it out of a sense

of defiance. Now I am thinking “Shitfire. What have I done.” Then I pretty much move back to defiance. But what if I need to find a real job. If you google my name then I am suspect. If you are a neocon or theocon I am suspect. Or if you want to be a model citizen you don’t hire a rabble rouser. Makes my stomach hurt cause I have to go out and get a real job soon.

[108](#)

*eCAHNomics* says:

July 21st, 2007 at 5:47 pm

[LS @ 97](#)

[eCAHNomics @ 89](#)

You don’t spell in front of your dog?

I absolutely do spell, but he spells too!!! Arthur is an Old English Mastiff. Nothing, and I mean nothing, nada, zilch, gets by him. He’s freaky deaky intelligent.

But hey, it just occurred to me that you didn’t *say* the word “bath,” you typed it. Now I suppose you’re going to tell me your dog reads too.

Sorry to go on about dogs, but the topic is pretty depressing & I need the comic relief.

[109](#)

*Elliott*  says:

July 21st, 2007 at 5:47 pm

And all this makes me paranoid, for real.

A week or so ago, I have a scheduled cleaning for my heater, the guy who shows up isn’t my regular guy; and the whole time he’s talking to me at the door, his eyes are scouring the room behind me. After I sent him to the boiler room, I came down and found him shining his light all around the darkened basement. I felt like I was being monitored.

He was probably a klepto but I kept hearing the Darpa bell ringing in my head.

And that Brooklyn accent was way out of place.

[110](#)

*LS* says:

July 21st, 2007 at 5:48 pm

[Ed\\*ard Teller @ 101](#)

[eCAHNomics @ 90](#)

You don’t spell in front of your dog?

My dog is re-creating “Doghenge.” by a big bush in the yard. Whenever we move rocks when we’re cultivating or tilling, he goes and gets them Then he puts them in a ring around

the bush, along with balls and bones and sticks. Then he gets down in front of it. Am I reading too much in his behavior? He's part husky, lab and Newfie. What kind of dogs did the Druids have?

Interesting! Heh! My dog Peanut, steals all of the neighborhood dog toys at night! So far she has brought home 15 rope monkeys and other thingys. I'm worried that I'll get sued. She's now locked up in the house at night. Arther, the Mastiff, on the other hand, does create mounds of things...artifacts he finds on his travels...I'm not sure he worships them as much as thinks he's gardening. Perhaps your dog is a reincarnated druid! Why not?

[111](#)

[BigMitch](#)  says:

July 21st, 2007 at 5:49 pm

noplussed — well, it must have seen a good idea at the time, when they decided to have partisan elections for judges and D.A.s. Here in Alaska, we don't have that, although Judges stand for retention elections which are almost always 90-10 in favor.

[112](#)

[behindthefall](#) says:

July 21st, 2007 at 5:50 pm

[TexB @ 97](#)

[Elliott @ 93](#)

it must be, Teddy

I suspect that the citizens of 1939 were a bit more aware of what was happening than most Americans.

I dunno ... small town Germany can be pretty darn smug and insular. There are places where farmers from one town say 'potato' differently from those in the next one down the road ... and it isn't 'Kartoffel' in either. I can imagine that the news took a long time to seep into all those crannies. Whether they would have objected to the way things were headed is another question, and I have no idea what the answer to that one is.

I knew a German post-doc in Philly who was obviously Jewish: nothing hidden or surreptitious there. He and his wife showed up in Germany a while later and invited people over to their house: no hint whatsoever that he and she might be anything other than good burghers. Eyeopening and disturbing to find that very normal people were hiding who they were in order to "fit in".

Who's going to be hiding who they are here?

[113](#)

[dmac](#) says:

July 21st, 2007 at 5:51 pm

edward the teller at 102" My dog is re-creating "Doghenge." by a big bush in the yard. Whenever we move rocks when we're cultivating or tilling, he goes and gets them Then he puts them in a ring around

the bush, along with balls and bones and sticks. Then he gets down in front of it. Am I reading too much in his behavior? He's part husky, lab and Newfie. What kind of dogs did the Druids have?"

he's creating his own 'space' .....caretaker dog, watched you do the same thing.....

114

[TeddySanFran](#) says:

July 21st, 2007 at 5:51 pm

[Elliott @ 109](#)

And all this makes me paranoid, for real.

