

The



LOWDOWN

Edited by Jim Hightower and Phillip Frazer ♦ Vol. 9 No.10 ♦ October 2007

"We're going to push and push and push until some larger force makes us stop."

— DAVID ADDINGTON, Cheney's chief of staff, who has pushed ferociously to impose an imperial presidency on our country

While most of the Democrats in Washington cower

The presidency is taking over the courts and Congress

WHERE IS CONGRESS? It's way past time for members to stand up. Historic matters are at stake. The Constitution is being trampled, the very form of our government is being perverted, and nothing less than American democracy itself is endangered—a presidential coup is taking place. I think of Barbara Jordan, the late congresswoman from Houston. On July 25, 1974, this powerful thinker and member of the House Judiciary Committee took her turn to speak during the Nixon impeachment inquiry.

"My faith in the Constitution is whole; it is complete; it is total," she declared in her thundering voice. *"And I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction, of the Constitution."*

Where are the likes of Barbara Jordan in today's Congress? While the BushCheney regime continues to establish a supreme, arrogant, autocratic presidency in flagrant violation of the Constitution, members of Congress largely sit there as idle spectators—or worse, as abettors of Bush's usurpation of their own congressional authority.

Why it matters

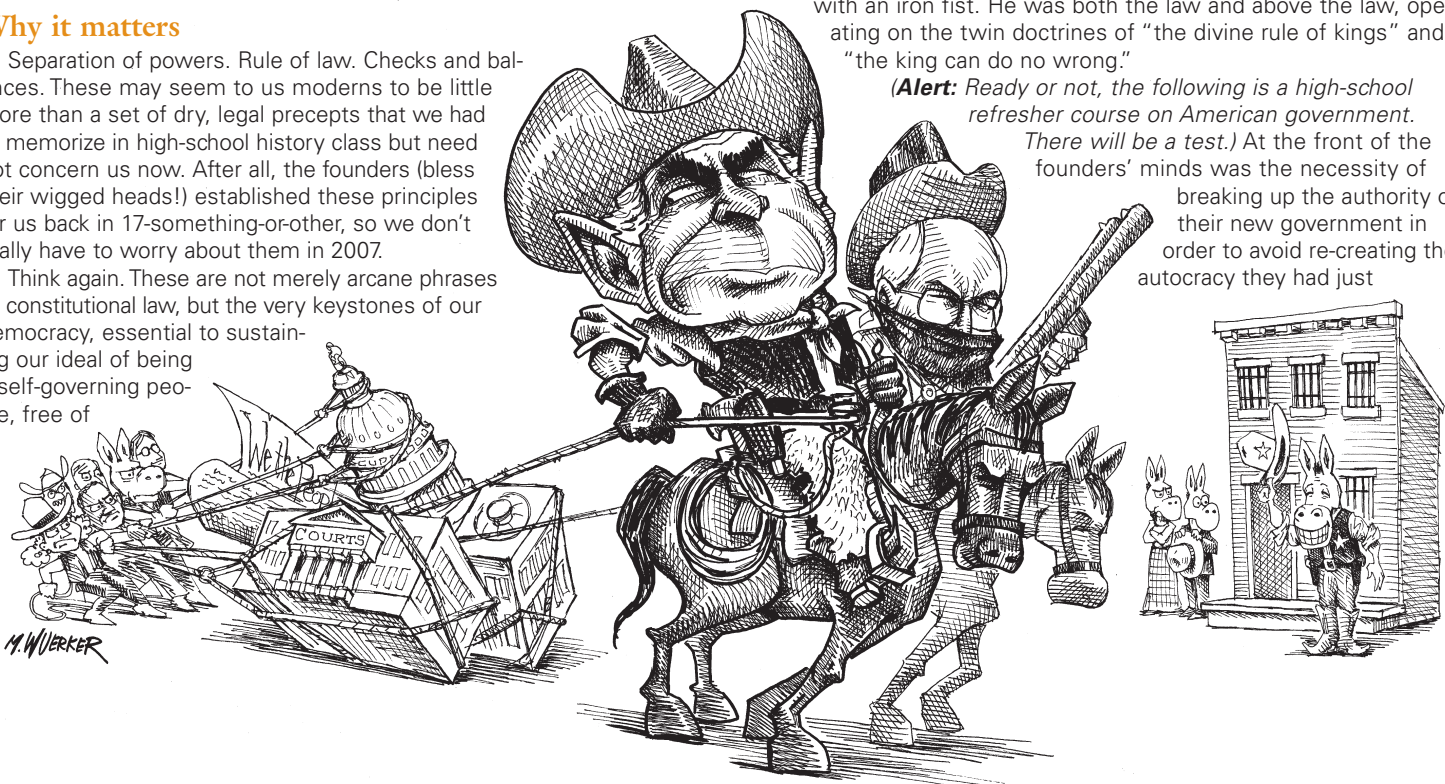
Separation of powers. Rule of law. Checks and balances. These may seem to us moderns to be little more than a set of dry, legal precepts that we had to memorize in high-school history class but need not concern us now. After all, the founders (bless their wigged heads!) established these principles for us back in 17-something-or-other, so we don't really have to worry about them in 2007.

