

# Bush administration domestic spying provokes lawsuits, calls for impeachment

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The Bush administration's open defiance of federal law and the US Constitution, in proclaiming its right to conduct unlimited warrantless surveillance of telephone and email traffic, has begun to produce a political reaction within US ruling circles.

Two civil liberties groups filed lawsuits against the Bush administration Tuesday, seeking a court order to end the domestic spying by the National Security Agency (NSA). Several senators discussed the possibility of impeachment on television interview programs Sunday, and former vice president Al Gore, in a speech Monday, called for the appointment of a special prosecutor.

The lawsuits were filed in Detroit and New York City, the first by the American Civil Liberties Union, on behalf of plaintiffs who frequently communicate by phone and email with the Middle East, and the second by the Center for Constitutional Rights (CCR), on behalf of attorneys for prisoners at the Guantánamo Bay detention camp. Both suits charge that the eavesdropping program is illegal and unconstitutional and seek court injunctions to bar further spying.

The day the suits were filed, the *New York Times* followed up its initial report on NSA spying with a front-page article revealing that the surveillance had involved far more than monitoring a relative handful of telephone numbers of suspected terrorists, as the Bush administration has claimed. The list of phone numbers, email addresses and names sent by the NSA to the FBI "soon became a flood, requiring hundreds of agents to check out thousands of tips a month." The surveillance effort was so massive and indiscriminate that even FBI Director Robert Mueller questioned its legality, the *Times* said.

The ACLU suit was joined by the National Association of Criminal Defense Lawyers, Greenpeace and the Council on American-Islamic Relations, the largest US Muslim organization, as well as journalists James Bamford, Christopher Hitchens and Tara McKelvey, and academics Barnett Rubin of New York University, and Larry Diamond of the Hoover Institution. The group includes both critics of the Iraq war, like McKelvey of the *American Prospect*, and those like Hitchens and Diamond who strongly supported the US invasion and occupation.

The lead counsel for the ACLU in this suit, Ann Beeson, said, "The prohibition against government eavesdropping on American citizens is well-established and crystal clear. President Bush's claim that he is not bound by the law is simply astounding." ACLU Executive Director Anthony D. Romero added, "The current surveillance of Americans is a chilling assertion of presidential power that has not been seen since the days of Richard Nixon."

In the suit filed in New York, the Center for Constitutional Rights declared that its own work was directly affected by the spying because

CCR lawyers represented hundreds of Muslim US residents detained after the September 11, 2001 terrorist attacks, as well as many of the Guantánamo Bay prisoners. Their defense necessarily required extensive telephone conversations and email exchanges with individuals in the Middle East, Afghanistan and South Asia, which CCR said were likely monitored by the NSA.

In a statement released as the suit was filed, CCR Legal Director Bill Goodman said, "On this, the day following Martin Luther King Day, we are saddened that the illegal electronic surveillance that once targeted that great American has again become characteristic of our present government. As was the case with Dr. King, this illegal activity is cloaked in the guise of national security. In reality, it reflects an attempt by the Bush Administration to exercise unchecked power without the inconvenient interference of the other co-equal branches of government."

The suits were filed after a weekend in which there was, for the first time in US official circles, open discussion of whether impeachment proceedings were warranted against Bush. Republican Arlen Specter, chairman of the Senate Judiciary Committee, said on the ABC television program "This Week" that he would go ahead with hearings on the NSA spying, with the principal witness to be Attorney General Alberto Gonzales, who earlier this month issued an opinion defending the legality of the program.

If the spy program is in fact illegal, Specter said, "The remedy could be a variety of things, including impeachment or criminal prosecution." He hastened to add that he did not believe impeachment was justified or likely, but nonetheless, he became the first prominent Republican to raise the possibility.

Former vice president Gore delivered his sharply worded attack on Bush in a speech in Washington on Martin Luther King Day at Constitution Hall on the Mall, an appearance which was sponsored, not by the Democratic Party, but by a coalition of civil liberties and right-wing libertarian groups, including the National Taxpayers Union, the Free Congress Foundation and the American Conservative Union. He called for the appointment of a special prosecutor to investigate whether the White House committed crimes in authorizing the extensive NSA spying.

While Gore did not use the word impeachment, he gave a scathing description of the Bush administration's disregard for legal procedure and the constitutional limitations on executive power. He warned that Bush had "brought our republic to the brink of a dangerous breach in the fabric of the Constitution" through his conduct of the war in Iraq and the "anti-terror" campaign at home.

Gore condemned the Bush administration's indefinite detention of American citizens, torture at CIA-run prisons, and massive domestic

spying. He compared these policies to similar attacks on democratic rights during World War I, World War II and the Vietnam War, noting that “in each of these cases, when the conflict and turmoil subsided, the country recovered its equilibrium and absorbed the lessons learned in a recurring cycle of excess and regret.”