A week or so ago, I have a scheduled cleaning for my heater, the guy who shows up isn't my regular guy; and the whole time he's talking to me at the door, his eyes are scouring the room behind me. After I sent him to the boiler room, I came down and found him shining his light all around the darkened basement. I felt like I was being monitored.

He was probably a klepto but I kept hearing the Darpa bell ringing in my head.

And that Brooklyn accent was way out of place.

Always ask for ID. Always call the company who supposedly sent him. You always have the right to say, "Sorry not him, not today" in any case.

115

[LS](#) says:

July 21st, 2007 at 5:53 pm

[eCAHNomics @ 107](#)

[LS @ 97](#)

I absolutely do spell, but he spells too!!! Arthur is an Old English Mastiff. Nothing, and I mean nothing, nada, zilch, gets by him. He's freaky deaky intelligent.

But hey, it just occurred to me that you didn't *say* the word "bath," you typed it. Now I suppose you're going to tell me your dog reads too.

Sorry to go on about dogs, but the topic is pretty depressing & I need the comic relief.

Me too! One of the things he constantly does is bark and whine first thing in the morning, so I feed him..2 seconds later...he does it again...so I give him water (he can actually say, "Wa Wa" btw), anyway, then he gets me up to let him out. He leads me to the door, and just as I open it, he backs up and lays down. Then, he laughs at me!!! Arggh...I love him to pieces...

116

[Ed\\*ard Teller](#)  says:

July 21st, 2007 at 5:53 pm

[David Olsen @ 94](#)

*Is this what 1939 felt like?*

Spain, 1939. See Auden, W.H.

All the elements were there in the Spanish Civil War for the greater conflagration to come.

You're right about Auden and the immediate pre-WWII period. But he sensed it coming [years ahead](#):

*...And, gentle, do not care to know,  
Where Poland draws her eastern bow,  
What violence is done,  
Nor ask what doubtful act allows  
Our freedom in this English house,  
Our picnics in the sun.*

*Soon, soon, through the dykes of our content  
The crumpling flood will force a rent  
And, taller than a tree,  
Hold sudden death before our eyes  
Whose river dreams long hid the size  
And vigours of the sea.....*

[117](#)

[TeddySanFran](#) says:

July 21st, 2007 at 5:53 pm

Civil forfeiture is why the DC Madam relies upon a public defender. They took her home, her savings, her car — all before they charged her with a crime.

[118](#)

[Elliott](#)  says:

July 21st, 2007 at 5:54 pm

[TeddySanFran @ 113](#)

[Elliott @ 109](#)

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A week or so ago, I have a scheduled cleaning for my heater, the guy who shows up isn't my regular guy; and the whole time he's talking to me at the door, his eyes are scouring the room behind me. After I sent him to the boiler room, I came down and found him shining his light all around the darkened basement. I felt like I was being monitored.

He was probably a klepto but I kept hearing the Darpa bell ringing in my head.

And that Brooklyn accent was way out of place.

Always ask for ID. Always call the company who supposedly sent him. You always have the right to say, "Sorry not him, not today" in any case.

That's good advice.  
You know, I didn't complain because he knows where I live.

119

*nonplussed*  says:  
July 21st, 2007 at 5:54 pm

*eCAHNomics @ 87*

*Bloix @ 82*

It's worth adding that Guantanamo didn't begin under Bush. During the Clinton administration Haitians picked up at sea were detained at Guantanamo, and denied their legal right to demand asylum in the US on the theory that they were legally outside the US and had no right to the protections of the US law.

Everything is Clinton's fault. Check this out to find out how he & bleeding heart liberals contributed to the rise of al Qaeda thru the Bosnian & Kosovo wars. (Hint: they gave AQ someplace to go after Afghanistan, and made war into a righteous cause.)

<http://www.antiwar.com/blog/20.....an-oneill/>

FWIW, They started detaining Haitians in GTMO when I made field service trips down there during the Reagan Administration in the early eighties.