Think again. These are not merely arcane phrases of constitutional law, but the very keystones of our democracy, essential to sustaining our ideal of being a self-governing people, free of

tyrants who would govern us on their own whim. The founders knew about tyranny. The monarch of the time, King George III, routinely denied colonists basic liberties, spied on them and entered their homes at will, seized their property, jailed anyone he wanted without charges, rounded up and killed dissidents, and generally ruled with an iron fist. He was both the law and above the law, operating on the twin doctrines of "the divine rule of kings" and "the king can do no wrong."

(Alert: Ready or not, the following is a high-school refresher course on American government.

There will be a test.) At the front of the founders' minds was the necessity of breaking up the authority of their new government in order to avoid re-creating the autocracy they had just



U.S. CORPS BACK CHINESE SUPPRESSION

George W claims that his military occupation of Iraq is about exporting freedom throughout the world.

In China, U.S. high-tech corporations and investment bankers are enthusiastically exporting freedom's opposite: suppression. U.S. firms are selling surveillance technology to dictators in Beijing, where the "market" for electronic police-state gadgets is expected to be worth more than \$43 billion.

In the city of Shenzhen alone, police are installing 20,000 surveillance cameras guided by advanced computer software with face-recognition and behavior-detection technologies. China Public Security Technology, which is implementing the program, is a Chinese company, but it's incorporated in Florida and receives financial backing from such U.S. investment funds as Pinnacle, Roth Capital, and Oppenheimer.

The same consortium is putting into operation a new system of residency ID cards in Chinese cities. These mandatory cards bear computer chips that divulge not just the names and addresses of bearers, but also their work history, religion, education, ethnicity, medical status, reproductive history, police record, landlord's phone number, credit history, purchases... and whatever else authorities decree.

The head of the Chinese company said, "We have a very good relationship with U.S. companies like IBM, Cisco, HP [and] Dell. All of [them] work with us to build our system together."

A Bush spokesman said, "It's not appropriate to interfere in the private decisions of Americans to invest in legally incorporated firms." Apparently, ethics stop when profit walks in.

2

Hightower Lowdown

October 2007

defeated. The genius of their structure was that legislating, administering, and judging were to be done by three separate but coequal branches, each with powers to check the other two, and none able to aggregate all three functions into its own hands (a result that James Madison called the very definition of tyranny). Just as important, to deter government by whim, all members of the three branches were to be subject to the laws of the land (starting with the Constitution and Bill of Rights), with no one above the law. As Thomas Paine said, "The law is king."

These were not legal niceties but core restraints designed to protect citizens from power grabs by ambitious autocrats. Such restrictions also make our country stronger by vetting policies through three entities rather than one. This balanced authority helps avoid many serious policy mistakes (or at least offers a chance to correct them later), and it is intended to prevent the one mistake that's fatal to democracy—allowing one branch seize the power to rule unilaterally.

Of course, sound schemes are oft screwed up by unsound leaders, and we've had some horrible hiccups over the years. John Adams went astray early in our democratic experiment by claiming the unilateral authority to imprison his political enemies; Abe Lincoln took it upon himself to suspend habeas corpus during the Civil War; Woodrow Wilson launched his notorious Palmer Raids; FDR rounded up and imprisoned Japanese-Americans; J. Edgar Hoover and the infamous COINTEL program spied and arrested thousands in the Vietnam War years; and Ronnie Reagan ran his own illegal, secret war out of the White House basement.

In all these cases of executive excess and abuse, however, outrage flowed from the public, courts stood up to the White House, congressional investigations ensued, and the American system regained its balance relatively quickly. As Jefferson put it when he succeeded Adams and repealed the Alien and Sedition Acts, "Should

we wander [from the essential principles of our government] in moments of error or alarm, let us hasten to retrace our steps and regain the road which alone leads to peace, liberty, and safety."

