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## The Perils Of The Presidency

**Al Gore****June 24, 2004**

The former member of the executive branch delivers a timely history lesson on the rationale for limited executive power. Gore says what too few Democrats have been willing to say since 9/11—that what Americans should be most fearful of is not Al Qaeda, but how the government exploits our fear of terrorism to expand its powers. Our nation will always face dangers, but to weaken our democratic system in the name of security will be our undoing.

*The following is a speech delivered by Vice President Al Gore on Thursday, June 24, 2004, at the Georgetown University Law Center.*

**When we Americans first began**, our biggest danger was clearly in view: we knew from the bitter experience with King George III that the most serious threat to democracy is usually the accumulation of too much power in the hands of an executive, whether he be a king or a president. Our ingrained American distrust of concentrated power has very little to do with the character or persona of the individual who wields that power. It is the power itself that must be constrained, checked, dispersed and carefully balanced, in order to ensure the survival of freedom. In addition, our founders taught us that public fear is the most dangerous enemy of democracy because under the right circumstances it can trigger the temptation of those who govern themselves to surrender that power to someone who promises strength and offers safety, security and freedom from fear.

It is an extraordinary blessing to live in a nation so carefully designed to protect individual liberty and safeguard self-governance and free communication. But if George Washington could see the current state of his generation's handiwork and assess the quality of our generation's stewardship at the beginning of this 21st century, what do you suppose he would think about the proposition that our current president claims the unilateral right to arrest and imprison American citizens indefinitely without giving them the right to see a lawyer or inform their families of their whereabouts, and without the necessity of even charging them with any crime. All that is necessary, according to our new president is that he—the president—label any citizen an "unlawful enemy combatant," and that will be sufficient to justify taking away that citizen's liberty—even for the rest of his life, if the president so chooses. And there is no appeal.

What would Thomas Jefferson think of the curious and discredited argument from our Justice Department that the president may authorize what plainly amounts to the torture of prisoners—and that any law or treaty that attempts to constrain his treatment of prisoners in time of war is itself a violation of the constitution our founders put together.

What would Benjamin Franklin think of President Bush's assertion that he has the inherent power—even without a declaration of war by the Congress—to launch an invasion of any nation on Earth, at any time he chooses, for any reason he wishes, even if that nation poses no imminent threat to the United States.

How long would it take James Madison to dispose of our current president's recent claim, in Department of Justice legal opinions, that he is no longer subject to the rule of law so long as he is acting in his role as Commander in Chief?

I think it is safe to say that our founders would be genuinely concerned about these recent developments in American democracy and that they would feel that we are now facing a clear and

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present danger that has the potential to threaten the future of the American experiment.

Shouldn't we be equally concerned? And shouldn't we ask ourselves how we have come to this point?

Even though we are now attuned to orange alerts and the potential for terrorist attacks, our founders would almost certainly caution us that the biggest threat to the future of the America we love is still the endemic challenge that democracies have always faced whenever they have appeared in history—a challenge rooted in the inherent difficulty of self governance and the vulnerability to fear that is part of human nature. Again, specifically, the biggest threat to America is that we Americans will acquiesce in the slow and steady accumulation of too much power in the hands of one person.

Having painstakingly created the intricate design of America, our founders knew intimately both its strengths and weaknesses, and during their debates they not only identified the accumulation of power in the hands of the executive as the long-term threat which they considered to be the most serious, but they also worried aloud about one specific scenario in which this threat might become particularly potent—that is, when war transformed America's president into our commander in chief, they worried that his suddenly increased power might somehow spill over its normal constitutional boundaries and upset the delicate checks and balances they deemed so crucial to the maintenance of liberty.

That is precisely why they took extra care to parse the war powers in the constitution, assigning the conduct of war and command of the troops to the president, but retaining for the Congress the crucial power of deciding whether or not, and when, our nation might decide to go war.

Indeed, this limitation on the power of the executive to make war was seen as crucially important. James Madison wrote in a letter to Thomas Jefferson: "The constitution supposes, what the history of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the legislature."

