

Bush's Assault on Freedom: What's To Stop Him?

by [Paul Craig Roberts](#)

 [SAVE THIS](#)  [EMAIL THIS](#)  [PRINT THIS](#)  [MOST POPULAR](#)

On June 29, the U.S. Supreme Court in a 5-3 decision ruled that President Bush's effort to railroad tortured Guantanamo Bay detainees in kangaroo courts "[violates both U.S. law and the Geneva Conventions.](#)"

Better late than never, but it sure took a long time for the checks and balances to call a halt to the illegal and unconstitutional behavior of the executive.

The *Legal Times* quotes David Remes, a partner in the law firm of Covington & Burling: "At the broadest level, the Court has rejected the basic legal theory of the Bush administration since 9/11 – that the president has the inherent power to do whatever he wants in the name of fighting terrorism without accountability to Congress or the courts."

Perhaps the Court's ruling has more far-reaching implications. In finding Bush in violation of the Geneva Conventions, the ruling may have created a *prima facie* case for charges to be filed against Bush as a war criminal.

Many readers have concluded that Bush assumed the war criminal's mantle when he illegally invaded Iraq under false pretenses. The U.S. itself established the Nuremberg standard that it is a war crime to launch a war of aggression. This was the charge that the chief U.S. prosecutor brought against German leaders at the Nuremberg trials.

The importance of the Supreme Court's decision, however, is that a legal decision by America's highest court has ruled Bush to be in violation of

the Geneva Conventions.

There are many reasons to impeach Bush. His flagrant disregard for international law, U.S. civil liberties, the separation of powers, public opinion, and human rights associate Bush with the worst tyrants of the 20th century. It is true that Bush has not yet been able to subvert all the institutions that constrain his executive power, but he and his band of Federalist Society lawyers have been working around the clock to eliminate the constraints that the U.S. Constitution and international law place on executive power.

Republicans are "outraged" that "liberal judges" have prevented Bush from "protecting us from terrorists." In the U.S. Senate, Majority Leader Bill Frist said that Republicans will propose legislation to enable Bush to get around the Supreme Court's decision. Sen. Arlen Specter (R-Pa.) already had a bill ready. What sense does it make to talk about "liberal opposition" when liberal Republicans like Specter are falling all over themselves to kowtow to Bush?

Americans are going to have to decide which is the greater threat: terrorists, or the Republican Party's determination to shred American civil liberties and the separation of powers in the name of executive power and the "war on terror."

The rest of the world has already reached a decision. A Harris Poll recently conducted for the *Financial Times* found that the populations of our European allies – Britain, France, Italy, and Spain – view the United States as the greatest threat to global stability.

A Pew Foundation survey released the same week found that 60 percent of the British believe that Bush has made the world less safe and that 79 percent of the Spanish oppose Bush's war on terror.

Republicans and conservatives equate civil liberties with homosexual marriage, abortion, racial quotas, flag burning, banning of school prayer, and crime resulting from a lax punishment of criminals. This is partly the fault of the ACLU and left-wingers, who go to extremes to make a point. But it is also the fault of conservatives, who believe that their government is incapable of evil deeds.

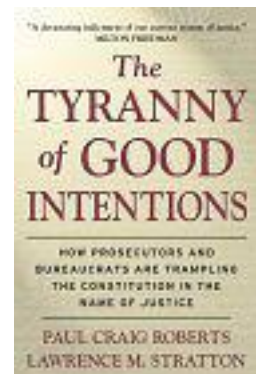
In their dangerous and ill-founded belief, conservatives are in total opposition to the Founding Fathers, who went to the trouble of writing

the Constitution and the Bill of Rights in order to protect us from our government. Most conservatives believe that they do not need constitutional protections, because they "are not doing anything wrong." Conservatives have come to this absurd conclusion despite the Republicans' decision to sell out the Bill of Rights for the sake of temporary power.

A number of important books have recently been published decrying America's decaying virtue. In *Lawless World*, the distinguished British jurist, Philippe Sands, documents the destruction by George Bush and Tony Blair of the system of international law put in place by Franklin D. Roosevelt and Winston Churchill. In *The Peace of Illusions*, Christopher Layne documents the American drive for global hegemony that threatens the world with war and destruction. Americans are enjoying a sense of power with little appreciation of where it is leading them.

Congress has collapsed in the face of Bush's refusal to abide by statutory law and his "signing statements," by which Bush asserts his independence of U.S. law. Bush has done what he can to turn the Supreme Court into a rubber stamp of his unaccountable power by placing John Roberts and Samuel Alito on the bench. Though much diminished by these appointments, the Court found the strength to rise up in opposition to Bush's budding tyranny.

Amazingly, on the very same day in England, where our individual rights originated, the High Court struck down Tony Blair's "anti-terrorism" laws as illegal breaches of the human rights of suspects. As with the Bush regime, the Blair regime tried to justify its illegality on the grounds of "protecting the public," but a far larger percentage of the British population than the American understands that the erosion of civil liberty is a greater threat to their safety than terrorists.



Thus, in the two lands most associated with civil liberties, courts have struck down the tyrannical acts of the corrupt executive. Perhaps the fact that courts have reaffirmed the rule of law will give hope and renewed strength to the friends of liberty to withstand



the assaults on freedom that are the hallmarks of the Bush and Blair regimes. On the other hand, the two tyrants might ignore the courts as they have statutory law.

What's to stop them?

July 3, 2006

Dr. Roberts [[send him mail](#)] is Chairman of the Institute for Political Economy and Research Fellow at the [Independent Institute](#). He is a former associate editor of the Wall Street Journal, former contributing editor for National Review, and was Assistant Secretary of the Treasury in the Reagan administration. He is the co-author of [The Tyranny of Good Intentions](#).

Copyright © 2006 LewRockwell.com

[Paul Craig Roberts Archives](#)

[Back to LewRockwell.com Home Page](#)