This time is different

Now, however, come two arrogant autocrats like we've never seen in the White House. George W and his snarling enabler, Dick Cheney, are making a power grab so unprecedented, so audacious, so broad and deep, so secretive, so stupefying, and so un-American that it has not yet been comprehended by the media, Congress, or the public. The dictionary defines "coup" not just as an armed takeover in some Third World country, but as "a sudden and decisive action in politics, especially one affecting a change of government illegally or by force."

Constantly waving the bloody flag of 9/11 and swaggering around in commander-in-chief garb, the BushCheney duo are usurping authority from Congress, the courts, and the people, while also asserting arbitrary power that does not belong to the presidency. Their coup is changing our form of government, rewriting the genius of the founders by imposing a supreme executive that functions in secret and insists that it is above the law, unaccountable either to congressional oversight or to judicial review.

As Al Gore pointed out in a powerful speech he gave last year (download it at washingtonpost.com/wp-dyn/content/article/2006/01/16/AR2006011600779_pf.html), the BushCheney push for imperial power is much more dangerous and far-reaching than other presidential excesses for a couple of big reasons. First, the Bushites make no pretension that they want these powers only temporarily, instead contending that a super-powerful presidency is necessary to cope with a terrorist threat that they say will last "for the rest of our lives." Second, they are not merely pushing executive supremacy as a response to an outside threat, but as an ideological, right-wing theory

of what they allege the Constitution actually meant to say.

Called the "unitary executive theory," this perverse, antidemocratic construct begs us to believe that the president has inherent executive powers that cannot be reviewed, questioned, or altered by the other branches. Bush himself has asserted that his executive power "must be unilateral and unchecked." Must? Extremist theorists aside, this effectively establishes an executive with arbitrary power over us. It creates the anti-America.

The list of Bushite excesses is long...and growing:

- **Their sweeping, secret program** of warrantless spying on Americans—in direct violation of a longstanding federal law intended to forestall such flagrant intrusions into people's privacy.
- **The usurpation** of legislative authority by attaching "signing statements" to laws passed by Congress, openly asserting Bush's intention to disobey or simply ignore the laws. He has used this artifice to challenge over 1,150 laws, even though the Constitution and the founders never conceived of such a dodge (signing statements were concocted by Ed Meese, Reagan's attorney general, and were pushed at that time by a young Reaganite lawyer who is now ensconced for life on the Supreme Court, Sam Alito).
- **Suspension of habeas corpus** for anyone whom Bush deems to be an "enemy combatant"—allowing innocent people to be detained indefinitely in prison without charges or civil trial, subjected to abuse and even torture, and denied access to judicial review of their incarceration (thus usurping the power of the courts).
- **The routine and illegal** assertion of "executive privilege" to stonewall Congress's legitimate efforts to perform its constitutional obligation of executive oversight and to prevent the questioning of top officials engaged in outright violations of American law.
- **The assertion** of a "state secrets" doctrine to prevent citizens and judges from pursuing legitimate lawsuits on the spurious grounds that even to have the executive's actions brought before the court would endanger

DoSomething!

The attempt by BushCheney to erect a supreme executive over our constitutional form of government cannot succeed if Congress refuses to go along. To urge Democratic leaders to use all of the considerable legislative powers at their disposal, contact them:

■ **Sen. Majority Leader Harry Reid**
<http://reid.senate.gov/>
202-224-3542

■ **House Speaker Nancy Pelosi**
<http://www.house.gov/pelosi/>
202-225-4965

national security and infringe on executive authority.

■ **An ever-expanding grab bag** of autocratic actions, including using “national security letters” to side-step the courts and spy on American political groups and individuals with no connection at all to terrorism; censoring executive-branch employees and government information for political purposes and using federal officials and tax dollars to push the regime’s political agenda; and, of course, outright lying to Congress and the public, including lying for the most despicable purpose of all—putting our troops, our public treasury, and our nation’s good name into a war based on nothing but hubris, oil, and ideological fantasies (including Bush’s latest blatant lie that “progress” in Iraq warrants the killing and maiming of additional thousands of

American troops—none of whom comes from his family).

Democratic capitulation

What we have is a lawless presidency. But our problem is not Bush. He is who he is—a bonehead. He won’t change, and why should he? He’s getting away with his power grab! So he has no reason to step back, and every reason to keep pushing and, keep trying to institutionalize his coup.

Rather, our problem is those weaselly, wimpy, feckless members of Congress who have failed to confront the runaway executive, who have sat silent or (astonishingly) cheered and assisted as their own constitutional powers have been taken and their once-proud, coequal branch has been made subservient to the executive.