In more recent decades, the emergence of new weapons that virtually eliminate the period of time between the decision to go to war and the waging of war have naturally led to a reconsideration of the exact nature of the executive's war-making power. But the practicalities of modern warfare which necessarily increase the war powers of the president at the expense of Congress do not render moot the concerns our founders had so long ago that the making of war by the president—when added to his other powers—carries with it the potential for unbalancing the careful design of our constitution, and in the process, threatening our liberty.

They were greatly influenced—far more than we can imagine—by a careful reading of the history and human dramas surrounding the democracies of ancient Greece and the Roman republic. They knew, for example, that democracy disappeared in Rome when Caesar crossed the Rubicon in violation of the Senate's long prohibition against a returning general entering the city while still in command of military forces. Though the Senate lingered in form and was humored for decades, when Caesar impolitically combined his military commander role with his chief executive role, the Senate—and with it the Republic—withered away. And then, for all intents and purposes, the great dream of democracy disappeared from the face of the Earth for 17 centuries, until its rebirth in our land.

Symbolically, President Bush has been attempting to conflate his commander-in-chief role and his head of government role to maximize the power people are eager to give those who promise to defend them against active threats. But as he does so, we are witnessing some serious erosion of the checks and balances that have always maintained a healthy democracy in America.

In Justice Jackson's famous concurring opinion in the Youngstown Steel case in the 1950's—the single most important Supreme Court case on the subject of what powers are inherent to the commander in chief in a time of war—he wrote, "The example of such unlimited executive power that must have most impressed the forefathers was the prerogative exercised by George III, and the description of its evils in the declaration of independence leads me to doubt that they created their new Executive in their image...and if we seek instruction from our own times, we can match it only from the Executive governments we disparagingly describe as totalitarian."

I am convinced that our founders would counsel us today that the greatest challenge facing our republic is not terrorism but how we react to terrorism, and not war, but how we manage our fears and achieve security without losing our freedom. I am also convinced that they would warn us that democracy itself is in grave danger if we allow any president to use his role as commander in chief to rupture the careful balance between the executive, the legislative and the judicial branches of government. Our current president has gone to war and has come back into "the city" and declared that our nation is now in a permanent state of war, which he says justifies his reinterpretation of the Constitution in ways that increase his personal power at the expense of Congress, the courts and every individual citizen.

We must surrender some of our traditional American freedoms, he tells us, so that he may have sufficient power to protect us against those who would do us harm. Public fear remains at an unusually high level almost three years after we were attacked on September 11, 2001. In response to those devastating attacks, the president properly assumed his role as commander in chief and directed a military invasion of the land in which our attackers built their training camps, were harbored and planned their assault. But just as the tide of battle was shifting decisively in our favor, the commander in chief made a controversial decision to divert a major portion of our army to invade another country that, according to the best evidence compiled in a new, exhaustive, bipartisan study, posed no imminent threat to us and had nothing to do with the attack against us.

As the main body of our troops were redeployed for the new invasion, those who organized the attacks against us escaped and many of them are still at large. Indeed, their overall numbers seem to have grown considerably because our invasion of the country that did not pose any imminent threat to us was perceived in their part of the world as a gross injustice, and the way in which we have conducted that war further fueled a sense of rage against the United States in those lands and, according to several studies, has stimulated a wave of new recruits for the terrorist group that attacked us and still wishes us harm.

A little over a year ago, when we launched the war against this second country, Iraq, President Bush repeatedly gave our people the clear impression that Iraq was an ally and partner to the terrorist group that attacked us, Al Qaeda, and not only provided a geographic base for them but was also close to providing them weapons of mass destruction, including nuclear bombs. But now the extensive independent investigation by the bipartisan commission formed to study the 9/11 attacks has just reported that there was no meaningful relationship between Iraq and al Qaeda of any kind. And, of course, over the course of this past year we had previously found out that there were no weapons of mass destruction in Iraq. So now, the president and the vice president are arguing with this commission, and they are insisting that the commission is wrong and they are right, and that there actually was a working co-operation between Iraq and Al Qaeda.

