

connections

Volume XXIV, Number 1

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Dec 2005/Jan 2006

SAVE THE DATES

**JAN 17
UNIVERSAL HEALTH
CARE PANEL**

**JAN 19
PUBLIC HEARING
ON GENERAL PLAN**

**JAN 24
JOHN MCCUTCHEON**

**TUESDAYS
MOVIES AT THE
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MESS..... 8-9, 20**

**BUSH/NIXON—
IMPEACHABLE 10**

Campaign for Common Ground

Alternative general plan

Stockton's General Plan Action Team (GPAT) completed its work on the city's Draft 2035 General Plan, the blueprint for Stockton's growth for the next 30 years.

The first public hearing is scheduled for January 19, 2006, at 6 pm at the Civic Auditorium. The environmental impact report (EIR) that analyzes the impacts of all the new growth will be presented at that time.

The GPAT General Plan was heavily influenced by City staff and consultants, along with the city's biggest developers. The developer/staff plan calls for 75% of new growth to occur in "villages" surrounding the city—a sprawl-inducing scheme that would consume large areas of prime agricultural land north of Eight Mile Road and require a new transportation beltway to connect I-5 and Highway 99.

Campaign for Common Ground (CCG) has written an alternative Plan, calling for eliminating most of the sprawling villages on the fringe of the city and concentrating 60% to 70% of the new growth within the current General Plan boundaries (south of Eight

Mile Road). This Plan calls for higher-density building and continued revitalization of the inner city which would make public transportation viable as well as bike and pedestrian commuting. The CCG Plan calls for inclusionary housing, meaning that builders would be required to build low- and moderate-income housing along with market-rate housing, to ensure a place for all Stockton citizens to live.

The CCG plan also adds a brand new element that provides for a higher level of public participation in city government than in the past.

ACTION: Please attend the public hearings on January 19 at the Civic Auditorium to support the CCG plan when it is presented to the Planning Commission. Follow-up meetings have been scheduled for January 26 and February 2. City Council hearings begin afterwards, maybe in March or April; contact Gloria Townsend for the date and time (Georgia.polk@ci.stockton.ca.us or 937-8919). CCG's alternate General Plan is on the web (www.campaignforcommonground.org). Call 478-1060 to request talking points.

John McCutcheon coming on January 24!



"The pithy insight of Will Rogers, the understated delivery of Garrison Keillor, the song leading ability of Pete Seeger, and the virtuosity of an orchestra... John McCutcheon is a national folk treasure!"

John McCutcheon, "Virginia's rustic renaissance man," will be featured in concert on Tuesday, January 24, 7:00 pm at Central United Methodist Church, 3700 Pacific Ave, Stockton.

John McCutcheon learned to play the banjo, guitar, fiddle, autoharp, mountain dulcimer, and jaw harp from some of the great traditional masters. Critics reserve their most lavish praise for his knowledge of the hammer dulcimer, an instrument on which he is widely recognized as a world master. McCutcheon is a powerful singer of traditional material, with a wry wit and ear for a good story, "the Wendell Berry of folk music." Whether playing as a featured artist with a symphony or entrancing a concert hall with a story about small town life, John is unparalleled.

This concert is sponsored by the Peace & Justice Network. Tickets are available at the door \$15 general / \$5 students. For more information call 209 467-4455.

Reviewers say:

"The most impressive instrumentalist I've ever heard."
—Johnny Cash

"A virtuoso instrumentalist who never lets his technical wizardry interfere with the heartfelt message of his songs. My only regret is that I'll never again experience the thrill of hearing him for the first time." —Asher Raboy, conductor, Napa Valley Symphony

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This President must be impeached

Bruce Giudici

By now, the blatant manipulation of our electoral system is established fact. Not only did Al Gore win in Florida (acknowledged two years after the fact) and was Kerry out-hustled in Ohio four years later, we have admitted manipulation by that most liberal newspaper, the *New York Times*.

At critical times before the 2004 election, the *Times* chose to delay publishing two devastating stories of administration criminal activity that would have cost Bush the election.

In the first, the now-fired Judith Miller was allowed to sit on the story of E. Gordon (Scooter) Libby's leak of a CIA operative's identity for a full year, until after the Bush administration was safely ensclosed in the White House for another four years. In the second, the *Times* sat on the

disclosure of felony NSA wire-tapping for "a year" (publish date 12/31/05), timing which would have placed the story within a month of the November 2004 election. In disclosing the year-long publishing delay, the *Times* did not say whether the story could have affected the election—an omission that speaks volumes.

This criminal activity, freely admitted to by an endless-war-time empowered Bush—when combined with the Miller decision—suggests that the election of this Administration was conducted on false pretenses. Americans may have thought that they were electing a president who respected the laws of this land—but they were not provided with adequate information on which to base such a decision. The election would easily have turned on these two hidden *Times* stories—and not just for the president.

Throughout, you will hear the presidential defense "we are at war." In this never-ending self-serving war against terror, however, Bush is claiming never-ending special powers to invade countries, torture innocents and spy on US citizens—and more. This cannot continue.

Simply stated, in this country, a president cannot claim ultimate power answerable to no one for any reason. Period. It must stop—this year.

The United States of America, which prides itself on being a nation of laws, will be tested in 2006. Bush has broken many laws: wiretapping, rendition, torture. And he has betrayed the trust of the American people, misleading the country into the needless Iraq war.

If the acts of this president go unchecked, will there be any limits placed on the presidency,

Bruce Giudici



any laws it must obey? And at what point does our nation become something different, something less.

Despite partisan control of all branches of government by right-wing zealots, now is the time for Republicans to rise above their party ties and to act on behalf of all Americans. They must impeach this president.

The articles in this issue should provide you ammo in the war against willful ignorance. Use it. Go forth. It's a whole new year. Happy New Year!

Where do you get your news?

Suggestions from a news junkie

Laurie Litman

I'm well-informed these days. I follow the news compulsively, sometimes to the detriment of career and family. It all started a few months ago while waiting for Rove to go down (yes, I know that hasn't happened yet but I'm an optimist—Libby and Abramoff are toast and there are lots more indictments to look forward to in the new year...). While looking for more insight into Flamegate, I discovered the blogs—great entertainment and an education to boot.

For those who think you are getting alternative news from NPR, or heaven forbid the Lehrer News Hour, you're just not paying attention. Those shows may have a different tone than Fox News, but they basically cover the same mate-

rial with the same spin. While you may enjoy trying to read between the lines or get rid of hostility by screaming at the radio/tv, the MSM (translation: mainstream media, or traditional media) does little to enlighten you on what is actually going on in our world.

I recommend you go to the blogs (short for "weblog") for news, analysis, and discussion of current events, plus some great laughs.

The format is a little different from your local newspaper and much more interactive. Links throughout the articles provide background, more information, bring in posts by others, and use the power of the internet to round out the article. In addition, there is usually a place for discussion from readers so you can get involved in the article

and put in your two cents.

Blogs are a truly democratic arena where everyone has access to, and is part of, the media. Granted there's a lot of garbage out there, but you will find some amazingly great news and analysis by knowledgeable people who even know how to write. You'll be surprised at the fine minds, thought-provoking insights, and humorous notes you'll find.

There are also specialists who compile information on a single topic. If you want to make sense of the Abramoff scandal go to <http://www.thinkprogress.org/abramoff> for background on all the players.

Look around the blogosphere and other news sources on the internet. I recommend you start with some of the best to avoid frustration. Huffington

Post (<http://www.huffingtonpost.com>) is one place to go for current news and they also have links to some good blogs. I check Jane Hamsher (<http://www.firedoglake.blogspot.com>) several times a day for her take on the big stories of the day and links to other blogs.

My current favorites (and there are lots more; you'll have to find your own):

- Jane Hamsher <http://www.firedoglake.blogspot.com>
- Digby <http://digbysblog.blogspot.com/>
- Daily Kos <http://dailykos.com/>
- Crooks and Liars <http://www.crooksandliars.com/>
- Needlenose <http://www.needlenose.com/blog/3>
- Atrios <http://atrios.blogspot.com/>

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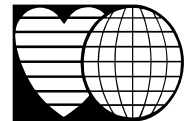
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"The Peace and Justice Network is a nonprofit educational organization committed to the vision of a world in which the equality of all persons is achieved, basic needs are met, conflict is resolved nonviolently, and the earth's resources are shared responsibly for the well-being of all her inhabitants and all future generations."

10 good things about another bad year

Medea Benjamin

As we close this year, a year in which we were pummeled by the Iraq war, attacks on our civil rights, and Mother Nature's fury of hurricanes, earthquakes and tsunamis, there is no shortage of reasons to feel bruised and beaten. But to start the New Year with a healthy determination to keep on fighting, we need to reflect on the good things that happened. And there are plenty.

One continent alone—South America—could provide more than 10 examples of wonderful progressive victories, but I'll just list some of the highlights.

1. Hugo Chavez has shown how an oil-rich nation can use the country's wealth to provide education, healthcare and small business opportunities for its people—and we here in the US have discovered an oil company we can feel good about buying gas from: Venezuela's CITGO.

2. Bolivians have, for the first time in their history, elected an indigenous president, Evo Morales. The former llama farmer and coca grower has fought against "free trade" and the privatization of his nation's resources, and has brought new hope to indigenous people throughout the continent.

3. Anti-war activists—who once represented a much-maligned minority—now represent the majority of Americans who

agree that the war in Iraq was a mistake and the troops should come home as soon as possible. And with Cindy Sheehan and Cong. Jack Murtha, we finally had spokespeople the mainstream media listened to!

4. In an historic blow to the Bush administration's five-year attempt to destroy the Kyoto Protocol, the climate summit in Montreal ended with even stronger measures to combat global warming. At home, nearly 200 cities are taking their own Kyoto-type actions to cut greenhouse gas emissions.

5. The Senate ended the year with a spurt of defiance, refusing to permanently extend the expiring provisions of the Patriot Act, blocking the Republican maneuver to attach Arctic oil drilling to a defense spending bill, and passing John McCain's anti-torture amendment.

6. Despite a concerted offensive to lift the president's sagging public support, George Bush's approval ratings are still below 50 percent, his economic agenda (from the privatization of social security to the repeal of the estate tax) has unraveled, key cronies from Lewis Libby to Tom DeLay have fallen from grace, and 2006 might just put impeachment back into the congressional lexicon.

7. Labor, community activists and women's groups

have mounted a spirited campaign against the behemoth of behemoths, Wal-Mart. And a California jury awarded \$172 million to thousands of employees at Wal-Mart Stores, Inc., who were denied such basic rights as lunch breaks, with 40 similar lawsuits pending in other states.

8. With the wild swings in gas prices, SUV sales have plummeted (Ford Explorer down 52%, Chevrolet Suburban down 46%), the sale of hybrids has doubled, and the US House of Representatives actually held a forum on the "peak oil theory."

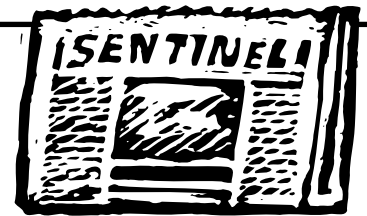
9. In a great win for farm workers, the Coalition of Immokalee Workers forced the fast food giant Taco Bell to raise the price for picking tomatoes (nearly doubling many workers' salaries), and now they're ready to take on an even bigger bully: McDonald's.

10. The global movement for peace and justice proved it was alive and kicking: witness Argentina during the Free Trade Agreement meetings, Hong Kong around the World Trade Organization ministerial, and the ongoing rallies against the war. The steady growth of the fair-trade movement also shows that we are not just protesting, but we're also building a more sustainable economy.

Let's make 2006 the year we broke the right-wing tide, refused to give pro-war, free-trade Democrats a free ride, and built a "people's movement" with some muscle to it. We might just get some lessons from our southern neighbors. If Mexico City's progressive mayor Manuel Lopez Obrador becomes Mexico's next president, Latin America's revolutionary fervor will be smack up against the Texas border. Que viva el poder popular en 2006!

Medea Benjamin (medea@globalexchange.org) is co-founder of Global Exchange and CODEPINK.

Source: truthout.org | Perspective 12/29/05 www.truthout.org/



MSM = truth? Check out the alternatives & decide for yourself

If you tap in to some of the alternative media, you will get a very different perspective on events. Especially now, when the mainstream media often acts as a cheerleader for whatever the administration does, it's necessary to go a little further to get your news. An internet connection is helpful.