120

*Ed\*ard Teller*  says:  
July 21st, 2007 at 5:55 pm

*dmac @ 113*

edward the teller at 102" My dog is re-creating "Doghenge." by a big bush in the yard. Whenever we move rocks when we're cultivating or tilling, he goes and gets them Then he puts them in a ring around the bush, along with balls and bones and sticks. Then he gets down in front of it. Am I reading too much in his behavior? He's part husky, lab and Newfie. What kind of dogs did the Druids have?"

he's creating his own 'space' .....caretaker dog, watched you do the same thing.....

but that makes too much sense. I was hoping he was searching for something more spiritual.

121

*newspaperbrat* says:  
July 21st, 2007 at 5:55 pm

OT - John Conyers said today that if he get 3 more congress critters "I'll move to impeach". Story up at Daily Kos -

[www.dailykos.com/story/2007/7/21/192812/090](http://www.dailykos.com/story/2007/7/21/192812/090)

Stop my pounding heart!

122

*argosfalcon*  says:

July 21st, 2007 at 5:56 pm

DARPA makes the toys the NSA plants them.

*Elliott @ 108*

And all this makes me paranoid, for real.

A week or so ago, I have a scheduled cleaning for my heater, the guy who shows up isn't my regular guy; and the whole time he's talking to me at the door, his eyes are scouring the room behind me. After I sent him to the boiler room, I came down and found him shining his light all around the darkened basement. I felt like I was being monitored.

He was probably a klepto but I kept hearing the Darpa bell ringing in my head.

And that Brooklyn accent was way out of place.

123

*LS* says:

July 21st, 2007 at 5:56 pm

*TeddySanFran @ 116*

Civil forfeiture is why the DC Madam relies upon a public defender. They took her home, her savings, her car — all before they charged her with a crime.

Heh, heh...it's not nice to fool the Madam.

124

*Elliott*  says:

July 21st, 2007 at 5:57 pm

*newspaperbrat @ 120*

OT - John Conyers said today that if he get 3 more congress critters "I'll move to impeach".

Story up at Daily Kos -

[www.dailykos.com/story/2007/7/21/192812/090](http://www.dailykos.com/story/2007/7/21/192812/090)

Stop my pounding heart!

I think we can push Congress to it then, just keep applying the pressure.  
Petition Congress for Impeachment.

[125](#)

[dakine01](#)  says:  
July 21st, 2007 at 5:57 pm

[LS @ 123](#)

[TeddySanFran @ 116](#)

Civil forfeiture is why the DC Madam relies upon a public defender. They took her home, her savings, her car — all before they charged her with a crime.

Heh, heh...it's not nice to fool the Madam.

It's obvious that the investigators have gotten so used to dealing with electronics that they forgot the power of the paper trail

[126](#)

[marymccurnin](#)  says:  
July 21st, 2007 at 5:57 pm

The luminous glow of impeachment is on the horizon.

[127](#)

[SeamusD](#) says:  
July 21st, 2007 at 5:59 pm

[marymccurnin @ 107](#)

There are many ways to upend a person's existence.  
Take me. I use my name on the comments. I started this out of ignorance and continued it out of a sense of defiance. Now I am thinking "Shitfire. What have I done." Then I pretty much move back to defiance. But what if I need to find a real job. If you google my name then I am suspect. If you are a neocon or theocon I am suspect. Or if you want to be a model citizen you don't hire a rabble rouser. Makes my stomach hurt cause I have to go out and get a real job soon.

Mary, do you have any problems with TSA when flying. The no-fly list is a pretty good indicator of governmental awareness of your activities.

[128](#)

[masaccio](#)  says:  
July 21st, 2007 at 6:00 pm

We govern ourselves by both law and custom. Custom explains how we function without being hamstrung at every point by some law or rule. Many matters are dealt with according to unwritten rules, known only to the lawyers and the people directly involved in the situations.

The worst thing the Bush administration has done is to break down those institutional structures. The clearest example is the redistricting in Texas between decennials. No one ever thought of enacting a statute to enforce that rule. I really loathe these people for doing that. It breaks down the trust we have in

history, it destroys our relations with our ancestors, and it cannot be seen as anything besides radicalism.

[129](#)

*LS* says:

July 21st, 2007 at 6:01 pm

[argosfalcon @ 121](#)

DARPA makes the toys the NSA plants them.

[Elliott @ 108](#)

And all this makes me paranoid, for real.