The problem for the president is that he doesn't have any credible evidence to support his claim, and yet, in spite of that, he persists in making that claim vigorously. So I would like to pause for a moment to address the curious question of why President Bush continues to make this claim that most people know is wrong. And I think it's particularly important because it is closely connected to the questions of constitutional power with which I began this speech, and will profoundly affect how that power is distributed among our three branches of government.

To begin with, our founders wouldn't be the least bit surprised at what the modern public opinion polls all tell us about why it's so important particularly for President Bush to keep the American people from discovering that what he told them about the linkage between Iraq and Al Qaeda isn't true. Among these Americans who still believe there is a linkage, there remains very strong support for the president's decision to invade Iraq. But among those who accept the commission's detailed finding that there is no connection, support for the war in Iraq dries up pretty quickly.

And that's understandable, because if Iraq had nothing to do with the attack or the organization that attacked us, then that means the president took us to war when he didn't have to. Almost 900 of our soldiers have been killed, and almost 5,000 have been wounded.

Thus, for all these reasons, President Bush and Vice President Cheney have decided to fight to the rhetorical death over whether or not there's a meaningful connection between Iraq and Al Qaeda. They think that if they lose that argument and people see the truth, then they'll not only lose support for the controversial decision to go to war, but also lose some of the new power they've picked up

from the Congress and the courts, and face harsh political consequences at the hands of the American people. As a result, President Bush is now intentionally misleading the American people by continuing to aggressively and brazenly assert a linkage between Al Qaeda and Saddam Hussein.

If he is not lying, if they genuinely believe that, that makes them unfit in battle with Al Qaeda. If they believe these flimsy scraps, then who would want them in charge? Are they too dishonest or too gullible? Take your pick.

But the truth is gradually emerging in spite of the president's determined dissembling. Listen, for example, to this editorial from the *Financial Times*: "There was nothing intrinsically absurd about the WMD fears, or ignoble about the opposition to Saddam's tyranny—however late Washington developed this. The purported link between Baghdad and Al Qaeda, by contrast, was never believed by anyone who knows Iraq and the region. It was and is nonsense."

Of course, the first rationale presented for the war was to destroy Iraq's weapons of mass destruction, which turned out not to exist. Then the rationale was to liberate Iraqis and the Middle East from tyranny, but our troops were not greeted with the promised flowers and are now viewed as an occupying force by 92 percent of Iraqis, while only 2 percent see them as liberators.

But right from the start, beginning very soon after the attacks of 9/11, President Bush made a decision to start mentioning Osama bin Laden and Saddam Hussein in the same breath in a cynical mantra designed to fuse them together as one in the public's mind. He repeatedly used this device in a highly disciplined manner to create a false impression in the minds of the American people that Saddam Hussein was responsible for 9/11. Usually he was pretty tricky in his exact wording. Indeed, Bush's consistent and careful artifice is itself evidence that he knew full well that he was telling an artful and important lie—visibly circumnavigating the truth over and over again as if he had practiced how to avoid encountering the truth. But as I will document in a few moments, he and Vice President Cheney also sometimes departed from their tricky wording and resorted to statements were clearly outright falsehoods. In any case, by the time he was done, public opinion polls showed that fully 70 percent of the American people had gotten the message he wanted them to get, and had been convinced that Saddam Hussein was responsible for the 9/11 attacks.

The myth that Iraq and Al Qaeda were working together was no accident—the president and vice president deliberately ignored warnings before the war from international intelligence services, the CIA, and their own Pentagon that the claim was false. Europe's top terrorism investigator said in 2002, "We have found no evidence of links between Iraq and Al Qaeda. If there were such links, we would have found them. But we have found no serious connections whatsoever." A classified October 2002 CIA report given to the White House directly undercut the Iraq-Al Qaeda claim. Top officials in the Pentagon told reporters in 2002 that the rhetoric being used by President Bush and Vice President Cheney was "an exaggeration."

And at least some honest voices within the president's own party admitted as such. Sen. Chuck Hagel, a decorated war hero who sits on the Foreign Relations Committee, said point blank, "Saddam is not in league with Al Qaeda...I have not seen any intelligence that would lead me to connect Saddam Hussein with Al Qaeda."