In the first six years of BushCheney, the Republican

Congress operated as no more than a rubber stamp for the accretion of presidential power, shamelessly surrendering its own autonomy in a burst of mindless partisan zeal. Too many Democrats just went along, either buying the lies or being cowed by the unrelenting politics of fear and intimidation whipped up by Bush and Cheney. (The Bushites are still using these bullying tactics, as when they demanded this past summer that Congress legalize their illegal domestic spy program and CIA chief Mike McConnell warned publicly that “Americans are going to die” if Democrats failed to pass it).

Which brings us to the new Congress run by Democrats. Where are they? Yes, I know they have only slim majorities and that the GOP uses veto threats, filibusters, and demagogic lies to fight them—but, come on, suck it up! At least stop voting for “the diminution, the subversion, the destruction, of the Constitution.” For example, the party now in charge did indeed cave into Bush’s summer demand that it legalize his warrantless spying on Americans (a *Lowdowner* sent an email to me saying he hopes Bush gets caught smoking pot, because then the Democrats will immediately legalize it).

The founders would be stunned that Congress has failed to assert itself. They saw checks and balances not as an option but as an obligation, a fundamental responsibility that goes to the very heart of each lawmaker’s oath faithfully to support and defend the Constitution.

It’s important to note that Congress is not a weak institution. It has powerful muscles to flex, including control of the purse, which Congress used in 1973 to tell Nixon, “No, we will not provide money for you to extend the Vietnam War into

VERICHIP IMPLANTS AND TUMORS

A cabal of corporate and government officials is pushing to legalize and market microchip devices for implantation in humans. The chief advocate, an outfit named VeriChip Corporation, claims that inserting one of its radio-frequency identification (RFID) chips into your upper arm could help, say, hospital staff activate a database containing your medical history.

VeriChip envisions a market of at least 45 million Americans sporting their very own RFID codes. Now we learn that several studies have found that these implants can induce malignant tumors in lab mice and rats.

We’ve also learned that Tommy Thompson, who approved RFID chips for use in humans back when he was serving under Bush as Secretary of Health & Human Services, is getting \$40,000 a year from Applied Digital Solutions (the company that owns VeriChip) and has received company stock worth about \$1 million. Applied Digital Solutions also makes Digital Angel—the chips for animals that we talked about in last month’s *Lowdown*.

Although Thompson once told an interviewer that he would “absolutely” be willing to have a VeriChip implanted in his own arm, he never did.

Statement of Ownership, Management, and Circulation

1. Publication title: *The Hightower Lowdown* 2. Publication number: 0018-463 3. Filing date: 9/28/07 4. Issue frequency: monthly 5. No. of issues published annually: 12 6. Annual subscription price: \$15 7. Complete mailing address of publication: 375 South End Ave, Apt 14P, New York, NY 10280 9. Full names and mailing addresses of Publisher, Editor, and Managing Editor: Publisher: Public Intelligence Inc., 375 South End Ave, Apt. 14P, New York, NY 10280 Editor: Phillip Frazer c/o 375 South End Ave, Apt 14P, New York NY 10280 Managing Editor: Phillip Frazer c/o 375 South End Ave, Apt 14P, New York NY 10280 10. Owner: Full name: Public Intelligence Inc. c/o John Ernst, 375 South End Ave, Apt 14P, New York, NY 10280 Complete mailing address: 375 South End Ave, Apt 14P, New York NY 10280 11. Known Bondholders, Mortgages, and Other Security Holders owning or holding 1% or more of total amount of bonds, mortgages, or other securities: None 12. Tax status: The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes has not changed during preceding 12 months. 13. Publication title: *The Hightower Lowdown* 14. Issue date for circulation data below: October

15. Extent and Nature Of Circulation	Average no. copies each issue during preceding 12 months	No. copies of single issue published nearest to filing date
a. Total Number of Copies (net press run)	128,900	126,200
b. Paid Circulation (By Mail and Outside the Mail)		
(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541	125,738	123,354
(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541	1,527	1,423
(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS	0	0
(4) Paid Distribution by Other Classes of Mail Through the USPS	112	101
c. Total Paid and/or requested Circulation [Sum of 15b (1), (2), (3), and (4)]	127,377	124,878
d. Free or Nominal Rate Distribution (By Mail & Outside the Mail)		
(1) Free or Nominal Rate Outside-County Copies Included on PS Form 3541	122	97
(2) Free or Nominal Rate Inside-County Copies Included on PS Form 3541	35	25
(3) Free or Nominal Rate Copies at Other Classes Through the USPS	65	55
(4) Free or Nominal Rate Distribution Outside the Mail	162	193
e. Total Free or Nominal Rate Distribution [Sum of 15d (1), (2), (3), and (4)]	384	370
f. Total Distribution (Sum of 15c and 15e)	127,761	125,248
g. Copies not Distributed	1,139	952
h. Total (sum of 15f and g)	128,900	126,200
i. Percent Paid (15c divided by 15f times 100)	98.82%	98.95%