A week or so ago, I have a scheduled cleaning for my heater, the guy who shows up isn't my regular guy; and the whole time he's talking to me at the door, his eyes are scouring the room behind me. After I sent him to the boiler room, I came down and found him shining his light all around the darkened basement. I felt like I was being monitored.

He was probably a klepto but I kept hearing the Darpa bell ringing in my head.

And that Brooklyn accent was way out of place.

Well, the good thing is, anything they need to know, you are honest about right here. They are not after you or me. Excuse me...I have to make sure Arthur is here...;} Why, why would they care what you say or do? They are interested in people who could truly disrupt their cabal. Surely, we are not what they are looking for..

[130](#)

*dmac* says:

July 21st, 2007 at 6:01 pm

e t at 120 says-"but that makes too much sense. I was hoping he was searching for something more spiritual."

he is, like i said, he is copying you.....

[131](#)

[Ed\\*ard Teller](#)  says:

July 21st, 2007 at 6:02 pm

[marymccurnin @ 126](#)

The luminous glow of impeachment is on the horizon.

Unlike the topic of this thread, it ~~would~~, uh, will be both legal and **just!**

[132](#)

[Elliott](#)  says:

July 21st, 2007 at 6:02 pm

[LS @ 128](#)

[argosfalcon @ 121](#)

DARPA makes the toys the NSA plants them.

Well, the good thing is, anything they need to know, you are honest about right here. They are not after you or me. Excuse me...I have to make sure Arthur is here...;} Why, why would they care what you say or do? They are interested in people who could truly disrupt their cabal. Surely, we are not what they are looking for..

a close relative lives overseas.

[133](#)

[BigMitch](#)  says:

July 21st, 2007 at 6:02 pm

Behindthefall and others,

You have hit on the big question, which supercedes all others. I am convinced that the Bush administration has no regard for the constitutional protections that make America so durable, and so free.

One question is this: is this sui generis, or is it same-old same-old. 2000 wasn't the first stolen election, and you can just ask Landlide Lyndon about how it was done in the old days. But then again, 2000 was the first time the shenanigans had the imprimatur of the Supreme Court of the United States of America. Iraq is not the first time a war was started on bullshit. Think Vietnam, or if you are historically minded Spanish American war. (In other words, Remember the Maine.) But this war is so monumentally misguided that it is beyond different in degree: it is different in kind. Crooks in office? Does anyone thing Agnew was first, or Nixon was last?

Of course, we are talking about the rise of a fascist government in America. It can happen here. We know what it will look like. It will be wrapped in the flag and carrying a cross. But what will it FEEL like?

It will feel like 1939 in Germany. And that is why it is so important to know, what did they feel?

One thing is they had a bogeyman, i.e. my family, the Jews. The 21st Century Fascists try to have a bogey man, namely "Libruhls." But there are too many of us for that to work. As I discuss this, I feel like I am grasping at straws to make the case that this is not what the rise of fascism feels like.

But my gut isn't persuading my noggin.

[134](#)

[A'57](#) says:

July 21st, 2007 at 6:03 pm

[newspaperbrat @ 120](#)

OT - John Conyers said today that if he get 3 more congress critters "I'll move to impeach".  
Story up at Daily Kos -  
[www.dailykos.com/story/2007/7/21/192812/090](http://www.dailykos.com/story/2007/7/21/192812/090)

Stop my pounding heart!

Procuratio frutex delenda est.

135

*LS* says:

July 21st, 2007 at 6:03 pm

*Elliott @ 123*

*newspaperbrat @ 120*

OT - John Conyers said today that if he get 3 more congress critters "I'll move to impeach". Story up at Daily Kos -  
[www.dailykos.com/story/2007/7/21/192812/090](http://www.dailykos.com/story/2007/7/21/192812/090)

Stop my pounding heart!

I think we can push Congress to it then, just keep applying the pressure.  
Petition Congress for Impeachment.

W.H.A.T!!!! Yes!!

He's about to be visited by a bunch of people attempting to takeover his office on 7/23. There are a bunch of actions planned, including Cindy S. occupying his office.

136

*Oklahoma kiddo* says:

July 21st, 2007 at 6:03 pm

Lahoma. You were sleeping when I left. I have to go to Chickasha. I will be back well before the Sun kisses you. You know where I'll be.

