What Al Gore's speech reveals about the state of US politics

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In the ten days that have passed since the January 16 speech delivered by Al Gore in Washington charging President Bush with trampling on the Constitution in his conduct of the "war on terror," the former vice president has been alternately vilified, ridiculed or ignored. There has been little serious discussion of his criticisms of the Bush administration, however, outside of the *World Socialist Web Site*. (See: "Bush administration domestic spying provokes lawsuits, calls for impeachment ")

The substance of Gore's speech was the most sweeping indictment of the Bush administration by any significant figure within the US ruling elite since Bush took office in 2001. He not only charged that the Bush White House seeks to exercise quasi-dictatorial powers over the American people, but he painted a picture of a judicial system and a Congress which are unwilling to challenge the presidential power-grab and uphold the traditional institutions of the American constitutional system, based on the separation of powers between Congress, the White House and the courts.

Such statements from such a source have extraordinary political significance. Gore is, after all, not an accidental figure in American politics. The son of a longtime senator from Tennessee, he was in turn a congressman, senator, vice president for eight years—during which he played a central role in much of the policymaking of the Clinton administration—and then the presidential candidate of the Democratic Party in 2000. He received more than 50 million votes in that election, beating Bush by 500,000 in the popular vote.

Now this representative of the highest level of the American ruling elite declares that "America's Constitution is in grave danger," and that democratic values "have been placed at serious risk by the unprecedented claims of the administration to a truly breathtaking expansion of executive power."

In the current exposure of illegal surveillance, Gore said, "What we do know about this pervasive wiretapping virtually compels the conclusion that the president of the United States has been breaking the law, repeatedly and insistently. A president who breaks the law is a threat to the very structure of our government."

He repeatedly referred to the conviction of those who wrote the American Constitution that "they had established a government of laws and not men," declaring that the Bush White House was seeking to reverse this, creating an all-powerful executive that could ignore the law and do as it pleased.

Gore dismissed the administration's claim that the NSA wiretapping was an exercise of presidential war powers authorized by Congress after the September 11 terrorist attacks, pointing out that the White House had sought to have specific authority for domestic counter-terrorist actions inserted in the resolution, but congressional leaders refused. "When President Bush failed to convince Congress to give him the power he wanted when this measure was passed, he secretly assumed that power anyway, as if congressional authorization was a useless bother," he said.

Gore warned that the Bush administration's "disrespect for America's Constitution ... has now brought our republic to the brink of a dangerous breach in the fabric of the Constitution." He denounced Bush's claims of a presidential right to imprison American citizens indefinitely, without an arrest warrant or any judicial proceeding, and without informing them of the charges against them or allowing them to contact a lawyer or their own families.

He cited the White House claim of the right to kidnap, imprison, interrogate and torture individuals seized in foreign countries and held in secret US facilities around the world. "Over 100 of these captives have reportedly died while being tortured by executive branch interrogators," he said, noting that the vast majority of those held at the best-known such prison, Abu Ghraib, were innocent of any crimes.

"Can it be true that any president really has such powers under our Constitution?" Gore asked. "If the answer is yes, then under the theory by which these acts are committed, are there any acts that can on their face be prohibited? If the president has the inherent authority to eavesdrop on American citizens without a warrant, imprison American citizens on his own declaration, kidnap and torture, then what can't he do?

"The dean of Yale Law School, Harold Koh, said after analyzing the executive branch's extravagant claims of these previously unrecognized powers, and I quote Dean Koh, 'If the president has commander-in-chief power to commit torture, he has the power to commit genocide, to sanction slavery, to promote apartheid, to license summary execution'."

This last passage warrants underlining. Gore cites with approval the assessment—by a prominent member of the US legal establishment—that the logic of the Bush administration's policy is to assert the right to commit atrocities on a Hitlerian scale. This is how far American capitalism has moved since the launching of Bush's "war on terror."

The rest of Gore's speech was devoted to reviewing the impact of this unilateral assertion of presidential authority on the system of checks and balances between the executive, legislative and judicial branches which is the hallmark of the US constitutional system.

"As a result of this unprecedented claim of new unilateral power, the executive branch has now put our constitutional design at grave risk," he said. "The stakes for America's democracy are far higher than has been generally recognized. These claims must be rejected and a healthy balance of power must be restored to our republic. Otherwise, the fundamental nature of our democracy may well undergo a radical transformation."

Gore discussed the historical implications of the Bush administration's actions, comparing them to the arbitrary actions of the British Crown which sparked the American Revolution, as well as other episodes of attacks on democratic rights, particularly during the major wars of the 20th century, such as World War I, World War II and Vietnam. One danger in the present situation, he emphasized, was that the open-ended character of the war declared by the Bush administration could "justify arrogations of power [that] will in this case persist in near perpetuity."

The administration has also embraced a legal theory of the "unitary executive" which claims that the president's actions as commander-in-

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chief are essentially unreviewable by either Congress or the courts, another blow to the traditional framework of checks and balances.

Gore noted the declining willingness of the federal judiciary to restrain executive power, but he focused more attention on Congress, saying, "The sharp decline of Congressional power and autonomy in recent years has been almost as shocking as the efforts by the executive to attain this massive expansion of its power."