17. Signature and Title of Editor, Publisher, Business Manager, or Owner:
I certify that all information furnished on this form is true and complete. John Ernst, Business Manager

GET THE LOWDOWN!

YES! I want to receive a full year of *The Hightower Lowdown* — 12 issues in all—for an unbelievably ridiculous, low, low price.

Send me one year of *The Hightower Lowdown* for just \$15. (Seniors & students—\$12.)

Send me two years of the *Lowdown* for \$27. (Seniors & students—\$22.)

To give a gift of the *Lowdown*, enter the recipient’s name and address below and include your name and address on a separate sheet.

NAME _____

ADDRESS _____

CITY _____ STATE _____

ZIP _____

Mail this coupon with your payment to:
The Hightower Lowdown, P.O. Box 20596, New York, NY 10011 10/07

The LOWDOWN

EDITORS: Jim Hightower, Phillip Frazer
RESEARCH: Laura Ehrlich CIRCULATION: John Ernst
COPY WIZ: Gwenda Blair ARTISTE: Matt Wuerker
LAYOUT: Sahu Barron INTERWEB EMISSARY: Deanna Zandt
PUBLISHER: Phillip Frazer

The Hightower Lowdown (ISSN 1524-4881) is published monthly by Public Intelligence Inc., 375 South End Ave #14P New York NY 10280. ©2007 in the United States. Periodicals postage paid at New York, NY. Subscriptions: 1 year, \$15; 2 years, \$27. Add \$8/year for Mexico or Canada; add \$12/year for overseas airmail. Back issues \$2 postpaid. Allow 4-6 weeks for receipt of first issue and for all subscription transactions. POSTMASTER: Send address changes to: *The Hightower Lowdown*, P.O. Box 20596, New York, NY 10011.

Moving? Missed an issue? Call our subscription folks toll-free at (866) 271-4900 or write lowdown@pipeline.com. Send us fan mail or hate mail at: P.O. Box 20596, New York, NY 10011 or editors@hightowerlowdown.org.

Printed with 100% union labor on 100% recycled paper.

AN EXCLUSIVE PRIMARY

The top presidential candidates of both political parties are meeting with voters in a key primary, promising to help them on the issues they care about.

Are they in Iowa? No. New Hampshire? Uh-uh. California? Nowhere near it. So, where?
Wall Street.
While regular citizens

—continued on page 4

—continued from page 3

won't start voting for the presidential contenders until next January, an intensive, closed-door primary has already been taking place inside the confines of investment banks, hedge funds, and other financial institutions in Manhattan. It's strictly a private campaign—albeit with enormous public impact.

Bear Stearns, for example, summoned seven major candidates, including Romney, Clinton, Giuliani, Obama, and Thompson, to its midtown headquarters for exclusive presentations and Q&A sessions with its managing partners.

Business Week magazine reports that these Wall Street barons want to measure the candidates' ability to "make smart decisions in times of uncertainty, a trait bankers and traders prize in themselves."

Wait a minute! Aren't these the same people who brought us Enron, NAFTA, offshoring, exorbitant credit card fees, oil dependency, pension collapses, and other "smart decisions"? Indeed, isn't Bear Stearns itself butt-deep in the ongoing subprime mortgage disaster? Why should anyone listen to them?

OUR GAPING ECONOMIC DIVIDE

According to *faireconomy.org*, which analyzes CEO pay, perks, and pensions, in 2006 the chieftains of Fortune 500 corporations averaged \$10.8 million each in pay—more than 364 times the annual paychecks of the average U.S. worker! On top of this, CEOs salted away an average of \$1.3 million in pension gains in 2006, and they averaged another \$438,000 in such freebies as personal travel on corporate jets, country-club fees, and even corporate payment of their taxes.