<http://www.youtube.com/watch?v.....mp;search=>

137

*marymccurnin*  says:

July 21st, 2007 at 6:04 pm

*SeamusD @ 127*

*marymccurnin @ 107*

There are many ways to upend a person's existence.  
Take me. I use my name on the comments. I started this out of ignorance and continued it out of a sense of defiance. Now I am thinking "Shitfire. What have

I done.” Then I pretty much move back to defiance. But what if I need to find a real job. If you google my name then I am suspect. If you are a neocon or theocon I am suspect. Or if you want to be a model citizen you don’t hire a rabble rouser. Makes my stomach hurt cause I have to go out and get a real job soon.

Mary, do you have any problems with TSA when flying. The no-fly list is a pretty good indicator of governmental awareness of your activities.

Just because I am paranoid doesn’t mean they aren’t after me.

Actually, no I have had no problems flying but I am having a hell of a time finding work. Probably cause I am, well, over ~~50~~ 40.

138

*eCAHNomics* says:

July 21st, 2007 at 6:05 pm

*newspaperbrat @ 121*

OT - John Conyers said today that if he get 3 more congress critters “I’ll move to impeach”.

Story up at Daily Kos -

[www.dailykos.com/story/2007/7/21/192812/090](http://www.dailykos.com/story/2007/7/21/192812/090)

Stop my pounding heart!

Does anyone have the link to find out who’s already signed on? My city Congresscritter, Maloney, is pretty useless, but the country one, Hinchey, is very good about this kind of stuff.

139

*argosfalcon*  says:

July 21st, 2007 at 6:06 pm

My guess many of you may not have seen this guys work but it bears on this topic and others of interest here at the lake.

<http://www.roncobbdesigns.com/....203.0.html>

140

*LS* says:

July 21st, 2007 at 6:06 pm

*Elliott @ 132*

*LS @ 128*

Well, the good thing is, anything they need to know, you are honest about right here. They are not after you or me. Excuse me...I have to make sure Arthur is here...;} Why, why would they care what you say or do? They are interested in people who could truly disrupt their cabal. Surely, we are not what they are looking for..

a close relative lives in China.

Hmmm. I see.

141

*dmac* says:

July 21st, 2007 at 6:07 pm

and edward, was it you who was willing to defend jaqrat in a thread yesterday????  
the commenter already posted an explanation at 12:45p today, was not an insult, it was quite the opposite, i copied it to pass on to her, can you pass that on to jaqrat if she shows up on late night? i know it really bothered her, but it was not an insult..... i'm going to bed soon, and she usually shows up in your time zone.....

nite all.....and i posted epu comments in the gun thread, if any of you had posted questions to me.....

142

*marymccurnin*  says:

July 21st, 2007 at 6:09 pm

*argosfalcon @ 139*

My guess many of you may not have seen this guys work but it bears on this topic and others of interest here at the lake.

<http://www.roncobbdesigns.com/....203.0.html>

I remember that guy's cartoon from the mid sixties. My parents got the magazine Horizons and the cartoon of a man holding a tv searching for an outlet in the middle of armagedon was in it. I used to have nightmares.

143

*BigMitch*  says:

July 21st, 2007 at 6:09 pm

*masaccio @ 128*

We govern ourselves by both law and custom. Custom explains how we function without being hamstrung at every point by some law or rule. Many matters are dealt with according to unwritten rules, known only to the lawyers and the people directly involved in the situations.

The worst thing the Bush administration has done is to break down those institutional structures. The clearest example is the redistricting in Texas between decennials. No one ever thought of enacting a statute to enforce that rule. I really loathe these people for doing that. It breaks down the trust we have in history, it destroys our relations with our ancestors, and it cannot be seen as anything besides radicalism.

You hit the nail on the head. The supremes did not overturn the redistricting/gerrymandering scheme which shows us of what they believe in. Another good example, was talk of the nuclear option. What made that so scary is how willing the general public was to glom onto the meme that they "deserved an

up or down vote.” (Unlike the war in Iraq, which needs 60 votes to stop.)

[144](#)

[Ian Welsh](#) says:

July 21st, 2007 at 6:10 pm

[BigMitch @ 133](#)

Behindthefall and others,

You have hit on the big question, which supercedes all others. I am convinced that the Bush administration has no regard for the constitutional protections that make America so durable, and so free.