KPFA (94.1 FM) provides the best coverage around for many issues. You can listen on the internet at <http://www.kpfa.org>

Democracy Now! on KPFA, 94.1 FM at 9am, on KVMR, 89.5 at 7pm or on the web at: <http://www.democracynow.org>

Huffington Post <http://www.huffingtonpost.com>

OpEdNews.com <http://www.opednews.com>

Common Dreams News Center: <http://www.common-dreams.org/>

Truth Out: <http://www.truthout.org/>

AlterNet.org: <http://www.alternet.org/>

Free Press <http://freepress.net>

<http://www.reclaimthedia.org>

Media Tank, <http://www.mediatank.org>

Counter Punch <http://www.counterpunch.org>

MediaChannel: <http://www.mediachannel.org/>

Independent Media Center: <http://www.indymedia.org>

Black Voices for Peace: <http://www.bvfp.org/>

The Nation—<http://www.thenation.com/>

Hightower News — <http://www.webactive.com/hightower/>

Mother Jones—<http://www.motherjones.com/>

In These Times — <http://inthesetimes.com/>

The Progressive — <http://www.progressive.org/>

Z Magazine—<http://www.zmag.org/>

Tom Paine.common sense — <http://www.tompaine.com/>

MoveOn.org — <http://www.moveon.org/>

Global Alliance Against Weapons & Nuclear Power in Space — <http://www.space4peace.org>

The Guardian: <http://www.guardian.co.uk/worldlatest/>

Angry Arab News Service—<http://www.angryarab.blogspot.com/>

Corporate Watch—<http://www.corpwatch.org/home/PHH.jsp>

We're on the web too!

The Peace & Justice Network of San Joaquin County (pjnsjc) website has information, calendar, media links, and more. Under construction and growing.

Share your ideas on how the website should evolve.

<http://www.pjnsjc.org>

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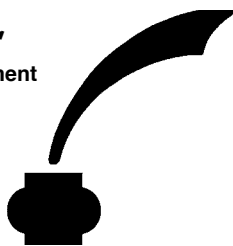
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Reform the PATRIOT Act

In the coming days, Congress will vote on whether to make certain expiring Sections of the Patriot Act permanent, and on a drastic expansion of the law to allow the FBI to go on broad fishing expeditions into the personal records of innocent Americans.

Just 45 days after the Sept. 11, 2001, attacks, with virtually no debate, Congress passed the Patriot Act. Many Sections of this sweeping law need proper checks and balances to protect our constitutional freedoms. Unfortunately, the chance to do that may be lost forever when Congress votes in the coming days on whether to make permanent and expand the Patriot Act. It is imperative that you ACT NOW to protect your freedoms and keep this from happening!

Under this sweeping legislation, the government can:

1) Search your home and not even tell you. The USA Patriot

Act expands law enforcement's ability to conduct secret "sneak and peek" searches of your home. Investigators can enter your home or office, take pictures and seize items without informing you that a warrant was issued, for an indefinite period of time. (Section 213)

2) Collect information about what books you read, what you study, your purchases and your medical history. The USA Patriot Act gives law enforcement broad access to any types of records—medical, financial, gun, library, educational, sales, etc.—without probable cause of a crime. It also prohibits the holders of this information, like librarians, from disclosing that they have produced such records, under threat of imprisonment. The court orders are issued by a secret intelligence court in Washington and judges have little power to deny applications. (Section 215)

3) Seize a wide variety of busi-

ness and financial records, and in certain instances access the membership lists of organizations that provide even very limited Internet services (message boards on your church website for instance) using "national security letters," or NSLs, which are issued at the sole discretion of the Justice Department. The Patriot Act expanded access to these NSLs, which also impose a blanket gag order on recipients and are not subject to judicial review. (Section 505)

4) Read parts of your e-mails and monitor what you look at on-line. The Patriot Act lets the government get records that could show the subject lines of your e-mails and details about your Web surfing habits (like your recent research on Google), all without probable cause. (Section 216)

Source: *American Civil Liberties Union* <http://www.aclu.org>



Feedback

Racist graffiti

Editor,

The disturbing report about the racist graffiti in The Record of 15 Dec '05 which occurred in Manteca said that several homes in a central neighborhood had been tagged with swastikas racist slogans.

Who benefits from this racism? Over the years I have learned that there are three reasons for this racism.

1) It divides workers. Racism trains us to notice some superficial differences and ignore common working class problems that are shared between Black, Latin, Asian and white workers, such as a lack of health care, decent jobs and education. The racists want to blame stereotypical scapegoats for the problems in our society.

2) Racism lowers wages for all workers. An excellent example of this was when

Federal agents in October 2003 raided 61 Wal-Mart Stores and arrested and terrorized 250 undocumented workers across the U.S. This was a direct attack on the working class in the United States. The U.S. made criminals out of workers trying to provide for their families. This criminalization of the work force makes it virtually impossible for documented or undocumented workers to organize for better conditions. If "citizen workers" want to organize for more money or better conditions, they can be threatened with replacement by "illegals."

3) The source of all profits is human labor. Companies like Wal Mart or San Joaquin Valley agricultural interests have a great stake in keeping workers terrorized and unorganized in order to keep their profits maximized.

Much of the terrorizing of workers is done by the USCIS (U.S. Citizenship and Immigration Service) when

they raid our workplaces. The USCIS is part of the Department of Homeland Security. Groups like the Nazis or the racist Minutemen are inspired by the USCIS; they also do some of the dirty work for the USCIS (or Migra).

It is not unheard of for some of the "interested businesses" to fund or support groups like the Nazis or the Minutemen. In Diane McWhorter's book "Carry Me Home," she documents how U.S. Steel funded and supported terrorist groups like the Ku Klux Klan and worked to keep black and white workers from organizing the workers of U.S. Steel in Birmingham.

It is very important to stop the Nazis or the Minutemen from terrorizing our neighborhoods from Manteca to Lodi. If we are ever going to organize for more jobs, healthcare, and education, these racists must be exposed and stopped.

Harold Bell



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Sen. Dianne Feinstein, One Post Street, Ste 2450, San Francisco, CA 94104. 415-249-0707; 331 Hart Building, Washington, DC 20510. 202-224-3841, senator@feinstein.senate.gov

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Secretary of State Condoleezza Rice, 2201 C St, NW Washington, DC 20520

Gov. Arnold Schwarzenegger, State Capitol, Sacramento, CA 95814. 916-445-2841

State Sen. Michael Machado (D-District 5), 31 E Channel St, Room 440, Stockton, CA 95202. 209-948-7930; State Capitol, Rm 4035, Sacramento, CA 95814. 916-445-2407

Assemblyperson Barbara Matthews (D-District 17), 31 E Channel St, Room 306, Stockton, CA 95202. 209-948-7479; State Capitol Room 5135, Sacramento, CA 95814. 916-319-2017

Alito: activist for his ideology

Right-wing political and legal activists claim they despise "judicial activism" at the same time they adore radically activist judges like Supreme Court Justice Antonin Scalia. While they tell Americans that they only want judges who will "strictly" interpret our Constitution and laws, their brutal attacks on Harriet Miers made it clear that they will accept only judges who can be counted on to push the law in the direction of their ideology and desired outcomes.

Samuel Alito's opinions as a federal appeals court judge help explain why extremist Supreme Court nominee Robert Bork—rejected by a Republican-controlled Senate—is telling his fellow right-wing die-hards to "rejoice" over Alito's nomination.

Ultraconservative legal activists rail about judges who "legislate from the bench." Alito has been criticized by his Third Circuit colleagues and others for trying to do just that.

- In one case in which he dissented, Judge Alito would have held that a federal law restricting the possession and transfer of machine guns was unconstitutional, even though five other federal appeals courts had come to the opposite conclusion relying on the same Supreme Court case Alito used to justify his position. Even ultraconservative Sen. Tom Coburn (R-OK) has characterized that opinion as improperly trying to legislate from the bench.

- In an immigration case, this one about whether filing a false tax return was grounds for a couple to be deported, Alito's colleagues said he was ignoring "well-established principles" about reading laws and said that the court "must interpret what [Congress] has written by well-recognized rules of statutory construction, unaided by speculation."

- In a case about an African man's claim that he would be

persecuted at home if the government deported him, Alito's fellow judges criticized his dissent, saying it "not only guts the statutory standard, but ignores our precedent."

Outside the mainstream

- In one employment discrimination case in which he dissented, Alito was the only judge—out of 11 appeals court judges, Republicans and Democrats alike—who would have held that a woman claiming sex discrimination had not even presented enough evidence to get her case heard by a jury.

- In a case about constitutional protections against unreasonable searches, Alito would have excused police officers who strip-searched a mother and her 10-year old daughter in their own home, even though the search warrant didn't give officers that authority. Judge Michael Chertoff, who now heads the Department of Homeland Security, said the position taken by Alito would have violated clearly established rights guaranteed by the Fourth Amendment and could make the search warrant requirement "little more than the cliché 'rubber stamp.'"

- In Casey, Alito stated that he would have upheld a provision of Pennsylvania's restrictive anti-abortion law requiring a woman in certain circumstances to notify her husband before obtaining an abortion. His colleagues on the Third Circuit and the Supreme Court majority disagreed and overturned the provision.

- In a case where an African American had been convicted of felony murder by an all white jury from which black jurors had been impermissibly struck because of their race, Alito cast the deciding vote and wrote the majority opinion in a 2-1 ruling rejecting the defendant's claims. The full Third Circuit, in a split decision, reversed Alito's ruling,

O'Connor v. Alito: key 5-4 decisions

Sandra Day O'Connor has been the deciding fifth vote in many important Supreme Court decisions affecting civil rights, environmental protection, personal privacy, reproductive freedom and reproductive health, religious liberty, consumer protection and much more. If she is replaced by someone who doesn't share her fair and impartial perspective—someone in the mold of Clarence Thomas and Antonin Scalia—the constitutional consequences will be devastating. These are among the key 5-4 decisions in danger of being overturned:

Reproductive rights and privacy

Stenberg v. Carhart (2000) overturned a state law that would have had the effect of banning abortion as early as the 12th week of pregnancy and that lacked any exception to protect a woman's health.

Consumer protection and corporate power

Rush Prudential HMO, Inc. v. Moran (2002) upheld state laws giving people the right to a second doctor's opinion if their

HMOs tried to deny them treatment.

Civil rights

Tennessee v. Lane (2004) upheld the constitutionality of Title II of the Americans with Disabilities Act and required that courtrooms be physically accessible to the disabled.

Grutter v. Bollinger (2003) affirmed the right of state colleges and universities to use affirmative action in their admissions policies to increase educational opportunities for minorities and promote racial diversity on campus.

Davis v. Monroe County Bd. of Educ. (1999) ruled that it is a violation of federal law for school districts to be deliberately indifferent towards severe and pervasive student-on-student sexual harassment.

Brentwood Academy v. Tennessee Secondary School Athletic Association (2001) affirmed that civil rights laws apply to associations regulating interscholastic sports.

Morse v. Republican Party of Virginia (1996) said key anti-discrimination provisions of the Voting Rights Act apply



and the majority specifically criticized him for having compared statistical evidence about the prosecution's exclusion of blacks from juries in capital cases to an explanation of why a disproportionate number of recent U.S. Presidents have been left-handed. According to the majority, "[t]o suggest any comparability to the striking of jurors based on their race is to minimize the history

of discrimination against prospective black jurors and black defendants..."

Alito's record underscores that "judicial activism" is in the eye of the beholder " and his repeated attempts to push the law in certain directions makes radical right leaders like what they see.

Source: People for the American Way website Save the Court www.savethecourt.org

to political conventions that choose party candidates.

Hunt v. Cromartie (2001) affirmed the right of state legislators to take race into account to secure minority voting rights in redistricting.

Access to justice

Zadvydas v. Davis (2001) told the government it could not indefinitely detain an immigrant who was under final order of removal even if no other country would accept that person and that access to federal courts is available to combat improper, indefinite detention.

Brown v. Legal Foundation of Washington (2003) maintained a key source of funding for legal assistance for the poor.

Religious liberty and church-state separation

McCreary County v. ACLU of Kentucky (2005) upheld the principle of government neutrality towards religion and ruled unconstitutional Ten Commandments displays in several courthouses

Lee v. Weisman (1992) continued the tradition of government neutrality toward religion, finding that government-sponsored prayer is unacceptable at graduations and other public school events.

Money, politics and government accountability

McConnell v. Federal Election Commission (2003) upheld most of the landmark McCain-Feingold campaign finance law, including its ban on political parties' use of unlimited soft money contributions.

Federal Election Commission v. Colorado Republican Federal Campaign Committee (2001) upheld laws that limit political party expenditures that are coordinated with a candidate and seek to evade campaign contribution limits.

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Journalists should expose secrets, not keep them



Norman Solomon

Journalists should be in the business of providing timely information to the public. But some—notably at the top rungs of the profession—have become players in the power games of the nation's capital. And more than a few seem glad to imitate the officeholders who want to decide what the public shouldn't know.

When the *New York Times* front page broke the story of the National Security Agency's domestic spying, the newspaper's editors had good reason to feel proud. Or so it seemed. But there was a troubling backstory: the *Times* had kept the scoop under wraps for a long time.

The White House did what it could—including, as a last-ditch move, an early-December presidential meeting that brought *Times* publisher Arthur Sulzberger and executive editor Bill Keller to the Oval Office—in its efforts to persuade the *Times* not to report the story. The good news is that those efforts ultimately failed. The bad news is that they were successful for more than a year.

"The decision to hold the story last year was mine," Keller said, according to a *Washington Post* article that appeared 10 days after the *Times*'s blockbuster December 16 story. He added: "The decision to run the story last week was mine. I'm comfortable with both decisions. Beyond that, there's just no way to have a full discussion of the internal procedural twists that media writers find so fascinating without talking about what we knew, when, and how—and that I can't do."