Given the open-ended character of Bush’s “war on terror,” however, “There are reasons for concern this time around that conditions may be changing and that the cycle may not repeat itself.” In somewhat roundabout language, Gore was suggesting that the Bush administration was on the road to dictatorship.

This speech raises serious political issues before American working people. The police-state measures introduced by the Bush administration, with the full support of both Democrats and Republicans in Congress, have gone so far that even a leading bourgeois politician—the man who, after all, received more votes than Bush in the 2000 presidential election—is compelled to protest.

Gore, however, downplays the extent of the danger and covers up its origins. The right-wing onslaught against democratic rights and constitutional norms did not begin with 9/11. It is not an exaggerated response to the terrorist attacks on New York and Washington, as the former vice president suggested.

The breakdown of American democracy was already visible in the impeachment of Clinton, in which a right-wing cabal of lawyers, judges and congressmen sought to overturn the results of two presidential elections using the bogus investigation headed by independent counsel Kenneth Starr.

This process came to a head in the 2000 election, stolen by the Republican Party through the intervention of the US Supreme Court. A bare 5-4 majority of the highest court halted vote-counting in Florida, awarding the state’s electoral votes and the White House to George W. Bush. Al Gore, although he had won the popular vote by half a million votes nationwide, and would have won Florida as well had all votes been counted, bowed to the court’s intervention and conceded the election.

At the time, the *World Socialist Web Site* wrote that the outcome of the 2000 elections would determine whether there existed any significant constituency in the American ruling elite for the defense of democratic rights. The capitulation of the Democratic Party to the theft of the 2000 election represented a political watershed. And it was followed by a similar surrender in 2004, when the Democratic Party decided to run a pro-war presidential candidate and spurn the antiwar sentiments of a majority of Democratic voters.

The impeachment of Bush and Cheney would be, of course, thoroughly justified. There are ample grounds for convicting them of “high crimes and misdemeanors.” They are responsible for tens of thousands of deaths in Iraq, of both Iraqis and Americans, in an illegal war whose purpose was to seize control of the world’s third largest oil reserves.

But the Democratic Party, even if it won control of Congress in the 2006 elections, has no stomach for the type of fight that would be required to remove Bush from office. This is not merely the product of the personal cowardice of the Democratic leaders. It is because the Democrats, whatever their tactical disagreements, are fundamentally in agreement with Bush’s policies. The same Democrats who admit that the war in Iraq was launched on the basis of lies nonetheless insist that the United States must maintain its occupation of the oil-rich country.

That is because the Democratic Party upholds the same social interests as the Republican Party. Both parties represent and defend

the American ruling elite, the top 1 percent which controls the vast bulk of the wealth of society. The struggle against the Bush administration and its policies of war, attacks on democratic rights and destruction of jobs and living standards requires the building of a new, independent political party of the working class, based on a socialist program.

While it finds virtually no expression in official Washington, there is growing popular hostility to the Bush administration, as measured by a poll commissioned by the antiwar group *AfterDowningStreet.org*, and conducted by the Zogby International polling organization. The poll conducted January 9-12 found that a majority of the American people want Congress to impeach Bush if he ordered wiretapping without a judge’s approval. The margin was 52 percent to 43 percent, with majorities for impeachment in every region of the country, including the South, and an astonishing 74 percent of young people, aged 18-29, supporting the president’s removal. Even 23 percent of Republicans favored impeachment.

Zogby, Gallup and other established polls have refused requests to include an impeachment question in their regular polling for news organizations, claiming that there was no support for impeachment in Congress and no significant discussion of it in the media. *AfterDowningStreet.org* raised money over the Internet to pay Zogby to conduct the poll, with results that underscore the enormous gulf between official Washington and the American public.

As the group noted in the press release, “The strong support for impeachment found in this poll is especially surprising because the views of impeachment supporters are entirely absent from the broadcast and print media, and can only be found on the Internet and in street protests. The lack of coverage of impeachment support is due in part to the fact that not a single Democrat in Congress has called for impeachment...”

The furthest the congressional Democrats have gone is to suggest an inquiry into the Bush administration’s conduct of the Iraq war, leaving open the possibility of impeachment, and even this step is limited to a handful. Congressman John Lewis of Georgia has suggested that the Bush surveillance program may be grounds for impeachment.

A total of seven House Democrats have announced their support for legislation introduced last month by John Conyers, a Detroit Democrat, seeking an impeachment inquiry into Bush’s conduct of the war in Iraq. HR 635 calls for creating a select committee “to investigate the administration’s intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture [and] retaliating against critics.” The seven co-signers include four members of the Congressional Black Caucus (Sheila Jackson-Lee, Donald Payne, Charles Rangel and Maxine Waters), and three liberals from California (Lois Capps, Zoe Lofgren and Lynn Woolsey). Not a single figure in the Democratic leadership has signed on.



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