One question is this: is this sui generis, or is it same-old same-old. 2000 wasn't the first stolen election, and you can just ask Landle Lyndon about how it was done in the old days. But then again, 2000 was the first time the shenanigans had the imprimatur of the Supreme Court of the United States of America. Iraq is not the first time a war was started on bullshit. Think Vietnam, or if you are historically minded Spanish American war. (In other words, Remember the Maine.) But this war is so monumentally misguided that it is beyond different in degree: it is different in kind. Crooks in office? Does anyone thing Agnew was first, or Nixon was last?

Of course, we are talking about the rise of a fascist government in America. It can happen here. We know what it will look like. It will be wrapped in the flag and carrying a cross. But what will it feel like?

It will feel like 1939 in Germany. And that is why it is so important to know, what did they feel?

One thing is they had a bogeyman, i.e. my family, the Jews. The 21st Century Fascists try to have a bogey man, namely “Libruhls.” But there are too many of us for that to work. As I discuss this, I feel like I am grasping at straws to make the case that this is not what the rise of fascism feels like.

But my gut isn't persuading my noggin.

Is it cyclical, part of the normal ebb and flow of corruption and wealth - or is it a breaking point?

I don't know. I don't think we can know till it's happened. What we can say is that “if not reversed, this will lead to an end to the American experiment.”

It can still be checked and reversed.

But I fear time is running out - a major inflexion point is on us, and if Congress blinks, then the path is likely set. The problem is the precedents - the power - which can as easily be used by another president as this one.

[145](#)

[LS](#) says:

July 21st, 2007 at 6:11 pm

[marymccurnin @ 137](#)

[SeamusD @ 127](#)

Mary, do you have any problems with TSA when flying. The no-fly list is a pretty good indicator of governmental awareness of your activities.

Just because I am paranoid doesn't mean they aren't after me.

Actually, no I have had no problems flying but I am having a hell of a time finding work. Probably cause I am, well, over ~~50~~ 40.

Mary. Fuck 'em. Why would they be after you?

[146](#)

[behindthefall](#) says:

July 21st, 2007 at 6:11 pm

I like this thread, but we are being squelched by the one up top.

I kinda really wish somebody would adjust the 'nice' setting on these processes, or is that being too UNIX-y?

[147](#)

[Elliott](#)  says:

July 21st, 2007 at 6:12 pm

[LS @ 140](#)

.....

agreed otherwise, what could I possibly be doing of any interest to them except this? And they've got it all down all ready.

[148](#)

[eCAHNomics](#) says:

July 21st, 2007 at 6:13 pm

Is it cyclical, part of the normal ebb and flow of corruption and wealth - or is it a breaking point?

Feels like a breaking point to me.

[149](#)

[marymccurnin](#)  says:

July 21st, 2007 at 6:13 pm

[LS @ 145](#)

[marymccurbin @ 137](#)

Just because I am paranoid doesn't mean they aren't after me.

Actually, no I have had no problems flying but I am having a hell of a time finding work. Probably cause I am, well, over ~~50~~ 40.

Mary. Fuck 'em. Why would they be after you?

I really don't believe anyone is after me. I just think that the atmosphere deals in inequity.

[150](#)

[Eureka Springs](#)  says:  
July 21st, 2007 at 6:15 pm

FYI, new thready with [Teddy upstairs](#).

[151](#)

[TeddySanFran](#) says:  
July 21st, 2007 at 6:16 pm

We're upstairs in the [new thread](#).

[152](#)

[LS](#) says:  
July 21st, 2007 at 6:16 pm

[Elliott @ 147](#)

[LS @ 140](#)

.....

agreed otherwise, what could I possibly be doing of any interest to them except this? And they've got it all down all ready.

Exactly. That does not mean one shouldn't be aware of what they are doing. But, there are many reasons this is not the 1930's. Some comparisons really resonate, some absolutely do not. Just be aware until we get a new government. Most of America just wants to live our lives.

[153](#)

[argosfalcon](#)  says:  
July 21st, 2007 at 6:17 pm

Well I have long been in their files going back to the 70's and plan to be a pest again. Rust never sleeps.