But those voices did not stop the deliberate campaign to mislead America. Over the course of a year, the president and vice president used carefully crafted language to scare Americans into believing there was an imminent threat from an Iraq-armed Al Qaeda.

In the fall of 2002, the president told the country "You can't distinguish between Al Qaeda and Saddam" and that the "true threat facing our country is an Al Qaeda-type network trained and armed by Saddam." At the same time, Vice President Cheney was repeating his claim that "there is overwhelming evidence there was a connection between Al Qaeda and the Iraqi government."

By the spring, Secretary of State Powell was in front of the United Nations claiming a "sinister nexus between Iraq and the Al Qaeda terrorist network."

But after the invasion, no ties were found. In June of 2003, the United Nations Security Council's Al Qaeda monitoring agency told reporters his extensive investigation had found no evidence linking the Iraqi regime to Al Qaeda. By August, three former Bush administration national security and

intelligence officials admitted that the evidence used to make the Iraq-Al Qaeda claim was “tenuous, exaggerated and often at odds with the conclusion of key intelligence agencies.” And earlier this year, Knight-Ridder newspapers reported “Senior U.S. officials now say there never was any evidence” of a connection.

So when the bipartisan 9/11 commission issued its report finding “no credible evidence” of an Iraq-Al Qaeda connection, it should not have caught the White House off guard. Yet instead of the candor Americans need and deserve from their leaders, there have been more denials and more insistence without evidence. Vice President Cheney insisted even this week that “there clearly was a relationship” and that there is “overwhelming evidence.” Even more shocking, Cheney offered this disgraceful question: “Was Iraq involved with Al Qaeda in the attack on 9/11? We don’t know.” He then claimed that he “probably” had more information than the commission, but has so far refused to provide anything to the commission other than more insults.

The president was even more brazen. He dismissed all questions about his statements by saying “The reason I keep insisting that there was a relationship between Iraq and Saddam and Al Qaeda, because there was a relationship between Iraq and Al Qaeda.” He provided no evidence.

Friends of the administration tried mightily to rehabilitate their cherished but shattered linkage. John Lehman, one of the Republicans on the commission, offered what sounded like new evidence that a Saddam henchman had attended an Al Qaeda meeting. But within hours, the commissions files yielded definitive evidence that it was another man with a similar name—ironically capturing the near-miss quality of Bush’s entire symbolic argument.

They have such an overwhelming political interest in sustaining the belief in the minds of the American people that Hussein was in partnership with bin Laden that they dare not admit the truth lest they look like complete fools for launching our country into a reckless, discretionary war against a nation that posed no immediate threat to us whatsoever. But the damage they have done to our country is not limited to misallocation of military economic political resources. Whenever a chief executive spends prodigious amounts of energy convincing people of lies, he damages the fabric of democracy, and the belief in the fundamental integrity of our self-government.

That creates a need for control over the flood of bad news, bad policies and bad decisions also explains their striking attempts to control news coverage.

To take the most recent example, Vice President Cheney was clearly ready to do battle with the news media when he went on CNBC earlier this week to attack news coverage of the 9/11 Commission’s conclusion that Iraq did not work with Al Qaeda. He lashed out at the *New York Times* for having the nerve to print a headline saying the 9/11 commission “finds no Qaeda-Iraq Tie”—a clear statement of the obvious—and said there is no “fundamental split here now between what the president said and what the commission said.” He tried to deny that he had personally been responsible for helping to create the false impression of linkage between Al Qaeda and Iraq.

Ironically, his interview ended up being fodder for the *Daily Show* with Jon Stewart. Stewart played Cheney’s outright denial that he had ever said that representatives of Al Qaeda and Iraqi intelligence met in Prague. Then Stewart froze Cheney’s image and played the exact video clip in which Cheney had indeed directly claimed linkage between the two, catching him on videotape in a lie. At that point Stewart said, addressing himself to Cheney’s frozen image on the television screen, “It’s my duty to inform you that your pants are on fire.”