He said Congress had become "structurally unrecognizable" and "now operates as if it were entirely subservient to the executive branch." There are no oversight hearings, and appropriations bills are passed without serious consideration, often without even being available for members of Congress to read before voting on them. The rubber-stamp character of Congress was exemplified in the NSA spying case, with a handful of congressional leaders informed under conditions where they agreed to say or do nothing. "Democrats as well as Republicans in the Congress must share the blame for not taking sufficient action to protest and seek to prevent what they consider a grossly unconstitutional program," he said.

Gore concluded by condemning what he described as an administration effort to spread fear and intimidate the public into accepting the massive erosion of democratic rights. He called for the appointment of a special counsel to "pursue the criminal issues raised by the warrantless wiretapping of Americans by the president."

There are three aspects of Gore's speech which are critical from the standpoint of a socialist analysis of the deepening political crisis in the United States. First, his speech was directed entirely to the ruling elite. Gore was making an appeal, not to the American people as a whole, but to the Washington political and media establishment of which he is a longtime member. After making his indictment of the Bush administration—quite powerfully, by the standards of official American political debate—he declined an offer from PBS to appear on the Jim Lehrer news program, and issued only a perfunctory two-paragraph response to the predictable diatribes against him by White House spokesmen and the right-wing press.

Second, Gore refused to characterize the material interests and motives which impel the Bush administration's power-grab, referring only to "mistakes" and actions which were "misguided." He criticized the decision to invade Iraq, but never mentioned the word "oil." The previous week, Bush gave a particularly vicious speech attacking opponents of the Iraq war in which he declared that criticism of the war was permissible only so long as charges of a "war for oil" were excluded from the debate. Despite the harshness of his criticism of Bush January 16, Gore tacitly accepted this restriction.

In a similar vein, Gore avoided any examination of the social conditions within the United States—above all, the enormous growth of social inequality—which is the underlying motor force of the Bush administration's attacks on democratic rights. It is impossible to maintain democratic forms in a society so sharply polarized between enormous wealth in the hands of a tiny elite—less than one percent of the population—and the vast majority struggling for their economic survival.

As a bourgeois politician who defends the profit system that is responsible for this vast social polarization, Gore is incapable of raising this central issue. Instead, he sought to make an appeal to a section of the ultra-right, warning that an all-powerful Bush administration might be succeeded by a Democratic president who would exercise similarly sweeping powers. His appearance was co-sponsored by several anti-tax and libertarian groups and Gore paid tribute, at the beginning of his remarks, to the co-organizer of the event, former Georgia congressman Bob Barr, who was one of the Republican managers in the impeachment and trial of President Bill Clinton.

Gore was at pains to reassure his fellow members of the ruling elite that despite his well-grounded criticisms of the Bush administration, he was equally committed to the defense of the interests of American imperialism. One key passage of his speech declared his agreement that the threat of terrorism "does indeed create a real imperative to exercise the powers of the executive branch with swiftness and agility."

Gore added, "there is in fact an inherent power conferred by the Constitution to any president to take unilateral action when necessary to protect the nation from a sudden and immediate threat. And it is simply not possible to precisely define in legalistic terms exactly when that power is appropriate and when it is not. But the existence of that inherent power cannot be used to justify a gross and excessive power-grab lasting for many years and producing a serious imbalance in the relationship between the executive and the other two branches of government."

In other words, Gore condemns Bush for an "excessive power-grab lasting for many years," holding out the prospect that a power-grab of lesser size and shorter duration would be more manageable and less costly in terms of discrediting the political system which has served corporate interests and the American ruling class for so long.

Thirdly, the response to Gore's speech in the political establishment underscores what the WSWS has maintained ever since the stolen election of 2000: there exists no significant section of the ruling elite that is prepared to make a serious issue of the defense of democratic rights.

The Bush administration itself and its open lackeys in the right-wing press have portrayed Gore either as an embittered loser of 2000—although he actually won the popular vote and would have taken office but for the unconstitutional intervention of the Supreme Court—or as a lunatic who ignores the obvious necessities of the global war on terror.

From the Democratic Party and its media allies, the response has generally been to ignore the speech altogether. Here the lead was given by the *New York Times*, the most cowardly and unprincipled of the bourgeois "opponents" of the Bush administration, which did not even dignify the speech with a separate article. The *Times* relegated it to a passing mention in a story, buried in its New York regional coverage, on the White House reaction to Hillary Clinton's comparison of the Republican-run House of Representatives to a southern plantation.

While some daily newspapers published editorials supporting Gore's criticisms, the speech was dropped as a media topic within a few days. It went virtually unmentioned in the network television interview programs the following Sunday, on which Democratic senators Joseph Lieberman, Richard Durbin, Charles Schumer and John Kerry all appeared.

Only Kerry was even asked about Gore's attack, and his response demonstrated the intellectual incoherence and inability to take a firm position which made him a caricature as a presidential candidate in 2004. Kerry said the current program of presidentially-authorized spying by the National Security Agency (NSA) was illegal, then rejected the suggestion that Congress should cut off funding for it, saying instead that Congress would readily approve some form of NSA domestic spying if the administration sought legislative backing.

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