[154](#)

[A'57](#) says:  
July 21st, 2007 at 6:20 pm

Exactly. That does not mean one shouldn't be aware of what they are doing. But, there are many reasons

this is not the 1930's. Some comparisons really resonate, some absolutely do not. Just be aware until we get a new government. **Most of America just wants to live our lives.**

**Thats how it happens.**

[155](#)

*Fern* says:

July 21st, 2007 at 6:37 pm

[BigMitch @ 103](#)

My dog now wants to get fed and so he sticks his nose under my forearm and lifts it off the keyboard preventing me from typi

One of my cats sits on my right fore arm to keep me from typing. Also sits on whatever piece of paper I need for whatever I'm doing.

[156](#)

*Adie* says:

July 21st, 2007 at 7:01 pm

[TexB @ 78](#)

[Oklahoma kiddo @ 73](#)

My six year old cousin, Desiree has a cell phone and tells me, "kiddo, I couldn't live without it". (My gawd. I think.) And being the smarty pants she is, she follows this up by telling me "it's just like you and your computers". Keep in mind though, that this little girl already knows how to solve for two variables. I'm going to teach her 'Cramer's Rule next'.

Yikes! I live with two like this. Best of luck my friend.

we raised 2 like that. thank heavens we remain best of friends. i'm ashamed at the mess of a world we're leaving for them to clean up, and just survive in. but i'm glad they'll be right in the midst of the gang who try to put it all to rights. same goes for your little ones, fellas. thank you for nurturing your brand of lil' rascals. i just know they'll grow up to make you proud.

Now let's continue to dig deep to do what we can in the meantime. \*whew\*

[157](#)

*moose* says:

July 21st, 2007 at 9:38 pm

@ 133

And 'Remember the Maine' led directly to the Phillipine ~insurrection~ ... est. 250,000 terrists offed, even if some of 'em were women and children. The start of Empire?

Prisoners: US has 5% of world population and 25% of prisoners overall. More than China, more than ... a buncha countries put together. What's wrong with this picture?!

158

*pet wrecker* says:

July 21st, 2007 at 9:58 pm

*newspaperbrat @ 121*

OT - John Conyers said today that if he get 3 more congress critters "I'll move to impeach".

Story up at Daily Kos -

[www.dailykos.com/story/2007/7/21/192812/090](http://www.dailykos.com/story/2007/7/21/192812/090)

Stop my pounding heart!

Oh! When the frogs come marching in...

159

*Steve T.* says:

July 21st, 2007 at 10:56 pm

*BigMitch @ 103*

My dog now wants to get fed and so he sticks his nose under my forearm and lifts it off the keyboard preventing me from typi

Mine does that too. When we're on the road in the van she'll actually do that nudge thing when I'm driving.

When I lived in L.A. about 20 years ago I had a dog was so offended when I went online that she would go out through her dogdoor and sulk in the back yard. In summer. In Reseda. At 100° F.

While she was out there one day I wrote about it on a gay BBS called The Oracle. Someone commented, "I have a lover like that."

OK, back to serious stuff.

160

*Ralph* says:

July 21st, 2007 at 11:30 pm

It is imperative that the GOP be be defeated roundly in 2008. Otherwise, it's a 'done deal'.

There is but one thing standing between Democracy and dictatorship. The rule of law.

Oklahoma kiddo, I maintain that we cannot afford to wait for the elections, because there is a reasonable chance that the Bush Neocons will find a way to declare martial law and cancel the elections.

Note that I am not claiming to know for sure whether Bush will declare martial law and cancel elections, only that there is a reasonable possibility.

But if one agrees that there is a reasonable possibility (in roughly the sense of "reasonable doubt") that Bush will cancel elections, and given Bush's crimes to date, it would be very negligent not to impeach Gonzales, Cheney and Bush immediately, in order to prevent that from happening. There is much to

gain from impeachment, and very little to lose.

Compare: if Clinton had hinted that he might decide to pull a Monica affair again in a month or two, and maybe that he had the right to do so, I suspect he would almost certainly have been convicted in the Senate.

161

*Arnie* says:

July 21st, 2007 at 11:44 pm

Ian

If you can't see the evidence against you, if you can't be told where it was received from, how can you possibly defend yourself? The answer is simple - you can't. There's no need to write a long discourse on this - any nation which does this sort of thing no longer has a justice system, it only has a legal system.