Election in their hands

By all indications, the *Times* had the basic story in hand before the election in November 2004, when Bush defeated challenger John Kerry. In other words, if those running the *New York Times* had behaved like

journalists instead of political players—if they had exposed this momentous secret instead of keeping it—there are good reasons to believe the outcome of the presidential election might have been different.

Chiseled into the stone facades of some courthouses is the credo "Justice delayed is justice denied." The same might be said of journalism, which derives much of its power from timeliness. When egregiously delayed, journalism is denied—or at least severely diminished.

"Doves' motives suspect"

"So far, the passion to investigate the integrity of American intelligence-gathering belongs mostly to the doves, whose motives are subject to suspicion and who, in any case, do not set the agenda," Bill Keller wrote in an essay that appeared in the *Times* on June 14, 2003, shortly before he became executive editor. And Keller concluded: "The truth is that the information-gathering machine designed to guide our leaders in matters of war and peace shows signs of being corrupted. To my mind, this is a worrisome problem, but not because it invalidates the war we won. It is a problem because it weakens us for the wars we still face." (By the way, Keller's phrase "the war we won" referred to the Iraq war.)

The story of the NSA's illicit domestic spying is not over. More holes are appearing in the Bush administration's damage-control claims. Media critics who affirm how important the story is—but make excuses for the long delay in breaking it—are part of a rationalizing process that has no end. And, while many journalists seem eager to downplay the importance of the *Times*'s refusal to publish what it knew without long delay, Edward Wasserman (*Miami Herald*) offers clarity: "Didn't the delay do harm? We know that thousands of people were

subject to governmental intrusion that officials thought couldn't be justified even under a highly permissive set of laws. We also know that because knowledge of this illegality was kept confined to a small circle of initiates, the political system's response was postponed more than a year, and its ability to correct a serious abuse of power was thwarted. I don't know what the *Times*'s brass was thinking. Maybe they just lost their nerve. Maybe they didn't want to tangle with a fiercely combative White House right before an election. But I do believe that withholding accurate information of great public importance is the most serious action any news organization can take. The reproach: "You knew and you didn't tell us?"—reflects a fundamental professional betrayal."

Perhaps in 2007 we will learn that the *New York Times* had an explosive story about other ongoing government violations of civil liberties or some other crucial issue, but held it until after the November 2006 congressional elections. In that case, quite a few media critics and other journalists could recycle their pieces about giving the *Times* the benefit of the doubt and appreciating the quality of the crucial story that finally appeared.

Norman Solomon's latest book is War Made Easy: How Presidents and Pundits Keep Spinning Us to Death. For information, go to: www.WarMadeEasy.com (http://www.WarMadeEasy.com).

Source: *truthout* | *Perspective* 12/28/05 <http://www.truthout.org>

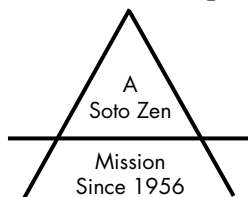


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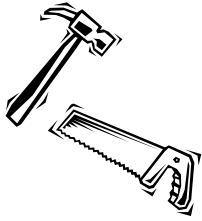
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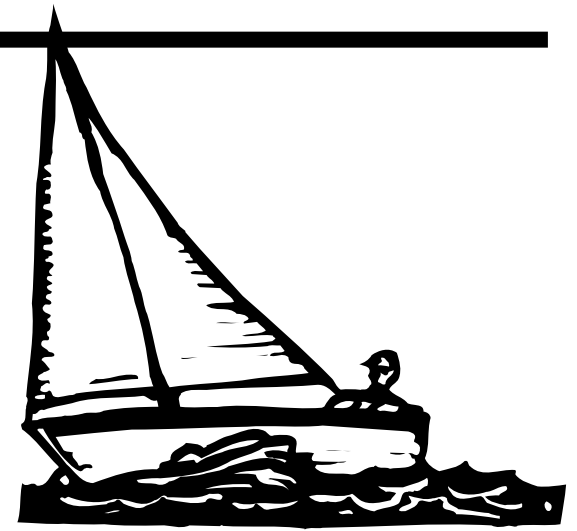
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Is freedom too much trouble?

John Morearty

Why bother writing one more column? Today's the deadline but our gentle editor never harasses me, and besides I don't get paid. It's a quiet sunny winter's day, I'm sitting in my warm comfortable study, the refrigerator is full, and when I get bored I can always turn on the TV and get two hundred channels of trash, entertainment, and even Interesting Information. Or I could go for a bike ride, drink coffee at Barnes and Noble, maybe chat with a friend. George Bush will take care of the terrorists, and the scientists will fix the world.

Yeah, right.

There's a famous parable called "The Grand Inquisitor" in Dostoevsky's novel *The Brothers Karamazov*. The cynical inquisitor (an office actually held for years, incidentally, by the present Pope Benedict XVI) is holding Jesus captive. He tells his prisoner that Jesus was naive and foolish in offering freedom to human beings. What they really want, says the inquisitor, are MIRACLE, MYSTERY and AUTHORITY: Somebody to tell them what to do, who will solve complex problems too big for them to deal with, and provide them with plenty of food and bodily comforts.

In other words, what people want is a Big Brother police state, scientific experts to worry about the puzzles of the world, and lots of goodies: bulging supermarkets, glittering malls and casinos, big fast cars and plenty of free virtual sex. No problem! We've got all that in the consumer societies of the planet; we can relax and enjoy our private lives.

Sure, the oceans are awash in plastic, and the mercury in tuna fish will rot your brain. Sure the planet is getting hotter, the ice caps are melting, the Atlantic

is warming, the hurricanes are getting bigger, and the winter snow in the Sierra is turning to rain. Sure our kids get sick breathing the air in the valley, and the governor wants to spend a billion on highway 99-build it and the smog will come. Sure the rainforests are vanishing, topsoils washing to the sea, the deserts are growing. Sure the Iraq war may cost a couple trillion, what with all the brain-damaged veterans, but at least they won't be competing for jobs. Sure the Chinese are already the world's leading consumers of resources, and are bidding up the price of oil. Sure the Arab world is furious with our Crusade, but we can always nuke 'em. Sure the children of the global poor are hungry, and crying out for education and health care-but maybe they'll die off, and there will be more for the rest of us.

It's tempting to think, Maybe I personally can duck the troubles, and in any case what can one person do?

"Almost anything you do will seem insignificant," Gandhi said, "and it is terribly important that you do it." Vaclav Havel said, "Hope is not the certainty that things will turn out right. Hope is taking actions that make sense, even though you do not know whether they will succeed."

Hopeful signs

Committing acts of hope is always a choice. Here are some acts lately that have given me hope. Lester Brown has just published *Plan B 2.0-Rescuing a Planet under Stress and a Civilization in Trouble*. Brown is an immensely learned and visionary scholar/activist, who for years has edited the annual *World Watch* Institute reports on the state of the world. Ted Turner purchased 3,519 copies of *Plan B 2.0* to give to

Fortune 500 CEOs, members of Congress, and heads of state and cabinet members worldwide. Brown writes:

"Challenging though the situation may be, there are signs of the new economy emerging. We see them in the wind farms of Europe, the fast-growing U.S. fleet of gas-electric hybrid cars, the reforested hills of South Korea, the bicycle-friendly streets of Amsterdam, and the solar rooftops of Japan."

The people of Bolivia just elected Evo Morales president (see page 14). He's the first full-blooded indigenous president in Latin America; he says he'll ease up on the little coca growers (not cocaine processors), and nationalize Bolivia's great resources of natural gas. He wants to call a summit of the progressive presidents in Latin America, to talk about an alternative to the Yankee Empire: Lula of Brazil, Kirchner of Argentina, Chavez of Venezuela, Castro of Cuba, and invite the Nobel Peace Prize winners too: Perez Esquivel of Argentina, Rigoberta Menchu of Guatemala. Why not invite Oscar Arias of Costa Rica, and Lopez Obrador if he gets elected president of Mexico this year? Latin America is rising. Venezuela is providing subsidized heating oil to the poor of Massachusetts and Connecticut. Poor George Bush-if only he didn't have his Iraq war, he'd show those punks who's boss....

The women of CodePink, including Medea Benjamin (415-235-6517) who spoke at the Peace and Justice Banquet last spring (see page 3), have just announced a global campaign to end the Iraq war. On January 5, women from around the world-from the US to Iraq to Britain to Japan-launched a campaign aimed at ending the Iraq war and all attacks on Iraqi

civilians in 2006. As a first step, the Women Say No to War Campaign (<http://www.womensaynotowar.org>) will gather some 100,000 signatures by March 8, International Women's Day, when US and Iraqi women will deliver the signatures to leaders in Washington, DC and women around the world will deliver them to US embassies. Men are welcome to join the campaign. As the old song *Bread and Roses* says, "the rising of the women means the rising of the race."

Activists in Maine have been putting pressure on Congress to end the Iraq war. They go to the local office of their representative or senator and spend the day reading the names of U.S. and Iraqi war dead, writing them on a huge bedsheet. They invite local TV and newspapers, who usually come. Sometimes the group leaves at the end of the day, sometimes they occupy the office "till the congressman comes to talk with us," and get arrested. (see *Bruce Gagnon's blog*, <http://space4peace.blogspot.com/>, click "arrested for opposing war.") This tactic is similar to what we did in Stockton twenty years ago, demonstrating at and occupying the offices of Congressman Norman Shumway, for his support of the illegal contra war in Nicaragua (see page 18).

Barbara Boxer and some congresspeople have called for hearings on whether Bush's spying was an impeachable offense. Where do our own representatives Richard Pombo and Dennis Cardoza stand on impeaching Big Brother?

Cindy Sheehan says, "Hold your vigils and marches in relevant places, such as war-mongering, local congressional offices. Or in front of a recruiting

station. Or federal buildings. Or military bases. Then, instead of going home and cracking open a beer or uncorking a bottle of wine, sit down and say, 'We aren't leaving until you call for an immediate end to the occupation of Iraq.' Put your butt on the line for humanity. Change will not happen until we make it happen. We can't make change happen by wishing or praying that it will happen. We actually have to do something."

Retired Air Force colonel Robert Bowman, Ph.D., who spoke against Star Wars in Stockton years ago, is organizing a nationwide slate of pro-peace, anti-corporate congressional candidates-whether Democrat, Republican, independent or green. See his website, www.rmbowman.com. His doctors have given Bowman just a few years to live; but while he lives, he is living.

Locally, professional wind-power expert and entrepreneur Jerry McNerney, Ph.D., is running in the Democratic primary, hoping to face the infamous Abramoff-tainted Richard Pombo in November (see page 8). McNerney opposed the Iraq war from the beginning. His slogan is "Clean Energy, Clean Government"; he has been endorsed by the Central Labor Council of San Joaquin County, and I had the pleasure of joining him on a picketline last month, as we tried to persuade Carson Oaks to give a contract to their health care workers. Check out his website at <http://www.jerrymcnerney.org>.

So is freedom worth the trouble? Are my 10 grandchildren? Time for a bicycle ride to the river.

Meet ethically challenged Rep. Richard Pombo

Rep. Richard Pombo (R-CA) is a sixth-term Member of Congress, representing the 11th district of California. In 2003, he took over the chairmanship of the House Resources Committee, becoming the youngest chairman in the House, and winning the post over nine more senior Republicans with the strong backing of Majority Leader Tom DeLay. Rep. Pombo's ethics violations include: misuse of the franking privilege, accepting campaign contributions in return for legislative assistance, keeping family members on his campaign payroll, and misusing official resources.

Misuse of franking privileges

In October 2004, Rep. Pombo used the franking privileges afforded members of Congress to mail approximately 175,000 copies of a two-page leaflet that openly praised the House Resources Committee and the Bush administration for their promotion of a series of regulations expanding snowmobiling in national parks. The leaflets were sent to snowmobile owners in the swing states of Wisconsin and Minnesota. Rep. Pombo authorized the expenditure of \$68,081 from House Resources Committee funds for the mailing as "official business."

In recognition of the fact that franking privileges put incumbents at a significant advantage over their opponents by providing them with additional resources to communicate with constituents, federal law prohibits mass mailings using franking privileges within 90 days of an election. Only "normal and regular business" of the House Resources Committee, which is generally defined as press releases and meeting agendas, would be exempt from this ban. These mailers clearly fall outside material prepared in the scope of the normal and regular course of business.

The franking laws also ban

the use of franking privileges for excessive "partisan, politicized or personalized" rhetoric. The mailers are excessively "partisan, politicized or personalized" in that they assert that the Bush administration is working to "protect your right to ride" and they refer to the Clinton administration's policy on snowmobiles in national parks as "infamous."

Rep. Pombo's mailing of approximately 175,000 leaflets in October 2004, less than 90 days from the 2004 presidential election clearly violates the franking rules and merits investigation by the Committee on Standards of Official Conduct.