Dan Rather says that post-9/11 patriotism has stifled journalists from asking government officials “the toughest of the tough questions.” Rather went so far as to compare administration efforts to intimidate the press to “necklacing” in apartheid South Africa, while acknowledging it as “an obscene comparison.” “The fear is that you will be necklaced here (in the U.S.), you will have a flaming tire of lack of patriotism put around your neck,” Rather explained. It was CBS, remember, that withheld the Abu Ghraib photographs from the American people for two weeks at the request of the Bush administration.

Donald Rumsfeld has said that criticism of the administration’s policy “makes it complicated and more difficult” to fight the war. CNN’s Christiane Amanpour said on CNBC last September, “I think the press was muzzled and I think the press self-muzzled. I’m sorry to say but certainly television, and perhaps to a certain extent my station, was intimidated by the administration.”

The administration works closely with a network of “rapid response” digital Brown Shirts who work to pressure reporters and their editors for “undermining support for our troops.” Paul Krugman, the *New York Times* columnist, was one of the first journalists to regularly expose the president’s consistent distortions of the facts. Krugman writes, “Let’s not overlook the role of intimidation. After 9/11, if you were thinking of saying anything negative of the president...you had to expect right-wing pundits and publications to do all they could to ruin your reputation.

Bush and Cheney are spreading purposeful confusion while punishing reporters who stand in the way. It is understandably difficult for reporters and journalistic institutions to resist this pressure, which, in the case of individual journalists, threatens their livelihoods, and in the case of the broadcasters can lead to other forms of economic retribution. But resist they must, because without a press able to report “without fear or favor” our democracy will disappear.

Recently, the media has engaged in some healthy self-criticism of the way it allowed the White House to mislead the public into war under false pretenses. We are dependent on the media, especially the broadcast media, to never let this happen again. We must help them resist this pressure for everyone’s sake, or we risk other wrong-headed decisions based upon false and misleading impressions.

We are left with an unprecedented, high-intensity conflict every single day between the ideological illusions upon which this administration’s policies have been based and the reality of the world in which the American people live their lives.

When you boil it all down to precisely what went wrong with the Bush Iraq policy, it is actually fairly simple: he adopted an ideologically driven view of Iraq that was tragically at odds with reality. Everything that has gone wrong is in one way or another the result of a spectacular and violent clash between the bundle of misconceptions that he gullibly consumed and the all-too-painful reality that our troops and contractors and diplomats and taxpayers have encountered. Of course, there have been several other collisions between President Bush’s ideology and America’s reality. To take the most prominent example, the transformation of a \$5 trillion surplus into a \$4 trillion deficit is in its own way just as spectacular a miscalculation as the Iraq war.

But there has been no more bizarre or troubling manifestation of how seriously off track this president’s policies have taken America than the two profound shocks to our nation’s conscience during the last month. First came the extremely disturbing pictures that document strange forms of physical and sexual abuse—and even torture and murder—by some of our soldiers against people they captured as prisoners in Iraq. And then, the second shock came just last week, with strange and perverted legal memoranda from inside the administration, which actually sought to justify torture and to somehow provide a legal rationale for bizarre and sadistic activities conducted in the name of the American people, which, according to any reasonable person, would be recognized as war crimes. In making their analysis, the administration lawyers concluded that the president, whenever he is acting in his role as commander in chief, is above and immune from the “rule of law.” At least we don’t have to guess what our founders would have to say about this bizarre and un-American theory.

By the middle of this week, the uproar caused by the disclosure of this legal analysis had forced the administration to claim they were throwing the memo out and it was, “irrelevant and overbroad.” But no one in the administration has said that the reasoning was wrong. And in fact, a DOJ spokesman says they stand by the tortured definition of torture. In addition the broad analysis regarding the commander-in-chief powers has not been disavowed. And the view of the memo—that it was within commander-in-chief power to order any interrogation techniques necessary to extract information—most certainly contributed to the atmosphere that led to the atrocities committed against the Iraqis at Abu Ghraib. We also know that President Bush rewarded the principle author of this legal monstrosity with a seat on the U.S. Court of Appeals. President Bush, meanwhile, continues to place the blame for the horrific consequences of his morally obtuse policies on the young privates and corporals and sergeants who may well be culpable as individuals for their actions, but who were certainly not responsible for the policies which set up the Bush Gulag and led to America’s strategic catastrophe in Iraq.