To this I would add - accusations made where the only defense requires the defendant prove their innocence by proving something that never happened - eliminating the presumption of innocence.

As well as accusations coming from lies which removes the right to remain silent and reduces or eliminates the requirement that prosecution actually prove their charge beyond a reasonable doubt - an accusation becomes the convicting evidence of guilt.

A mere legal system indeed. Your post would be well set to stone - excellently written

162

*madtom* says:

July 22nd, 2007 at 12:00 am

I was part of the loss of freedom in the War on Some Drugs, and found myself essentially helpless to resist, even from what might be seen as a position of power.

In 1983 I was a Town Councilman in a small town that was offered a place in the "interlocal drug fund agreement" by the county sheriff, who was organizing all local law enforcement agencies to share information and share the wealth from confiscations. We were asked to sign up our little police department, and agreement was considered routine.

Due to some flukes of timing and personnel on our 5-man council, I managed to get the three votes to at least delay our joining for a couple of months while we tried to negotiate less Draconian enforcement and point out the conflict of interest in police profiting from their own confiscations.

One vote on my side was a Councilman who was furious and sputtering at the deputy who made the presentation, since he had recently been acquitted on a drugs-for-supply charge on grounds of entrapment. (single man, female undercover cop goes home with him from the local bar and asks for drugs to get her in the mood - everyone in town was on his side)

But finally we 3 could not stand against the tide. First we made headlines by not rubber-stamping the agreement and joining. You know what people said to us and about us without needing to hear it from me.

Then the local preachers started to speak against us on Sundays.

Two of us were teachers. First the principals, then the entire school board, turned up at council meetings to ask us hostile questions.

I was asked to repeat, again and again, my position that the consumers who made a market for drugs were a bigger problem than those who supplied the drugs. I pointed out that if you magically killed all the suppliers tonight, they would be replaced tomorrow, but that if everybody got educated about the unwisdom of using most drugs and simply stopped taking them that the suppliers would have to find honest work.

Not quite incidentally, one Councilman kept demanding in a snide and hostile way that I repeat this. He later complained to the press and police that my doper friends were tormenting him with late-night phone calls and slashed tires, and had burgled his house (stealing a .22 pistol).

Still later, he gave a description of the late-night prowler who had shot and killed his wife. That description sounded so much like me that the Mayor (ex-cop from nearby city, who was responsible for calling in the undercover gal who entrapped the other Councilman) asked "Milt, are you trying to tell us that Tom did this?" No. But still . . .

As things turned out, the harassment was bogus and he had shot her himself, hoping to collect a million in insurance (really). And she was living with him as his wife, but was really his brother's daughter, brought in from another state so she could get her life together away from the big city after too much drugs and prostitution. It sounds like soap opera, and would sound even more so if there were space here for all the details, but it is all on the record. I kid you not. The police never really believed his reports, Milt Begley confessed, and died in jail.

This is the guy who most strongly supported the WOSD, and who won the fight in council.

He tried to retract the confession and went to trial. Convicted, he left the courtroom only after saying that he still blamed me and another teacher for the whole thing and saying how much he hated our guts.

But the law stands, and that little town is still part of the interlocal drug fund agreement, as far as I know. I left.

My thanks, Ian, for an outstanding essay that exposes the wider tapestry of America's loss of liberty, and ties so many threads together. Both tasks are badly needed in this forget-it-in-a-minute culture.

[163](#)

*Arnie* says:

July 22nd, 2007 at 12:03 am

Addidium to 161,

Once the integrity of Judges in their court would be likely to throw out such prosecutions. Since "law and order" in order to retain their positions, Judges must obtain approval of police organizations, the source of most prosecutorial misconduct; tacit approval of public prosecutors, and even approval of firefighter associations (for gawds sake). The probability of a level, evenhanded contest is entirely non-existent, a stacked and marked deck if ever there was one.

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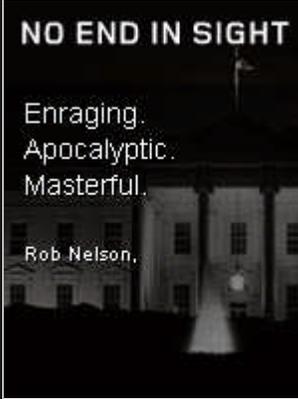
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