Campaign donations for favors: Chevron

Rep. Pombo has been an outspoken critic of an unsuccessful attempt by a Chinese company, China National Off-Shore Oil Corp. (CNOOC), to buy Unocal, a California energy company. Rep. Pombo went so far as to send a letter to President Bush raising his concerns about the deal and, in an effort to create a legislative advantage for Chevron, sponsored a resolution criticizing the CNOOC bid. Chevron, a chief opponent of the deal and rival for the purchase of Unocal, has contributed \$13,000 to Rep. Pombo since 2003.

Federal law prohibits public officials from directly or indirectly demanding, seeking, receiving, accepting or agreeing to receive or accept anything of value in return for being influenced in the performance of an official act. If Rep. Pombo accepted campaign contributions from Chevron in exchange for opposing CNOOC's bid to buy Unocal, he would be in violation of federal law, 18 U.S.C. §201(b)(2)(A). His conduct also may have violated clause 3 of House Rule 23 which provides that "a Member . . . may not receive compensation and may not permit compensa-

tion to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress."

Opposition to environmental guidelines

In 2004, Rep. Pombo's office sent a letter to Secretary of the Department of Interior Gail Norton, urging the Department of the Interior to suspend environmental guidelines opposed by the wind-power industry. The letter failed to disclose, however, that Rep. Pombo's parents have received hundreds of thousands of dollars in royalties from wind-power turbines on their 300-acre ranch. Moreover, Rep. Pombo himself stood to gain financially from his parents' wind-power contracts, as he owns an interest in his parents' ranch and maintains substantial monetary ties with his family. The wind-farm regulation falls under the jurisdiction of the Resources Committee, chaired by Rep. Pombo.

Members of the House are prohibited from "taking any official actions for the prospect of personal gain for themselves or anyone else." 5 CFR §2635.702(a). In addition, House conflict-of-interest rules provide that a Member should never accept "benefits under circumstances which might be construed by reasonable persons as influencing the performance" of his official duties.

Finally, Rule 23 of the House Ethics Manual requires all members of the House to conduct themselves "at all times in a manner that reflects creditably on the House." Because Rep. Pombo appears to have violated all of these rules and regulations, the Committee on Standards of Official Conduct should investigate.

(continued next page)

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Thirteen most corrupt in Congress

Citizens for Responsibility and Ethics in Washington (CREW) has released a 93-page report entitled *Beyond DeLay: The 13 Most Corrupt Members of Congress*, documenting the egregious, unethical and possibly illegal activities of the most tainted Members of Congress. For the first time, CREW has compiled and analyzed all these members' transgressions in tandem with the federal laws and congressional rules they may have violated.

The 13 members are: Rep. Roy Blunt (R-MO), Rep. Randy Cunningham (R-CA) resigned, Rep. Tom Feeney (R-FL), Rep. William Jefferson (D-LA), Rep. Marilyn Musgrave (R-CO), Rep. Bob Ney (R-OH), Rep. Richard Pombo (R-CA), Rep. Rick Renzi (R-AZ), Rep. Charles Taylor (R-NC), Rep. Maxine Waters (D-CA), Senator Rick Santorum (R-PA), Senator Bill Frist (R-TN), and Senator Conrad Burns (R-MT).

Source: Source: Citizens for Responsibility and Ethics in Washington (CREW) 10/5/05. CREW is a non-profit legal watchdog group dedicated to holding public officials accountable for their actions. CREW, 11 DuPont Circle, N.W., 2nd Floor, Washington, D.C. 20036 <http://www.citizensforethics.org/>

Legislative assistance to Indian tribes

As chairman of the House Resources Committee, Pombo is responsible for tribal-related legislation. As a result, Indian tribes have invested increasingly in Rep. Pombo's political campaigns. In total, Rep. Pombo's campaign and leadership committees have collected \$221,000 from tribes since 1999.

The tribal contributions have often coincided with House Resource Committee hearings on Indian issues. For example, to prevent the Menominee tribe from buying land in Kenosha, Wisconsin for an off-reservation casino, the Potawatomi, which enjoyed a monopoly on off-reservation casinos with its Milwaukee gambling hall, gave nearly \$6,000 to Rep. Pombo's campaign to support his efforts to make it more difficult for other tribes to open off-reservation casinos in the future.

By accepting numerous and very generous campaign contributions from a number of tribes in apparent exchange for supporting legislation that would favor those tribes, Rep. Pombo appears to have violated 18 U.S.C. §201(b)(2)(A).

Support for proposed freeways

Rep. Pombo's support for two new freeways in California's Central Valley and East Bay has also raised the specter that he is using his position to financially benefit himself and his family. According to public records, the Pombo family owns more than 1,500 acres of land near the two proposed freeways, the value of which will likely skyrocket just because of the federal funds Rep. Pombo has obtained to study the highway projects. If even one of the proposed freeways is eventually built, the value of the 183.6 acres of property owned by the Pombos and located near the proposed freeway will be worth far more than its currently assessed value of \$1.19 million.

Thus if, as it appears, Rep. Pombo has supported legislation that would financially benefit him and his family, he would likely be in violation of 5 CFR §2635.702(a) as well as the House conflict-of-interest rules.

Payments to family members

Rep. Pombo has made significant payments to family

members since becoming a Member of Congress. While lawmakers are prohibited from putting relatives on their congressional payrolls, it is not illegal to employ family members to work on campaigns, as long as the family member is not paid significantly more than the market rate and does bona fide campaign work. Rep. Pombo's family is among the recipients of the largest payments. Over the last four years he paid his wife and brother \$357,325 from his political funds, allegedly for "bookkeeping, fund-raising, [and] consulting." Rep. Pombo's payments to his wife and brother amounted to 25 percent of what he raised. In addition, his son has run virtually all of his political campaigns.

By law, candidates are prohibited from using campaign funds for personal use, which includes salary payments to family members, "unless they are fair market value payments for bona fide, campaign-related services." The excessive size of the payments Rep. Pombo made to family members suggests they were for personal use, and were not legitimate campaign expenditures, in violation of campaign finance laws, making these payments an appropriate matter for investigation by the Committee on Standards of Official Conduct.

Misuse of Federal Funds for campaign expenses

Rep. Pombo also appears to have misused staff time and federal dollars. Just prior to the November 2004 election, he granted paid leave to much of his committee staff, at least some of whom left to work on campaigns.

Using district office funds for campaign purposes violates the House of Representatives Standards of Official Conduct, which provide that "government funds should not be spent to help incumbents gain re-election." It may also violate federal criminal law. As a result, Rep. Pombo's reimbursement of his employees for time they spent working on political campaigns merits investigation by the Committee on Standards of Official Conduct.

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Thomas Abdul-Salaam has over 30 years as a management consultant & senior level management in human resources, finance, and economic development. Thomas has a MPA in Health Care Administration and Organizational Development. He is an Executive Coach, Speaker, Trainer, Mediator and TV host of The Twin Servant of Peace Speaks a weekly Television program dedicated to maximizing your potential. Thomas' philosophy is rooted in Appreciative Inquiry. It is the cooperative search for the best in people, organizations, and relationships. Thomas works with non-profit, public sector and business owners.

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Bush/Nixon: wiretapped illegally & impeachably

Both claimed that a president may violate Congress's laws to protect national security

John W. Dean

On Friday, December 16, the *New York Times* published a major scoop by James Risen and Eric Lichtblau: They reported that Bush authorized the National Security Agency (NSA) to spy on Americans without warrants, ignoring the procedures of the Foreign Intelligence Surveillance Act (FISA).

It was a long story loaded with astonishing information of law-breaking at the White House. It reported that sometime in 2002, Bush issued an executive order authorizing NSA to track and intercept international telephone and/or email exchanges coming into, or out of, the U.S.—when one party was believed to have direct or indirect ties with al Qaeda.

Initially, Bush and the White House stonewalled, neither confirming nor denying the president had ignored the law. Bush refused to discuss it in his interview with Jim Lehrer.

Then, on Saturday, December 17, in his radio broadcast, Bush admitted that the *New York Times* was correct—and thus conceded he had committed an impeachable offense.

There can be no serious question that warrantless wiretapping, in violation of the law, is impeachable. After all, Nixon was charged in Article II of his bill of impeachment with illegal wiretapping for what he, too, claimed were national security reasons.

These parallel violations underscore the continuing, disturbing parallels between this Administration and the Nixon Administration—parallels I also discussed in a prior column.

Indeed, here, Bush may have outdone Nixon: Nixon's illegal surveillance was limited; Bush's, it is developing, may be extraordinarily broad in scope. First reports indicated that NSA was only monitoring foreign calls, originating either in the USA or abroad, and that

no more than 500 calls were being covered at any given time. But later reports have suggested that NSA is "data mining" literally millions of calls—and has been given access by the telecommunications companies to "switching" stations through which foreign communications traffic flows.

In sum, this is big-time, Big Brother electronic surveillance.

Given the national security implications of the story, the *Times* said they had been sitting on it for a year. And now that it has broken, Bush has ordered a criminal investigation into the source of the leak. He suggests that those who might have felt confidence they would not be spied on, now can have no such confidence, so they may find other methods of communicating. Other than encryption and code, it is difficult to envision how.

Such a criminal investigation is rather ironic—for the leak's effect was to reveal Bush's own offense. Having been ferretted out as a criminal, Bush now will try to ferret out the leakers who revealed him.

Nixon's wiretapping—and Congress' response

Through the FBI, Nixon had wiretapped five members of his national security staff, two newsmen, and a staffer at the Department of Defense. These people were targeted because Nixon's

plans for dealing with Vietnam—we were at war at the time—were ending up on the front page of the *New York Times*.

Nixon had a plausible national security justification for the wiretaps: To stop the leaks, which had meant that not only the public, but America's enemies, were privy to its plans. But the use of the information from the wiretaps went far beyond that justification: A few juicy tidbits were used for political purposes. Accordingly, Congress believed the wiretapping, combined with the misuse of the information it

had gathered, to be an impeachable offense.

Following Nixon's resignation, Senator Frank Church chaired a committee that investigated the uses and abuses of the intelligence derived from the wiretaps. From his report on electronic surveillance, emerged the proposal to create the Foreign Intelligence Surveillance Act (FISA). The Act both set limits on electronic surveillance, and created a secret court within the Department of Justice—the FISA Court—that could, within these limits, grant law enforcement's requests to engage in electronic surveillance.

The legislative history of FISA makes it very clear that Congress sought to create laws to govern the uses of warrantless wiretaps. Thus, Bush's authorization of wiretapping without any application to the FISA Court violated the law.

Only Congress authorizes wiretaps

No one questions the ends here. No one doubts another terror attack is coming; it is only a question of when. No one questions the preeminent importance of detecting and preventing such an attack.

What is at issue here, instead, is Bush's means of achieving his ends: his decision not only to bypass Congress, but to violate the law it had already established in this area.

Congress is Republican-controlled. Polling shows that a large majority of Americans are willing to give up their civil liberties to prevent another terror attack. The USA Patriot Act passed with overwhelming support. So why didn't the President simply ask Congress for the authority he thought he needed?

The answer seems to be, quite simply, that Vice President Dick Cheney has never recovered from being President Ford's chief of staff when Congress placed checks on the presidency. And Cheney wanted to make

the point that he thought it was within a president's power to ignore Congress' laws relating to the exercise of executive power. Bush has gone along with all such Cheney plans.

No president before Bush has taken as aggressive a posture—the position that his powers as commander-in-chief, under Article II of the Constitution, license any action he may take in the name of national security—although Richard Nixon, my former boss, took a similar position.

Nixon on national security

Nixon famously claimed, after resigning from office, that when the president undertook an action in the name of national security, even if he broke the law, it was not illegal.

Nixon's thinking (and he was learned in the law) relied on the precedent established by Abraham Lincoln during the Civil War. Nixon, quoting Lincoln, said in an interview, "Actions which otherwise would be unconstitutional, could become lawful if undertaken for the purpose of preserving the Constitution and the Nation."

David Frost, the interviewer, immediately countered by pointing out that the anti-war demonstrators upon whom Nixon focused illegal surveillance, were hardly the equivalent of the rebel South. Nixon responded, "This nation was torn apart in an ideological way by the war in Vietnam, as much as the Civil War tore apart the nation when Lincoln was president." It was a weak rejoinder, but the best he had.

Nixon took the same stance when he responded to interrogatories proffered by the Senate Select Committee on Government Operations To Study Intelligence Operations (best known as the "Church Committee," after its chairman Senator Frank Church). In particular, he told the committee, "In 1969, during my

Administration, warrantless wiretapping, even by the government, was unlawful, but if undertaken because of a presidential determination that it was in the interest of national security was lawful. Support for the legality of such action is found, for example, in the concurring opinion of Justice White in *Katz v. United States*." (Katz is the opinion that established that a wiretap constitutes a "search and seizure" under the Fourth Amendment, just as surely as a search of one's living room does—and thus that the Fourth Amendment's warrant requirements apply to wiretapping.)

Nixon rather presciently anticipated—and provided a rationalization for—Bush: He wrote, "there have been—and will be in the future—circumstances in which presidents may lawfully authorize actions in the interest of security of this country, which if undertaken by other persons, even by the president under different circumstances, would be illegal."