I call on the administration to disclose all its interrogation policies, including those used by the military in Iraq and Afghanistan and those employed by the CIA at its secret detention centers

outside the U.S., as well as all the analyses related to the adoption of those policies.

The Bush administration's objective of establishing U.S. domination over any potential adversary led to the hubristic, tragic miscalculation of the Iraq war, a painful adventure marked by one disaster after another based on one mistaken assumption after another. But the people who paid the price have been the U.S. soldiers trapped over there and the Iraqis in prison. The top-heavy focus on dominance as a goal for the U.S. role in the world is exactly paralleled in their aspiration for the role of the president to be completely dominant in the constitutional system. Our founders understood even better than Lord Acton the inner meaning of his aphorism that power corrupts and absolutely power corrupts absolutely. The goal of dominance necessitates a focus on power. Ironically, all of their didactic messages about how democracies don't invade other nations fell on their own deaf ears. The pursuit of dominance in foreign and strategic policy led the bush administration to ignore the United Nations, do serious damage to our most alliances in the world, violate international law and risk the hatred of the rest of the world. The seductive exercise of unilateral power has led this president to interpret his powers under the constitution in a way that would have been the worst nightmare of our framers.

And the kind of unilateral power he imagines is fools gold in any case. Just as its pursuit in Mesopotamia has led to tragic consequences for our soldiers, the Iraqi people, our alliances, everything we think is important, in the same way the pursuit of a new interpretation of the presidency that weakens the Congress, courts and civil society is not good for either the presidency or the rest of the nation.

If the congress becomes an enfeebled enabler to the executive, and the courts become known for political calculations in their decisions, then the country suffers. The kinds of unnatural, undemocratic activities in which this administration has engaged, in order to aggrandize power, have included censorship of scientific reports, manipulation of budgetary statistics, silencing dissent, and ignoring intelligence. Although there have been other efforts by other presidents to encroach on the legitimate prerogatives of congress and courts, there has never been this kind of systematic abuse of the truth and institutionalization of dishonesty as a routine part of the policy process.

Two hundred and twenty years ago, John Adams wrote, in describing one of America's most basic founding principles, "The executive shall never exercise the legislative and judicial powers, or either of them...to the end it may be a government of laws and not of men."

The last time we had a president who had the idea that he was above the law was when Richard Nixon told an interviewer, "When the president does it, that means that it is not illegal... If the president, for example approves something, approves an action because of national security, or, in this case, because of a threat to internal peace and order, of significant order, then the president's decision in this instance is one that enables those who carry it out to carry it out without violating the law."

Fortunately for our country, Nixon was forced to resign as president before he could implement his outlandish interpretation of the Constitution, but not before his defiance of the Congress and the courts created a serious constitutional crisis.

The two top Justice Department officials under President Nixon, Elliot Richardson and William French Smith, turned out to be men of great integrity, and even though they were loyal Republicans, they were more loyal to the constitution and resigned on principle rather than implement what they saw as abuses of power by Nixon. Then Congress, also on a bipartisan basis, bravely resisted Nixon's abuse of power and launched impeachment proceedings.

In some ways, our current president is actually claiming significantly more extra-constitutional power, *vis-à-vis* Congress and the courts, than Nixon did. For example, Nixon never claimed that he could imprison American citizens indefinitely without charging them with a crime and without letting them see a lawyer or notify their families. And this time, the attorney general, John Ashcroft, is hardly the kind of man who would resign on principle to impede an abuse of power. In fact, whenever there is an opportunity to abuse power in this administration, Ashcroft seems to be leading the charge. And it is Ashcroft who picked the staff lawyers at Justice responsible for the embarrassing memos justifying and enabling torture.

Moreover, in sharp contrast to the courageous 93rd Congress that saved the country from Richard Nixon's sinister abuses, the current Congress has virtually abdicated its constitutional role to serve as an independent and coequal branch of government.