4

Laos and Cambodia." Nixon had to back off. Legislators also have clear constitutional mandates to oversee, probe, and expose presidential actions (remember the extensive Fulbright hearings in the '60s and the Church investigations of the '70s, for example). Members of Congress have wide-ranging subpoena power, as well as something called "inherent contempt" power to make their own charges against outlaw executive officials and to hold their own trials. And, of course, they have impeachment power—which the founders saw not only as a way to remove an outlaw president (or veep or cabinet officer), but also as a means to compel a recidivist constitutional violator to come before the bar of Congress and to be held accountable. The process itself, even if it does not lead to conviction in the Senate, is educational and chastening, putting the executive branch back in its place.

None of this is about making a partisan attack on BushCheney. It's really not about them at all. Rather, Congress must find its backbone because our democracy cannot function without a vigilant legislative branch. Outlaw presidents must finally leave office, but their precedents live beyond them if left unchecked. As historian Arthur Schlesinger wrote of the power-grabbing Nixon administration, "If the Nixon White House escaped the legal consequences of its illegal behavior, why would future presidents not suppose themselves entitled to do [the same]?"

Bang pots and pans

Sam Adams, the organizer of the Boston Tea Party, knew that it is the citizenry itself that ultimately has to do the heavy lifting of democracy

building. "If ever a time should come when vain and aspiring men shall possess the highest seats of government," he declared, "our country will stand in need of its experienced patriots to prevent its ruin."

That's us. And now is that time.

What can we do? We can do what millions have been doing—only more of it, more insistently, more loudly, more creatively. Our friend Molly Ivins, just before she died this year, urged us to start "banging pots and pans" to make the bastards hear us. Raise a ruckus through street demonstrations, peace actions, visits (and/or confrontations) with lawmakers, political campaigns, alliances with military families, religious ceremonies, coalitions with constitutional conservatives, outreach to young people, and grassroots media action, including blogs, email blasts, call-in radio, letters to editors, op-eds, bumperstickers, and whatever you've got. Make a mighty noise.

Don't forget our friends in office. Such Democrats as John Conyers, Henry Waxman, Barbara Lee, Lynn Woolsey, Russ Feingold, Pat Leahy, and Dennis Kucinich are all over Bush and Cheney with investigations, subpoenas, censure motions, impeachment bills, and exposés—not only on the war, but most emphatically on constitutional abuses. Thank them, find out what you can do to help them, demand that your own Congress critter join them.

And here's a creative idea from Garret Keizer. I have no idea who he is, but he wrote a punchy piece in the October issue of *Harper's Magazine* (download it at www.harpers.org) that I like and that *Lowdowners* might want to embrace. He's calling for a general

strike. Not by unions, but by us—you and me. As a symbolically appropriate day, he suggests the first Tuesday of November, the traditional date for our elections—this year, Nov. 6. He dubs it "The Feast of the Hanging Chads."

A general strike means that We The People, as many of us as possible, would disobey the inept, corrupt, undemocratic (add your own adjective here) system by withholding our presence at for least one day. Don't go to work. Stay home. Better yet, take some political action. Also, don't go to the mall, the supermarket, or the bank; don't use your credit card or make any commercial transaction. This would be the ultimate affront to the corporate president who so pathetically told us after 9/11 that our highest patriotic response to the attack was to "go shopping." So don't fly, use your cell phone (hard, I know), watch TV, or otherwise participate. Sometimes, silence is the loudest sound of all. As Keizer says, "As long as we're willing to go on with our business, Bush and Cheney will feel free to go on with their coup."

On one level, the strike is against the war, against Bush thumbing his nose at the American majority that has already emphatically said—OUT!—and against the Democratic leadership that can't seem to muster the will to rein in the Bush administration. On another level, however, this is a strike for the Constitution, a strike against the betrayal of the rule of law and our democratic ideals. It's a strike for the America we thought this was. It's an affirmation that the people are the only "larger force" that can stop the BushCheney coup and make America whole again.

You can comment on stories in the Lowdown on the new and improved website

hightowerlowdown.org

PERIODICALS
CLASS
Postage Paid at
New York, NY

The Hightower Lowdown
P.O. Box 20596
New York, NY 10011

Moving? Missed an issue?

Please call or write us at:
The Hightower Lowdown
P.O. Box 20596
New York, NY 10011
lowdown@pipeline.com
Subscribers' toll-free
number: (866) 271-4900

9:10 October 2007

THE PRESIDENCY IS TAKING OVER THE COURTS AND CONGRESS

- 2 U.S. corps back Chinese suppression
- 3 Verichip implants and tumors
- An exclusive primary
- 4 Our gaping economic divide