Even if we accept Nixon's logic for purposes of argument, were the circumstances that faced Bush the kind of "circumstances" that justify warrantless wiretapping? I believe the answer is no.

Surveillance justified?

Had Bush issued his Executive Order on September 12, 2001, as a temporary measure—pending his seeking Congress approval—those circumstances might have supported his call.

Or, had a particularly serious threat of attack compelled Bush to authorize warrantless wiretapping in a particular investigation, before he had time to go to Congress, that too might have been justifiable.

But several years have passed since the broad 2002 Executive Order, and in all that time, Bush has refused to seek legal authority for his action. Yet he can hardly miss the fact that Congress has clearly set rules for

(continued on next page)

Censuring Bush requires citizens' help

John Nichols

As President Bush and his aides scramble to explain new revelations regarding Bush's authorization of spying on the international telephone calls and e-mails of Americans, the ranking Democrat on the House Judiciary Committee has begun a process that could lead to the censure, and perhaps the impeachment, of the president and vice president.

US Rep. John Conyers, the Michigan Democrat who was a critical player in the Watergate and Iran-Contra investigations into presidential wrongdoing, has introduced a package of resolutions that would censure President Bush and Vice President Cheney and create a select committee to investigate the administration's possible crimes and make recommendations regarding grounds for impeachment.

The Conyers resolutions add a significant new twist to

the debate about how to hold the administration to account. Members of Congress have become increasingly aggressive in the criticism of the White House, with US Sen. Robert Byrd, D-W.Va., saying last week, "Americans have been stunned at the recent news of the abuses of power by an overzealous president. It has become apparent that this administration has engaged in a consistent and unrelenting pattern of abuse against our country's law-abiding citizens and against our Constitution."

Even Republicans, including Senate Judiciary Committee chair Arlen Specter, R-Pa., are talking for the first time about mounting potentially serious investigations into abuses of power by the president.

But Conyers is seeking to do much more than schedule a committee hearing, or even launch a formal inquiry. He is proposing that Congress use all its powers to hold the president

and vice president to account up to and including the power to impeach the holders of the nation's most powerful positions and to remove them from office.

The first of the three resolutions introduced by Conyers, House Resolution 635, asks that Congress establish a select committee to investigate whether members of the administration made moves to invade Iraq before receiving congressional authorization, manipulated pre-war intelligence, encouraged the use of torture in Iraq and elsewhere, and used their positions to retaliate against critics of the war.

The select committee would be asked to make recommendations regarding grounds for possible impeachment of Bush and Cheney.

The second resolution, H.R. 636, asks that Congress censure the president "for failing to respond to requests for information concerning allegations that

he and others in his administration misled Congress and the American people regarding the decision to go to war in Iraq, misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of his administration, for failing to adequately account for specific misstatements he made regarding the war, and for failing to comply with Executive Order 12958." (Executive Order 12958, issued in 1995 by former President Bill Clinton, seeks to promote openness in government by prescribing a uniform system for classifying, safeguarding and declassifying national security information.)

A third resolution, H.R. 637, would censure Cheney for a similar set of complaints.

"The people of this country are waking up to the severity



of the lies, crimes and abuses of power committed by this president and his administration," says Jon Bonifaz, a co-founder of the AfterDowningStreet.org coalition, an alliance of more than 100 grass-roots groups that have detailed Bush administration wrongdoing and encouraged a congressional response. Bonifaz, an attorney and the author of the book "Warrior King: The Case for Impeaching George Bush" (Nation Books), argues, "Now is the time to return to the rule of law and to hold those who have defied the Constitution accountable for their actions."

Getting this Congress to get serious about maintaining checks and balances on the Bush administration will be a daunting task. But the recent revelations regarding domestic spying will make it easier. There are a lot of Americans who share the view of US Sen. Russ Feingold, D-Wis., that Bush and Cheney have exceeded their authority. As Feingold says of Bush, "He is the president, not a king."

It was the bitter experience of dealing with King George III that led the founders of this country to write a Constitution that empowers Congress to hold presidents and vice presidents accountable for their actions.

It is this power that John Conyers, the senior member of the House committee charged with maintaining the system of checks and balances established by those founders, is now asking Congress to employ in the service of the nation that Constitution still governs.

John Nichols is the associate editor of The Capital Times. See the entire article at <http://www.madison.com>.

Source: The Madison Capital Times 12/27/05, via <http://www.truthout.org> 12/28/05

Bush/Nixon *(continued from previous page)*

presidents in the very situation in which he insists on defying the law.

Bush has given one legal explanation for his actions which borders on the laughable: He claims that implicit in Congress' authorization of his use of force against the Taliban in Afghanistan, following the 9/11 attack, was an exemption from FISA.

No sane member of Congress believes that the Authorization of Military Force provided such an authorization. No first year law student would mistakenly make such a claim. It is not merely a stretch; it is ludicrous.

But the core of Bush's defense is to rely on the very argument made by Nixon: that the president is merely exercising his "commander-in-chief" power under Article II of the Constitution. This, too, is a dubious argument. Its author, John Yoo, is a bright, but inexperienced and highly partisan

young professor at Boalt Law School, who has been in and out of government service.

To see the holes and fallacies in Yoo's work—embodied in a recently published book—one need only consult the analysis of Georgetown University School of Law professor David Cole in the New York Review of Books. Cole has been plowing this field of the law for many years, and digs much deeper than Yoo.

Since I find Professor Yoo's legal thinking bordering on fantasy, I was delighted that Professor Cole closed his real-world analysis on a very realistic note: "Michael Ignatieff has written that 'it is the very nature of a democracy that it not only does, but should, fight with one hand tied behind its back. It is also in the nature of democracy that it prevails against its enemies precisely because it does.' Yoo persuaded the Bush administration to untie its hand and abandon the constraints of

the rule of law. Perhaps that is why we are not prevailing."

To which I can only add, and recommend, the troubling report by Daniel Benjamin and Steven Simon, who are experts in terrorism and former members of President Clinton's National Security Council. They write in their new book *The Next Attack: The Failure of the War on Terror and a Strategy for Getting It Right*, that the Bush Administration has utterly failed to close the venerable loopholes available to terrorists to wreak havoc. The war in Iraq is not addressing terrorism; rather, it is creating terrorists, and diverting money from the protection of American interests.

Bush's unauthorized surveillance, in particular, seems very likely to be ineffective. According to experts with whom I have spoken, Bush's approach is like hunting for the proverbial needle in the haystack. As sophisticated as NSA's data min-

ing equipment may be, it cannot, for example, crack codes it does not recognize. So the terrorist communicating in code may escape detection, even if data mining does reach him.

In short, Bush is hoping to get lucky. Such a gamble seems a slim pretext for acting in such blatant violation of Congress' law. In acting here without Congressional approval, Bush has underlined that his Presidency is unchecked—in his and his attorneys' view, utterly beyond the law. Now that he has turned the truly awesome powers of the NSA on Americans, what asserted powers will Bush use next? And when—if ever—will we—and Congress—discover that he is using them?

John W. Dean, a FindLaw columnist, is a former counsel to the president.

Source: <http://writ.corporate.findlaw.com/dean/20051230.html> via [truthout.org](http://www.truthout.org) 12/30/05

US reverses stand on landmine abolition

Haider Rizvi

In 1994, the United States was the first nation to call for the elimination of landmines that killed and maimed hundreds of thousands of innocent people around the world.

But that was then. Today, Washington not only stands in opposition to an international treaty that bans the use and production of antipersonnel landmines, but intends to make new ones too.

In reversal of its earlier policy, the U.S. is reportedly planning to produce a new generation of landmines called "Spider" by March 2007, a move that has alarmed civil society groups campaigning for a global ban on the use and production of landmines for years.

"We are concerned about this," says Alison Bock, president and founder of Landmines Blow!, a U.S.-based independent group. "This would erase many of the positive steps the U.S. has taken in the past." Landmines Blow!

has joined a number of other groups in urging the Bush administration to drop its plans for Spider production and instead support the goals of the Mine Ban Treaty.

The 1997 treaty, which has been endorsed by nearly 150 countries, calls for a ban on the production, stockpiling, and use of antipersonnel landmines. Major powers among the 40 nations who have not signed the treaty are the United States, Russia, and China.

Last month, more than 100 countries sent delegates to an international meeting on landmines in Croatia, but the United States did not. Bock thinks it was wrong on part of the United States to stay away from the meeting. "We believe the U.S. should engage in global discussions on the landmine issue."

Ironically, the United States was at the forefront of international efforts to adopt the landmine treaty in the 1990s. It had not used antipersonnel

landmines since the 1991 Gulf War and had not exported them to other countries since 1992.

The United States would "seek a worldwide agreement as soon as possible to end the use of antipersonnel mines," President Bill Clinton said at the start of his second term in the White House. But the Bush administration reversed that promise last February with the Department of State declaring that landmines still have "a valid and essential role" in protecting U.S. forces in military operations.

"No other weapon currently exists that provides all the capabilities provided by landmines," the official statement added. Disappointed with the administration's stance, supporters of the treaty fear that the new policy on landmines might set a bad precedent for other nations who are still outside the fold of the treaty.

"It's a step backward for the United States," says Stephen Goose, an arms expert with

U.S.-based Human Rights Watch. "While the rest of the world is rushing to embrace an immediate and comprehensive ban, the Bush administration has decided to cling to the weapons in perpetuity," he adds.

Goose and others note that the administration often does not use the word landmines while referring to new weapons, such as Spiders, which are designed to blow up automatically after a certain period of time. "These are not safe mines," Goose contends. "They still pose real dangers for civilians."

Between 15,000 and 20,000 people are killed or maimed by mines each year—most civilians and most in countries now at peace—according to the International Campaign to Ban Landmines (ICBL), an independent umbrella organization. Landmines are especially heinous weapons of war, the group says, because they are indiscriminate—unable to distinguish between soldiers, civilians,

peacekeepers, aid workers, or others—and inhumane—designed to maim rather than kill but frequently killing nonetheless.

They also deprive people of land and infrastructure in some of the poorest countries in the world, hamper reconstruction and the delivery of aid, deprive communities and families of breadwinners, and kill livestock and wild animals, according to the group.

"I believe that more can and must be done to stop this crisis," Senator Barack Obama, (D-IL) told Bock in a letter, while assuring his support in the Senate Foreign Relations Committee. "I will be working with my colleagues in Congress and with the Bush administration on this issue." Whether lawmakers like Obama will succeed in their efforts remains to be seen.

Source: OneWorld.net 12/28/05 via <http://www.commondreams.org>

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Impending tax cuts "Most regressive on record"

Brendan Coyne

An analysis by a progressive research organization predicts that soon to be enacted tax and budget cuts may further erode the standard of living for low- and middle-income people and leave the United States in worse economic shape.

The Center on Budget and Policy Priorities (CBPP), a think tank focusing on the needs of low-income people, has found that the recently passed tax cuts and soon-to-be approved budget cuts will overwhelmingly benefit more affluent people and corporations. Meanwhile, the congressional economic policy is slated to feed a deficit that could top \$150 billion in ten years. The CBPP report is based on an analysis of information provided by the centrist Urban Institute-Brookings Institution Tax Policy Center.

Topping the CBPP's list of concerns are reductions in taxes enacted during the administration of George H.W. Bush that

were aimed at alleviating the deficit. The cuts to those taxes were approved with the 2001 tax-cut package and go into effect at the beginning of 2006, alone carry a \$27 billion price tag over the next five years. The cost of the cuts quintuples during the five years after that.

Late December, the Senate approved a budget package that will make significant cuts to funding for entitlement programs such as Medicare, Medicaid and family welfare. By a vote of 51-to-50, the Senate approved the bill, with Vice President Dick Cheney casting the tiebreaking vote.

Among the cuts are \$16 billion to Medicaid over ten years, in the form of co-payment and premium hikes and reductions in benefits. Another \$1.5 billion will be cut from child-support enforcement and \$343 from foster-care funding.

In total, the Senate-approved package would add \$39.7 billion to the federal budget over the next five years, an amount

significantly less than the total the government will forfeit through the combination of tax cuts going into effect beginning January 1.

"The cost of these two tax cuts between 2005 and 2010 exceeds the savings from all of the reductions in low-income programs in the reconciliation bill over the same period," CBPP said in the report. "In other words, if Congress halted the implementation of these two tax cuts and eliminated the low-income program reductions, there would be a net reduction in the deficit."

None of the cuts to entitlement programs are guaranteed. The House of Representatives must approve the Senate-passed budget reconciliation passage before they take affect. Likewise, Congress could rescind the two tax cuts slated for enactment on January 1, an action CBPP and other groups are calling for.

Source: Tax Policy Center release 12/29/05, a joint venture of the Urban Institute and Brookings Institution (<http://taxpolicycenter.org/home/>)

Pombo: Mr. anti-conservation

When it comes to environmental matters, one of the busiest members of Congress this year has been Representative Richard Pombo (R-CA), chair of the House Resources Committee.