Instead, this Republican-led Congress is content, for the most part, to take orders from the president on what they vote for and what they don't vote for. The Republican leaders of the House and Senate have even started blocking Democrats from attending conference committee meetings, where legislation takes its final form, and instead, they let the president's staff come to the meetings and write key parts of the laws for them. (Come to think of it, the decline and lack of independence shown by this Congress would shock our founders more than anything else, because they believed that the power of the Congress was the most important check and balance against the unhealthy exercise of too much power by the Executive branch.)

This administration has not been content just to reduce the Congress to subservience. It has also engaged in unprecedented secrecy, denying the American people access to crucial information with which they might hold government officials accountable for their actions, and a systematic effort to manipulate and intimidate the media into presenting a more favorable image of the Administration to the American people.

Listen to what *U.S. News and World Report* has to say about their secrecy: "The Bush administration has quietly but efficiently dropped a shroud of secrecy across many critical operations of the federal government—cloaking its own affairs from scrutiny and removing from the public domain important information on health, safety, and environmental matters."

Here are just a few examples, and for each one, you have to ask, what are they hiding, and why are they hiding it?

More than 6000 documents have been removed by the Bush administration from governmental Web sites. To cite only one example, a document on the EPA Web site giving citizens crucial information on how to identify chemical hazards to their families. Some have speculated that the principle threat to the Bush administration is a threat by the chemical hazards if the information remains available to American citizens.

To head off complaints from our nation's governors over how much they receive under federal programs, the Bush administration simply stopped printing the primary state budget report.

To muddy the clear consensus of the scientific community on global warming, the White House directed major changes and deletions to an EPA report that were so egregious that the agency said it was too embarrassed to use the language.

They've kept hidden from view Cheney's ultra-secret energy task force. They have fought a pitched battle in the courts for more than three years to continue denying the American people the ability to know which special interests and lobbyists advised with Vice President Cheney on the design of the new laws.

And when mass layoffs became too embarrassing they simply stopped publishing the regular layoff report that economists and others have been receiving for decades. For this administration, the truth hurts, when the truth is available to the American people. They find bliss in the ignorance of the people. What are they hiding, and why are they hiding it?

In the end, for this administration, it is all about power. This lie about the invented connection between Al Qaeda and Iraq was and is the key to justifying the current ongoing Constitutional power grab by the president. So long as their big flamboyant lie remains an established fact in the public's mind, President Bush will be seen as justified in taking for himself the power to make war on his whim. He will be seen as justified in acting to selectively suspend civil liberties—again on his personal discretion—and he will continue to intimidate the press and thereby distort the political reality experienced by the American people during his bid for re-election.

War is lawful violence, but even in its midst we acknowledge the need for rules. We know that in our wars there have been descents from these standards, often the result of spontaneous anger arising out of the passion of battle. But we have never before, to my knowledge, had a situation in

which the framework for this kind of violence has been created by the president, nor have we had a situation where these things were mandated by directives signed by the Secretary of Defense, as it is alleged, and supported by the National Security Advisor.

Always before, we could look to the chief executive as the point from which redress would come and law be upheld. That was one of the great prides of our country: humane leadership, faithful to the law. What we have now, however, is the result of decisions taken by a president and an administration for whom the best law is NO law, so long as law threatens to constrain their political will. And where the constraints of law cannot be prevented or eliminated, then they maneuver it to be weakened by evasion, by delay, by hair-splitting, by obstruction and by failure to enforce on the part of those sworn to uphold the law.

In these circumstances, we need investigation of the facts under oath, and in the face of penalties for evasion and perjury. We need investigation by an aroused congress whose bipartisan members know they stand before the judgment of history. We cannot depend up on a debased Department of Justice given over to the hands of zealots. "Congressional oversight" and "special prosecution" are words that should hang in the air. If our honor as a nation is to be restored, it is not by allowing the mighty to shield themselves by bringing the law to bear against their pawns: it is by bringing the law to bear against the mighty themselves. Our dignity and honor as a nation never came from our perfection as a society or as a people: it came from the belief that in the end, this was a country which would pursue justice as the compass pursues the pole: that although we might deviate, we would return and find our path. This is what we must now do.