

## U.S. 'bipartisanship' defined

by Glenn Greenwald via krill - Salon.com *Saturday, Jun 21 2008, 8:34pm*

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### does political opposition exist in the USA?

It's bad enough watching the likes of Steny Hoyer, Rahm Emanuel and a disturbingly disoriented Nancy Pelosi eviscerate the Fourth Amendment, exempt their largest corporate contributors from the rule of law, and endorse the most radical aspects of the Bush lawbreaking regime. But it's downright pathetic to see them try to depict their behavior as some sort of bipartisan "compromise" whereby they won meaningful concessions:



***Pelosi and Bush colluding/subverting democracy***

"When they saw that we were unified in sending that bill rather than falling for their scare tactics, I think it sent them a message," said House Speaker Nancy Pelosi (D-Calif.). "So our leverage was increased because of our Democratic unity in both cases."

Not even the media establishment and the GOP can refrain from mocking this pretense they're trying to peddle. What's amazing is that they're actually as devoid of dignity as they are integrity.

As I noted yesterday, the GOP couldn't even wait for the ink to dry on this "compromise" before publicly -- and accurately -- boasting that they not only got everything they want, but got even more than they dreamed they would get. To The New York Times' Eric Lichtblau, GOP House Whip Roy Blunt derided the telecom amnesty provision as nothing more than a "formality" which would inevitably lead to the immediate and automatic dismissal of all lawsuits against the telecoms, while Sen. Kit Bond taunted the Democrats for giving away even more than they had to in order to get a deal: "I think the White House got a better deal than they even had hoped to get."

Lichtblau himself noted that "the White House immediately endorsed the proposal" and wrote that the bill "represents a major victory for the White House after months of dispute." Reporters Dan Eggen and Paul Kane were even more blunt and derisive in The Washington Post, noting that the Democrats "hand[ed] President Bush one of the last major legislative victories he is likely to achieve"; that "the deal appears to give Bush and his aides, including Attorney General Michael B. Mukasey and Director of National Intelligence Mike McConnell, much of what they sought in a new

surveillance law"; and that "the negotiations underscored the political calculation made by many Democrats who were fearful that Republicans would cast them as soft on terrorism during an election year."

Surrendering and fearful: that's the face of the Democratic Party. It's how they show they're not weak. The most succinct summary of what the Democrats just "negotiated" came from Russ Feingold: "The proposed FISA deal is not a compromise; it is a capitulation." Numerous other Democratic office-holders and Congressional candidates scornfully characterized this bill for what it is, including Andrea Miller, a Democratic nominee for Congress in Virginia, who said: "We have a Democratic majority in the House and yet they seem to be as confused by the meaning of the Constitution as the Republicans." (And as the vocally pro-Obama Nation notes, the Democratic presidential candidate -- who had been so outspoken against telecom amnesty and warrantless eavesdropping in the past -- is still deafeningly silent, even as the House prepares to vote later today).

Needless to say, Beltway denizens such as The Washington Post's Fred Hiatt are patting the Democrats on the head:

CONGRESSIONAL leaders of both parties should be commended for drafting legislation that brings the country's surveillance laws into the 21st century . . . It also provides some welcome evidence that congressional leaders remain capable of achieving delicate compromise in the national interest.

But this absurd praise underscores what the Washington power structure means when they speak of "bipartisanship" -- it means having the Republican Party demand something, and then having enough Democrats agree to it to ensure it passes in essentially undiluted form.

In January, I compiled a list of the Great Bipartisan Compromises of the Bush era and demonstrated that they are characterized by one common attribute: namely, they are supported by almost all Republicans and then enough Democrats from a split caucus to ensure its passage. As I wrote:

But more importantly, "bipartisanship" is already rampant in Washington, not rare. And, in almost every significant case, what "bipartisanship" means in Washington is that enough Democrats join with all of the Republicans to endorse and enact into law Republican policies, with which most Democratic voters disagree. That's how so-called "bipartisanship" manifests in almost every case. . . .

On virtually every major controversial issue -- particularly, though not only, ones involving national security and terrorism -- the Republicans (including their vaunted mythical moderates and mavericks) vote in almost complete lockstep in favor of the President, the Democratic caucus splits, and the Republicans then get their way on every issue thanks to "bipartisan" support. That's what "bipartisanship" in Washington means.

That's exactly what is going to happen with this latest FISA "compromise." Republicans will be virtually unanimous in their support of it, while the Democratic caucus will split and enough of them will join with their Republican colleagues to make sure it passes. "Bipartisan compromise" means that Democrats comply with GOP demands.

While huge numbers of civil liberties advocates, Democrats and prominent libertarians are furious and disgusted by this bill, is there even a single hard-core, right-wing Bush supporter remotely unhappy with it? No. Because it gives them everything that that faction ever wanted -- actually, as Kit Bond said, more than they ever dreamed of getting. But in Washington World, that is a grand

"bipartisan compromise," by definition: when the President's demands are complied with.

In the course of criticizing the "compromise" bill, Andrew Sullivan wrote yesterday that he's "not as livid as" I am because "at least the White House appears to have conceded that the Congress has the final say on what is and what is not legal in eavesdropping." But that's actually not true, and that really underscores the key point here.

This whole controversy began because George Bush, in December of 2005, got caught breaking our spying laws for years. He did so because he embraced a radical and un-American theory that asserted he has the power to break all of our laws provided such lawbreaking is, in his view, related to "defense of the nation." That lawbreaking theory is at the heart of virtually every major controversy of the last seven years, and it remains entirely in tact and preserved:

At the meeting [with the DOJ], Bruce Fein, a Justice Department lawyer in the Reagan administration, along with other critics of the legislation, pressed Justice Department officials repeatedly for an assurance that the administration considered itself bound by the restrictions imposed by Congress. The Justice Department, led by Ken Wainstein, the assistant attorney general for national security, refused to do so, according to three participants in the meeting. That stance angered Mr. Fein and others. It sent the message, Mr. Fein said in an interview, that the new legislation, though it is already broadly worded, "is just advisory. The president can still do whatever he wants to do. They have not changed their position that the president's Article II powers trump any ability by Congress to regulate the collection of foreign intelligence.

This scandal began by revelations that the President broke the law -- committed felonies -- when spying on our calls and emails without warrants, because he believes he has the power to break the law. The scandal all but concluded yesterday, with the Democratic Congress (a) protecting the President, (b) permanently blocking the lawsuits which would have revealed what he did and would have ruled that he broke the law, and (c) legalizing the very illegal spying regime that he secretly ordered in 2001. Only in the twisted world of Washington could that be described as a "compromise."

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