Unfortunately, say environmentalists, Rep. Pombo's busy-ness has all been aimed, once again, at undermining or actually eviscerating long-established laws that protect America's natural resources. As Defenders of Wildlife (<http://www.defenders.org>) President Rodger Schlickeisen put it in a November interview with the *Oakland Tribune*, Rep. Pombo is "the most anti-conservation congressman of the 535 in Congress."

And while Mr. Pombo's wide-ranging agenda achieved only partial success this year (one key initiative fell apart in the face of

public outrage), he has made it clear that he will be right back at it when Congress reconvenes in 2006.

That means, among other things, that the Endangered Species Act (ESA), a bedrock of the entire structure of environmental protection, is itself endangered once more --the result of 12 successive attacks on the law since Pombo was first elected 13 years ago. Indeed, this year Pombo finally achieved his career-long goal of passing a revised ESA in the House. The vote was 229-193.

Pombo's re-write would require the government (i.e. taxpayers) to compensate property owners who claim their plans for developing their property are being blocked by requirements of the ESA.

The ESA, however, has by

no means been Pombo's only priority. This year Pombo also proposed selling federal lands, including lands in and around national parks--along with the underlying mineral rights--to mining and timber companies. It would have allowed anyone to stake a claim and purchase the land, even without proving it contained minerals, and develop into anything they wanted, from condos to ski chalets or a mall. A study by the Environmental Working Group (<http://www.ewg.org>) found that this could potentially add up to 6 million acres of publicly owned land.

Outrage at the giveaway was Source: BushGreenwatch release 12/21/05 (<http://www.bushgreenwatch.org>) BushGreenwatch, 1320 18th Street NW 5th Floor, Washington, DC 20036 (202) 463-6670



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New Bolivian President speaks

I believe only in the power of the people

—Evo Morales (newly elected president of Bolivia)

[Text of a speech given on December 24 at the "In Defense of Humanity" conference. <http://www.counterpunch.org/morales12302005.html>]

What happened these past days in Bolivia was a great revolt by those who have been oppressed for more than 500 years. The will of the people was imposed this September and October, and has begun to overcome the empire's cannons. We have lived for so many years through the confrontation of two cultures: the culture of life represented by the indigenous people, and the culture of death represented by West. When we the indigenous people—together with the workers and even the businessmen of our country—fight for life and justice, the State responds with its "democratic rule of law."

What does the "rule of law" mean for indigenous people? For the poor, the marginalized, the excluded, the "rule of law" means the targeted assassinations and collective massacres that we have endured. Not just this September and October, but for many years, in which they have tried to impose policies of hunger and poverty on the Bolivian people. Above all, the "rule of law" means the accusations that we, the Quechuas, Aymaras and Guaranties of Bolivia keep hearing from our governments: that we are narcos, that we are anarchists. This uprising of the Bolivian people has been not only about gas and hydrocarbons, but an intersection of many issues: discrimination, marginalization, and most importantly, the failure of neoliberalism.

The cause of all these acts of bloodshed, and for the uprising of the Bolivian people, has a name: neoliberalism. With courage and defiance, we brought down Gonzalo Sanchez de Lozada—the symbol of neoliberalism in our country—on

October 17, the Bolivians' day of dignity and identity. We began to bring down the symbol of corruption and the political mafia.

Thus, in Bolivia, our social movements, our intellectuals, our workers—even those political parties which support the popular struggle—joined together to drive out Gonzalo Sánchez Lozada. Sadly, we paid the price with many of our lives, because the empire's arrogance and tyranny continue humiliating the Bolivian people.

It must be said, compañeras and compañeros, that we must serve the social and popular movements rather than the transnational corporations. I am new to politics; I had hated it and had been afraid of becoming a career politician. But I realized that politics had once been the science of serving the people, and that getting involved in politics is important if you want to help your people. By getting involved, I mean living for politics, rather than living off of politics. We have coordinated our struggles between the social movements and political parties, with the support of our academic institutions, in a way that has created a greater national consciousness. That is what made it possible for the people to rise up in these recent days.

When we speak of the "defense of humanity," as we do at this event, I think that this only happens by eliminating neoliberalism and imperialism. But I think that in this we are not so alone, because we see, every day that anti-imperialist thinking is spreading, especially after Bush's bloody "intervention" policy in Iraq. Our way of organizing and uniting against the system, against the empire's aggression towards our people, is spreading, as are the strategies for creating and strengthening the power of the people.

I believe only in the power of the people. That was my experience in my own region, a single province—the importance of

local power. And now, with all that has happened in Bolivia, I have seen the importance of the power of a whole people, of a whole nation. For those of us who believe it important to defend humanity, the best contribution we can make is to help create that popular power. This happens when we check our personal interests with those of the group. Sometimes, we commit to the social movements in order to win power. We need to be led by the people, not use or manipulate them.

We may have differences among our popular leaders—and it's true that we have them in Bolivia. But when the people are conscious, when the people know what needs to be done, any difference among the different local leaders ends. We've been making progress in this for a long time, so that our people are finally able to rise up, together.

What I want to tell you, compañeras and compañeros—what I dream of and what we as leaders from Bolivia dream of is that our task at this moment should be to strengthen anti-imperialist thinking. Some leaders are now talking about how we—the intellectuals, the social and political movements—can organize a great summit of people like Fidel, Chávez, and Lula to say to everyone: "We are here, taking a stand against the aggression of the US imperialism."

A summit at which we are joined by compañera Rigoberta Menchú, by other social and labor leaders, great personalities like Pérez Ezquivel. A great summit to say to our people that we are together, united, and defending humanity. We have no other choice, compañeros and compañeras—if we want to defend humanity we must change systems and this means overthrowing US imperialism.

Source: *Global Network Against Weapons & Nuclear Power in Space*, PO Box 652, Brunswick, ME 04011 <http://www.space4peace.org>

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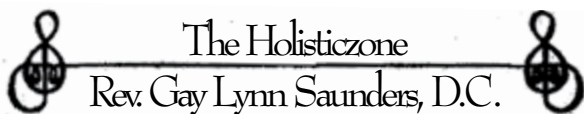
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Notes from Venezuela

John Smartt

I recently returned from my first trip to Venezuela. Caracas, what a place! It's probably good that I do not yet speak enough Spanish to converse. I had to feel my way around. I did have help from three lovely locals, one of whom speaks perfect English.

I was in Caracas for the 10 days preceding the December 4th election. From what I can tell, Venezuela is in the midst of a social revolution that feels like the 1960's in USA. The difference is that Venezuela is actually implementing the ideas of the failed 1960's revolution in USA. What they've accomplished in seven years is truly amazing. Not that what they've done is difficult in itself. But rather that Venezuela's political leadership would articulate and embody, within an open and democratic society, a program of benefit to ALL citizens goes far beyond any contemporary government.

I went to Caracas to see for myself, to feel the environment.

Strange as this may sound in our cynical world, I felt a lot of love among the Chavistas—for their president and for each other. Pride and optimism seemed to be in the air. It was election week and police and national guardsmen were everywhere and yet I felt absolutely no sense of oppression or fear.

I know that most North Americans have no knowledge of Venezuela and, from what I've seen in the mainstream media, what information we do get is very unreflective of that country. For example, the opposition demonstration prior to the election had more police than participants. Maybe 200 protesters. Maybe 300 police. The pro-government demonstration had way too many people for me to count. The street was filled with red as far as I could see. Let's just say many thousands of people. Who can recall a pro-government demonstration in USA?

Back to the love. Even the red bereted security guards around President Chavez were friendly.

The police and national guardsmen on the streets had none of the anti-people, tough guy energy that we in USA have become more and more accustomed to. I attended, with Chavista's Zack and Gloria, an awards ceremony for cooperatives. President Chavez spoke at the end of the event. I understood very little of what was said, but I could feel the love and excitement. This is very different from the sense of victory and conquest that can attend a sporting event or political rallies in USA. Even the anti-invasion of Iraq marches in San Francisco failed to approach the energy in Caracas around the Bolivarian Movement. In San Francisco there was much love and artistic expression, but no confidence and no power. As far as I can tell Bolivarianism with Chavez is manifesting the unity of power and love.

I am very grateful to President Chavez and the people of Venezuela for setting such a fine example (vuelvan caras) for all of us.



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US opposed most global treaties in 2005

Haider Rizvi

Twenty-six years ago, the United Nations adopted a treaty that is often described by human rights experts as the international "Bill of Rights" for women.

Today that treaty has been endorsed by more than 170 nations. However, while the entire industrial world fully supports the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the United States is the only developed nation that continues to oppose it.

Opponents of US ratification fear that it might affect US policies, but most women's rights groups in the United States and abroad reject this notion.

"There is no good reason why the United States is not ratifying CEDAW," says Ritu Sharma, director of the Washington, DC-based Women's Edge Coalition, an umbrella group representing 180 non-governmental organizations (NGOs). "It simply lacks the political will" to ratify the treaty, she adds.

Consisting of a preamble and 30 articles, the treaty defines what constitutes discrimination against women and sets an agenda for national action to end abuse of women's human rights. But CEDAW is not the only international treaty that Washington is reluctant to sign on to.

Recently, when the UN Educational, Scientific and Cultural Organization (UNESCO) voted to adopt a new treaty that protects cultural rights worldwide, the United States stood alone in its opposition. The treaty allows nations to maintain, adopt, and implement policies they deem appropriate to protect the diversity of cultural expressions on their territory.

The US rejected the treaty

by arguing that it could have a chilling effect on the ongoing negotiations at the World Trade Organization (WTO). "This convention invites abuse by enemies of democracy and free trade," US Secretary of State Condoleezza Rice told UNESCO members in a letter in October.

And just a few days ago when government leaders from around the world gathered in the Canadian city of Montreal to take further steps to curb global warming, once again the US turned its back on the international community.

Despite strong persuasion efforts from other nations, the US persisted in its refusal to embrace the Kyoto Protocol, an international agreement setting targets for industrialized countries to cut their greenhouse gas emissions.

Though responsible for some 35 percent of worldwide emissions, the US pulled out of the treaty in 2001, saying that implementing it would gravely damage the national economy. Many treaty proponents argue, however, that transitioning the US economy to emit fewer greenhouse gases would create jobs.

The Bush administration has also called the Kyoto treaty "deeply flawed" because it does not require developing nations to commit to emission reductions.

The list of UN treaties that Washington opposes goes on and on. US leaders continue to reject the Comprehensive Test Ban Treaty on nuclear weapons, the Treaty Banning Antipersonnel Mines, a protocol to create a compliance regime for the Biological Weapons Convention, the Antiballistic Missile Treaty, the International Criminal Court treaty, and the Convention on the Rights of the Child.

Washington is also not complying with the Chemical Weapons Commission and

the Nuclear Nonproliferation Treaty (NPT) and refused to let the UN Human Rights Commission conduct a probe into the alleged torture abuse of prisoners at Guantanamo and other detention centers.

While the vast majority of UN member-states support these treaties, US opposition can almost always be expected whenever diplomatic talks are held to improve international agreements.

Currently, the US is locked in a diplomatic fight with the rest of the international community over UN finances. Bolton wants the UN to make administrative and management changes before the US approves the UN biennial budget before the end of this year, a demand that top UN leaders and other diplomats have described as unreasonable. "It's going to be tough," US ambassador John Bolton told OneWorld in a recent conversation.

"It's clear, carefully balanced, and consistent with the principles of international law and fundamental human rights," Timothy Craddock, the British ambassador, said of the treaty on cultural diversity at the UNESCO meeting in October.

While giving reasons for voting in support of the treaty, he also added that his country and the European Union had indeed "agreed to disagree" with "one country"—meaning the United States.

Meanwhile, within the United States, rights activists like Sharma from the Women's Edge Coalition wonder why their country stands so alone. "The US wants to protect women's rights around the world, including in the Middle East. It is supposed to be human rights leader," she says. "But that rings a little hollow if it does not sign a women's rights treaty."

Source: *OneWorld.net* via <http://www.commondreams.org> 12/26/05

"Just a goddamned piece of paper"

—George W Bush on the Constitution

Late last November, Republican Congressional leaders filed into the Oval Office to meet with President George W. Bush and talk about renewing the controversial USA Patriot Act.

Several provisions of the act, passed in the shell-shocked period immediately following the 9/11 terrorist attacks, caused enough anger that liberal groups like the American Civil Liberties Union had joined forces with prominent conservatives like Phyllis Schlafly and Bob Barr to oppose renewal.

GOP leaders told Bush that his hardcore push to renew the more onerous provisions of the act could further alienate conservatives still mad at the President from his botched attempt to nominate White House Counsel Harriet Miers to the Supreme Court.

"I don't give a goddamn," Bush retorted. "I'm the President and the Commander-in-Chief. Do it my way."

"Mr. President," one aide in the meeting said. "There is a valid case that the provisions in this law undermine the Constitution."

"Stop throwing the Constitution in my face," Bush screamed back. "It's just a goddamned piece of paper!"

I've talked to three people present for the meeting that day and they all confirm that the President of the United States called the Constitution "a goddamned piece of paper."

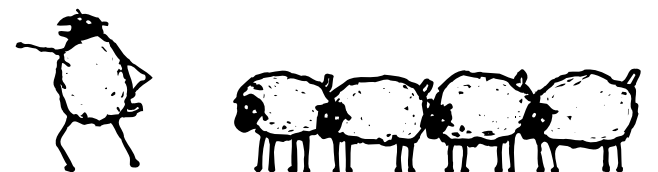
Attorney General Alberto Gonzales, while still White House counsel, wrote that the "Constitution is an outdated document."

Put aside, for a moment, political affiliation or personal beliefs. It doesn't matter if you are a Democrat, Republican or Independent. It doesn't matter if you support the invasion or Iraq or not. Despite our differences, the Constitution has stood for two centuries as the defining document of our government, the final source to determine ^ in the end ^ if something is legal or right. Every federal official ^ including the President ^ who takes an oath of office swears to "uphold and defend the Constitution of the United States."

And so, is the USA Patriot Act a necessary tool to fight terrorism? No, it is a dangerous law that infringes on the rights of every American citizen and, as one brave aide told President Bush, something that undermines the Constitution of the United States.

But why should Bush care? After all, the Constitution is just "a goddamned piece of paper."

Source: *The Rant, Capitol Hill Blue, 12/9/05*



To pruning forks and plowshares

Now that father time, war weary and bedraggled, has expired on the ash heap of 2005, it is time, over due, for an in-depth examination of our national conscience. It is time to put politics on ice and forge a consensus on what "love thy neighbor" is really about. How about doing to and for other nations and peoples as we would want them to do to and for us. This would be a novel approach: to employ peaceful means to a peaceful end. We can begin by changing the language. The Department of Defense morphs into the Department of Peace. War making becomes peace making. The Pentagon becomes obsolete as its vast chambers are metaphorically transformed into havens of plowshares and pruning forks. Yes, Virginia, there is a Prince of Peace.

Where to begin? I begin in quiet meditation while examining my own conscience. I talk the talk about peace, but how much do I walk the walk for peace. Not much, I fear. I am one of a small group of peace activists who, for three years, have met and continue to meet each Sunday at 12 noon to conduct a peace vigil in front of Lodi's City Hall. Each of us displays a poster so passersby will know what we're about. One message says, "Swords into Plowshares", a biblical reference from Isaiah. The one that says it all is from "Another Mother for Peace", circa the Vietnam War era (1965-1974): "War is not healthy for children and other living things".

One hour a week at a peace vigil is like one hour a week in church. How about the other days of the week? How often do I write members of Congress and other decision makers about my views on the issues of war and peace, world hunger, torture, violations of privacy, illegal wire-tapping, social security, universal health care, shelter for the homeless, affordable housing for all, environmental

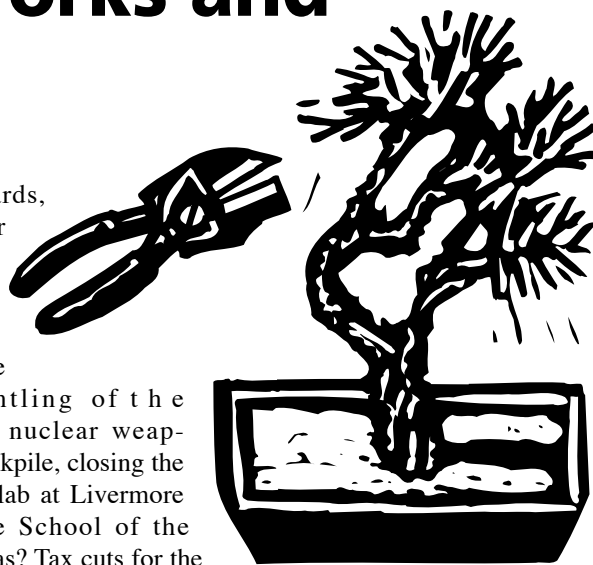
safeguards, a nuclear weapons freeze, the dismantling of the 30,000 nuclear weapons stockpile, closing the Sandia lab at Livermore and the School of the Americas? Tax cuts for the wealthy at the expense of Medicaid and social programs for the poor has to be the most egregious of economic injustices fostered by a conscience-less Congress with the blessings of a compassion-less president.

The litany of social and economic injustices goes on and on. It is time to light the candle and turn the ship of state around. 2006 marks the beginning of the transformation of a government of greed, corruption and war making to a government that fulfills its constitutional mandate to provide equality of life and liberty for all Americans in their pursuit of happiness.

Franklin Delano Roosevelt delivered his last "State of the Union Address" 62 years ago. He called upon the Congress to consider a second "Bill of Rights." Excerpts follow.

"We have come to a clear realization of the fact, however, that true individual freedom cannot exist without economic security and independence. In our day, these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all--regardless of station, or race or creed.

- 1) The right to a useful and remunerative job...;
- 2) The right to earn enough to provide adequate food, clothing and recreation;
- 3) The right of farmers to sell and raise their products at a return which will give them and



their families a decent living;

4) The right of every business man, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

5) The right of every family to a decent home;

6) The right to adequate medical care and the opportunity to achieve and enjoy good health;

7) The right to adequate protection from the economic fears of old age, and sickness, and accident and unemployment;

8) And finally, the right to a good education."

Were the Congress to reduce the military-industrial and Pentagon budget by half and terminate funding Bush's war on Iraq, the hundreds of billions of dollars saved could make possible the passage and implementation of FDR's "Bill of Rights" and give substance to the pledge "with liberty and justice for all."

I am optimistic that, in this election year, the slumbering democrats will arise and take charge of a political agenda that looks after the poor, the underserved, and the disabled. A nation's magnanimity can be measured by its generosity and benevolent care for all the people. It is time for the pendulum to move in the other direction. Swords into plowshares.

*Reid Cerney,
political pundit*

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Tuesday Film Night

7:00 pm, PJN Center, 231 Bedford Rd, Stockton

Jan. 17

Folk Music of the Sahara: Among the Tuareg

Situated between north and central Africa, the Tuareg tribe of the Sahara Desert has forged a unique culture straddling Arab Muslim and black African traditions for thousands of years. The nomadic Tuaregs have a long history as trans-Saharan traders, rich oral and written traditions, and, most remarkably, strongly matrilineal social structures. In Tuareg society, women control wealth and dominate culture; in fact, men wear the veil while women do not. This fascinating program documents a ceremony in the village of Ghadames, Libya, with female musicians and singers. A visually and artistically rich celebration of an extremely unique culture.

Jan. 24

John McCutcheon concert—see you there

Jan. 31

Mojados: Through the Night

Director Tommy Davis follows four migrants from rural Mexico on their harrowing journey across the desert into the States. Their 120-mile trek is filled with peril as they evade the border patrol, endure temperature extremes, contend with dehydration and face the all-too-real possibility that their quest for a better life could end in death. Disquietingly honest, this documentary puts a human face to the complex issue of illegal immigration.

Feb. 7

Sacred Planet

Get set for a 45-minute journey around the world to some of the most exotic and beautiful places that exist. You'll visit the last remaining old growth forests of British Columbia, the glaciers of Alaska, the red rock canyons of Utah and Arizona, the tropical jungles and underwater mysteries of Borneo, the ancient ruins of Thailand and the remote deserts of Namibia.

Feb. 14

An Affair to Remember

Each already engaged to another, Nikkie Ferrante (Cary Grant) and Terry McKay (Deborah Kerr) meet on an ocean liner and fall deeply in love. They agree to meet at the Empire State Building in six months if they still feel the same way, but a tragic accident prevents their rendezvous. This poignant and humorous love story was nominated for four Academy Awards, including Best Music.

Feb. 21

The Future of Food

This eye-opening documentary sheds light on a shadowy relationship between agriculture, big business and government. Director Deborah Koons Garcia reveals the unappetizing truth about genetically modified foods: You could unknowingly be serving them for dinner.

Feb. 28

Super Size Me

On the heels of recent lawsuits against McDonald's, director Morgan Spurlock takes a hilarious and often terrifying look at the effects of fast food on the human body. Spurlock spends a month of eating nothing but McDonald's food, ordering everything on the menu at least once and "super-sizing" his order if asked.

Besieging the Congressman

An excerpt from John Morearty's memoirs, in progress.

In 1985 the Nicaraguan contras, whom President Reagan called "the moral equivalent of our founding fathers," were waging a war on the villagers of Nicaragua with Yankee rifles, burning clinics and schools, murdering grandmothers and little children. The illegal dollars flowed through the hands of Colonel Oliver North, in the White House basement. Norman Shumway, one of our two local congressmen, supported the contras whole-heartedly.

The peace movement in the county opposed the war in the usual ways—we marched, held prayer services, and wrote letters to the Record, which sometimes printed them. We spent \$2,500 on an ad in the Record. (This was just before Laurie Litman started Connections newspaper.) Then we asked Shumway to meet with us personally, but he refused.

"He's supposed to be our representative," we said, "let's picket his office till he meets with us." So every weekday afternoon at 4 o'clock, we began gathering on the sidewalk and lawn outside Shumway's office, a tidy little one-story building just down the street from the Robin Hood post office. We waved our signs and banners at passing cars; one or two of us went into the office, to remind the staff why we were there—we wanted to see the congressman, to talk about Nicaragua. At first, we were only a dozen; by the second or third week, as word got around, our numbers grew to forty or fifty.

Shumway's innocent little storefront began to haunt me. Beige brick and glass, just one among dozens occupied by real estate agents, insurance brokers and dentists, the congressman's district office was in truth a node in the web of empire. Tug a thread here—or a telephone line—and heavy trucks would roll in the jungle. It was almost as though, behind the pleasant receptionist,

past the computers and filing cabinets, somewhere down that blue-carpeted hallway was a locked room where Nicaraguan schoolchildren lay mangled and bleeding. Hannah Arendt had it right—the banality, the courteous anonymity of evil.

But for all our picketing, the congressman would not meet with us. So we said, "Let's occupy his office, till he comes to hear us out—he's not listening to the people who elected him." Occupy we did, nine or ten of us over the course of a week or more. I remember going into the office the first day with Art Raab, who had actually taught a high school American government class to the congressman's aide, Jack Sieglock, who got an "A". But Jack cut us no slack. (His ambition later led him to the Lodi city council and then the county board of supervisors.) When we told him we intended to stay till the congressman came to parley, he called the cops. They refused to arrest us, he would have to do a citizen's arrest himself before they would come out. So Jack arrested his teacher, called the police back and asked them to take charge of his captives.

Asympathetic policeman, Dick Yarrington, let us off with a ticket. It turned out that his daughter Cindy was one of the protesters. After his retirement he told me, "She asked me what I thought of her maybe getting arrested, and I told her, 'Honey, you gotta do what you feel is right. If you do get arrested, just make sure you park the car where it don't get towed.'"

I got arrested a second time, and this time no-nonsense cops threw me in jail. After a few hours in a nasty holding tank, Judge Rolleen McIlwrath freed me on my own recognizance. Next day I called to thank her. "Well, that's all right," she said, "I know you're not going to skip town. But John, I've been watching what you and the others have been doing, and

while I respect your position in regard to Nicaragua, I must say I wish you would adopt some different tactics. There are legal ways to make your point."

"Interesting you should say that," I answered. "We've been talking about doing a large legal protest at Shumway's upcoming town hall meeting."

"That would certainly be preferable to breaking the law," she said.

Before the meeting, some fifty of us lined both sides of the walkway into the building, holding white handmade crosses inscribed with the names of Nicaraguan dead. Shumway strode through our gauntlet, flanked by four or five large men in bulging dark suits. Inside the hall, we stood in a semi-circle on the gymnasium floor, silently surrounding the congressman as he spoke to a couple hundred people in the bleachers. "If you knew what I know about the situation in Nicaragua," he said, "You would support the contras too. Unfortunately, my information is classified."

The press coverage was grand, better than all we'd gotten so far in our weeks of picketing and civil disobedience: the front page of the local section featured a big photo of the congressman standing in our arc of crosses, along with an article that quoted our reasons for being there.

This action was our climax—and the end of that series of protests. For almost a month, fifty of us had interrupted our lives every afternoon to drive into town, to stand in front of Shumway's office, to sit inside (during office hours or after), to get arrested, and finally to picket his public meeting. At last, we went back to our work.

Congress went back to theirs, and approved \$27 million in "humanitarian aid" for the contras. Democrat Richard Lehman, who represented part of the county, voted no. Shumway voted yes.

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Jan-Feb Calendar



Fri, Jan 15

Puccini's Tosca - Stockton Opera Association. 7:30pm Faye Spanos Concert Hall, UOP. \$25-\$30. 946-2474.

Mon, Jan 16

Martin Luther King, Jr. celebration talent show. 10:30 am Stockton Memorial Civic Auditorium, 525 N Center St, Stockton. 463-1672

Children's Museum Snow Storm at Weber Point, Stockton. 1 pm Fresh Sierra snow will be trucked in, plus a final free day of skating on the Delta rink during the event. Admission is a gently used coat or canned food item. 465-4386

Tues, Jan 17

Universal Health Care in California panel, 6-8 pm. McCaffery Theater, UOP campus. Pro and con discussion of a most important issue.

January 19

Presentation on Cuba by recent travelers. UOPLibrary, main floor, Community Room. 6 p.m.

Thu-Sat, Jan 19-21

Pacific Theatre presents Nine Lives, vignettes of nine women that won top awards at Locarno Film Festival. Pacific Theatre, UOP campus. \$15 general, \$10 student, \$8 senior. 946-2116.

Fri, Jan 20

Stockton Symphony Seaport Winds free concert, 12 pm, Hotel Stockton, 139 E. Weber, Stockton. 951-0196

Tue, Jan 24

John McCutcheon Concert, Central United Methodist Church, 3700 Pacific Ave, Stockton. \$15. 467-4455.

Jan 25-Feb 18

Stockton Civic Theatre presents

Don't Dress for Dinner, Thurs 7:30 pm, Fri/Sat 8 pm, Sun 2:30 pm. 2312 RoseMarie Lane, Stockton. \$20 adult, \$18 senior, \$15 student, \$8 child. 473-2424.

Thu, Jan 26

Horton Gallery presents photoconstructions by Les Barta, CONSTRUCTION ZONE and Assemblages by Michael McAlister. 5 pm opening Through 2/23/05. Tue 11-4, Wed/Thu 11-6:30, Fri 11-1

Sat, Jan 28

A Night of Comedy benefit for Pediatric Trauma Prevention. Comedy by Chris Strait, Scott Kennedy and Dwayne Perkins. Parental guidance suggested, adult language, no children. \$10 general, \$8 senior/student. Faye Spanos Concert Hall, UOP. 946-2474

Mon, Jan 30

Concerned Citizens of Stockton and Campaign for Common Ground meeting, 5:30 no host dinner, 6 pm program. Valley Brew, 151 W Adams, Stockton. Dinner reservations 465-3948. All are welcome.

Tue, Jan 31

Candlelight vigil for peace. Catholic Cathedral of Annunciation, Lincoln/Rose, Stockton. All are welcome! Bring a candle, bring a friend. Info: 464-3326, 462-3340

Thur, Feb 2

Peace & Justice Network meeting, Peace & Justice Center, 231 Bedford Rd, Stockton. 7 pm. All welcome.

Stockton Symphony with violinist Elmar Oliveira. Mendelssohn, Bruch, Satie/Debussy and Bernstein. 8 pm. SJ Delta College Atherton Auditorium, \$15-42. 50% student discount. 951-0196

Sat, Feb 4

75th annual Robert T. McKee Student Art Exhibition opening reception, 1:30 - 3 pm Haggin Museum, 1201 N Pershing Ave, Stockton (in Victory Park). Free admission day. 940-6315

Stockton Symphony with violinist Elmar Oliveira. 6 pm (see Feb 2)

Fri, Feb 10

Stockton Symphony Tower Brass free concert, 12 pm, Hotel Stockton, 139 E. Weber, Stockton. 951-0196

Sun, Feb 12

University Symphony Orchestra presents Verdi - La Traviata with the Pacific Singers. 2:30 pm, Faye Spanos Concert Hall. 946-2116

Fri, Feb 17

Pacific Jazz Ensemble, 7:30 pm Faye Spanos Concert Hall, UOP 946-2116

Weekly

Tuesdays

Stockton City Council Meeting, every Tuesday at City Hall, 5:30 pm. <http://www.stocktongov.com/clerk/pages/CouncilAgenda.htm>

Tai Chi, 6-8 pm, Northeast Community Center, 2885 E Harding Way.

First & Third Fridays

Poetry, 8:30-10:30 pm Latte Lounge, 235 E Miner Ave. 466-6224.

Saturdays

Birding Field Trips with S.J. Audubon Society. www.sanjoaquinaudubon.org

Tai Chi Chuan at the Confucius Church on Lafayette St., 8:30 am-11:am. (209) 952-8582.

Sundays

Tai Chi, 2:30-4, Northeast Community Center, 2885 E. Harding Way & Golden Gate.

Monthly

Second Mon

PFLAG meeting, 7-9 pm, Central United Methodist Church, 3700 Pacific Ave, Stockton. 209-870-3339.

Second Tues

Audubon Society, 7:30 pm, St. Paul's Church, 2220 W Alpine, Stockton.

Third Thur

Hispanics for Political Action meeting, 6:30-8:30 pm. Cancun Restaurant, Weber St, Stockton

Universal Health Care in California panel discussion

January 17, Tuesday, McCaffery Theater, UOP campus, Stockton, 6 pm to 8 pm

Anyone interested in the health care issues in California should join us for a panel discussion on universal health care including single payer proposals currently in the Legislature. Panelists to include local health officials, representatives from advocates as well as those with opposing views. Sponsored by: Jacoby Center, Health Care for All—San Joaquin, League of Women Voters, American Association of University Women.

Concerned Citizens & Common Ground to meet

January 30, Monday, Valley Brew, 151 W Adams, Stockton, 5:30 pm no-host dinner, 6 pm program

Come discuss the future of county growth and the important part you play. For dinner reservations, call 465-3948.

UOP Film Series

All films begin at 8 pm at Pacific Theatre, unless stated
Cost: \$5 to general public; \$3 to faculty, staff and alumni;
Free to UOP students

January

19,20,21	Skyline
26,27,28	40 Year Old Virgin
28 @ 10 pm	Pulp Fiction

February—Black History Month series

2,3,4	Hotel Rwanda
9,10,11	Woman, Thou Art Loosed
11 @ 10 pm	So I Married an Axe Murderer
16,17,18	Hustle and Flow (in the Summit)
23,24,25	The Gospel (in the Summit)

March—Women's History Month series

2	Shop Girl
3	North Country
4	Real Women Have Curves
23,24,25	March of the Penguins
30,21	Rent

April

1	Rent
6,7,8	Original Blues Brothers
13,14,15	Brokeback Mountain

French series

20	The Piano Teacher
21	Sex is Comedy
22	A Very Long Engagement
27,28,29	Memiors of a Geisha

May

4,5,6	Monster
6 @ 10 pm	Dazed and Confused

Talking It Through

Talking It Through is now two half-hour shows.

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Pombo/Doolittle ethics—again

Editor's note: The Stockton Record (1/8/06 p. 3) reprinted 723 words of a 2025-word Los Angeles Times article describing unethical behavior by Reps. Richard Pombo and John Doolittle. For those who missed the 36% of the article the Record printed in its 8 page Sunday front section, here it is in a nutshell:

By publishing confidential legal documents in the Congressional record, Pombo and Doolittle destroyed the Federal case against Charles Hurwitz, a major S&L swindler in the late 1980's and owner of Pacific Lumber and Headwaters old-growth redwoods.

The \$300 million in government losses the FDIC was trying to recover from Hurwitz (Connections argued at the time) could have been traded for this ancient forest Hurwitz had purchased with loans from the failed S&L. It didn't happen, because Pombo and Doolittle stepped in—and here is the rest of the story the Record edited out:

J. Kent Friedman, the general counsel for Hurwitz's vast Houston-based holding company, said last week that the FDIC was overzealous in its dealings with his boss.

"Their case was weak from the

start. They had a terrible case," Friedman said. He said anyone trying to connect the congressmen to the fact that the case fell apart would be "attempting to put a bow on a pig."

The Texas S&L in which Hurwitz held a controlling interest of about 25% collapsed in 1988 as part of a financial fiasco that took federal regulators years to untangle. The investigation of Hurwitz began in 1995 and continued for about seven years before it was dropped.

After DeLay's 1999 letter attacking the investigation failed to dissuade the FDIC, Doolittle weighed in with a statement on the House floor in 2001, saying the FDIC investigators were "clearly out of control" and should have "dropped the case, period."

Pombo, in his own 2001 floor statement, suggested that the banking regulators were using strong-arm methods against Hurwitz, or what Pombo called "tools equivalent to the Cosa Nostra—a mafia tactic."

Doolittle, 55, an eight-term congressman, represents California's fourth district, the Sierra Foothills region and the eastern suburbs of Sacramento. He has a consistent conservative voting record, opposing gun control and abortion and siding with property rights, timber and utility interests against environmental groups.

By 2000, he had grown close to DeLay, working with the Republican leader to oppose proposed changes to campaign finance law and restrictions on fundraising. When DeLay was indicted in Texas last year, Doolittle distributed about 100 lapel pins in the shape of tiny hammers as a tribute to the man nicknamed the "Hammer" for his ability to pound congressional Republicans into line.

Doolittle also was closely aligned with Abramoff. Records show that Abramoff gave Doolittle tens of thousands of dollars in contributions and employed the congressman's wife for other fundraising activities.

Pombo, the son of cattle ranchers, plays up his cowboy roots, often appearing in his district wearing a ranch-hand's hat and ostrich-skin boots. Forty-five years old, a seven-term congressman, he represents the fertile farming expanse of the Central Valley.

He had impressed DeLay with his fundraising prowess, garnering about \$1 million for his 2002 House reelection, which he won easily.

And not long after his role in helping Hurwitz, the GOP House caucus—led by DeLay—helped get Pombo elected chairman of the Resources Committee over several more senior Republicans.

Hurwitz has been a prolific campaign donor since the early 1990s.

He has contributed personally and with funds provided by his Houston-based flagship company, Maxxam Inc., through subsidiaries such as Kaiser Aluminum, and through a company political action committee, Maxxam Inc. Federal PAC.

In the last three federal elections cycles, those entities have given about \$443,000 in political contributions—most of it to conservative politicians, including President Bush, for whom Hurwitz pledged to raise \$100,000 in the 2000 campaign and also helped during that year's vote tally deadlock in Florida.

Hurwitz has been generous with DeLay too.

Starting in the 2000 election cycle, the businessman and his committees have distributed at

least \$30,000 to DeLay and his federal causes, including \$5,000 for his current legal defense fund in the Texas money-laundering case.

Hurwitz also contributed \$1,000 to Pombo for his 1996 reelection campaign. And through the Maxxam PAC, Hurwitz gave Doolittle \$5,000 for his 2002 reelection campaign and then followed up with \$2,000 more for his 2004 race.

When DeLay went to bat for Hurwitz, he was particularly critical of reported internal government discussions that would have pressed Hurwitz to settle his obligations for the collapsed S&L by selling the government vast forest areas and redwood trees in Northern California near Scotia. The forest land was owned by Hurwitz's Pacific Lumber company

"I am extremely concerned," DeLay told then-FDIC Chairwoman Donna A. Tanoue, "about the apparent abuse of governmental power and what appears to be misconduct in the form of harassment and deceit on the part of government employees."

Tanoue responded by telling DeLay "we can assure you that the FDIC lawsuit against Mr. Hurwitz was not filed for political reasons."

The investigation pressed on, and a year later the House Resources Committee, which had jurisdiction because of the forest area, set up a special Headwaters Forest Task Force and launched its own review. Doolittle was appointed task force chairman, and Pombo one of its members.

Duane Gibson, the committee's general counsel who later went to work for Abramoff, was named the chief investigator. They immediately subpoenaed internal records from the FDIC and the Office of Thrift Supervision, which also had responsibilities for S&Ls.

Both agencies were wary and, although complying with the subpoenas, repeatedly urged the lawmakers not to make the documents public or share them with Hurwitz.

William F. Kroener III, general counsel at the FDIC, warned the committee that Hurwitz and his lawyers were not entitled to see many of the documents.

Kroener told the panel that, should the material end up in their hands, it "could significantly injure our ability to litigate this matter and reduce damages otherwise recoverable to reimburse taxpayers."

Carolyn J. Buck, chief counsel at the Office of Thrift Supervision, also wrote the committee emphasizing that "we note our objection to any publication or release of these documents."

The task force was set up for six months, and disbanded in December 2000. It held one hearing, and called FDIC and Office of Thrift Supervision officials as witnesses.

At that hearing, Tanoue defended the FDIC's investigation.

"I have listened to and considered the arguments made directly to me by representatives of Mr. Hurwitz," she testified. "However, I have found no compelling reason to take the extraordinary step of taking this case out of the hands of the judicial system."

Kroener testified that the FDIC was not interested in a trees-for-debt swap, saying his agency "has expressed its preference for a cash settlement."

Six months later, in June 2001, Pombo submitted a portion of the subpoenaed documents that filled 14 pages in the Congressional Record.

Six months after that, in December 2001, Doolittle did the same, even though he was no longer a member of the committee. And his submission was much larger—filling 111 pages.

The documents were so voluminous that Doolittle and Pombo had to pay a total of about \$20,000 from their congressional accounts to cover the extra printing costs.

The FDIC was outraged over the documents' release.

Its chief spokesman, Phil Battey, said in a statement to the *Sacramento Bee* at the time that the publication of the materials was a "subordination and a seamy abuse of the legislative process."

Not long afterward, the FDIC dismissed its case, and the Office of Thrift Supervision settled with Hurwitz for about \$200,000 in administrative costs.

Source: *LA Times* 1/8/06 via <http://www.truthout.org>

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