

MUKASEY, ORWELL, AND BRADBURY

Keith Olbermann notes, with great dismay, that Michael Mukasey chose to hang a portrait of George Orwell in his office (the other portrait is Chief Justice Robert Jackson, which makes me quite happy).

This would be the original Reuters story. The operative part would seem to be the AG's insistence that he esteems Eric Blair, AKA Orwell, for the clarity, not the subject, of his writing.

I'm still not sure I haven't gotten a very specific "Your Worst Fear Suddenly Materializes In Real Life As A Matter-Of-Fact Wire Story" moment going on here. Or maybe it's some sort of "You've Been A Good Boy: Here Is Six Weeks Worth Of Jokes, No Lifting Involved" thing.

For the record, I'm willing to take Mukasey at his word—that he esteems Orwell for the clarity of his prose and, just as importantly, for his understanding of the way politics demeans language.

In our time, political speech and writing are largely the defense of the indefensible. Things like the continuance of British rule in India, the Russian purges and deportations, the dropping of the atom bombs on Japan, can indeed be defended, but only by arguments which are too brutal for most people to face, and which do not square with the professed aims of the political parties. Thus political language has to consist largely of euphemism., question-begging and sheer cloudy vagueness. Defenseless villages are bombarded from the air, the inhabitants driven out into the countryside, the cattle machine-gunned, the huts set on fire with

incendiary bullets: this is called *pacification*. Millions of peasants are robbed of their farms and sent trudging along the roads with no more than they can carry: this is called *transfer of population* or *rectification of frontiers*. People are imprisoned for years without trial, or shot in the back of the neck or sent to die of scurvy in Arctic lumber camps: this is called *elimination of unreliable elements*. Such phraseology is needed if one wants to name things without calling up mental pictures of them.

I also fancy, with absolutely no basis, that Mukasey might also value the Orwell of *Homage to Catalonia*, in which Orwell described his experience fighting fascism in Spain. The book is a narrative of how an idealistic fight founders on the real ugliness of ideological struggle and war, how even individuals fighting a just war with good intentions will fall victim to the human failings of their allies.

I take some comfort in the notion that this Attorney General, presiding over the last year of the corrupted expression of purportedly idealist neoconservatism that is the Bush Administration, might recognize that politics corrupts language and ideological purity always cedes to corruption.

But then, I don't know how to square that understanding with the way that Mukasey answered a question I recently asked, whether or not he supports the re-nomination of Stephen Bradbury (via Marty Lederman).

He can also expect to be questioned in the hearing about the White House's renomination this week of Steven G. Bradbury to run the Justice Department's Office of Legal Counsel as an assistant attorney general.

The new nomination was seen as a snub to

Senate Democrats who had called for the White House to find another candidate for the job after the disclosure in October that Mr. Bradbury, who is running the office without Senate confirmation, had written classified legal memorandums in 2005 that authorized the use of interrogation methods that human rights groups define as torture.

"Steve Bradbury is one of the finest lawyers I've ever met," Mr. Mukasey said when asked if he supported the White House move. "I want to continue working with him."

I mean, on its face, this is quite plain. Mukasey has no problem with the tactical or ideological implications of Bradbury's renomination, he's happy to work with Bradbury even while he promised to review the OLC opinions Bradbury wrote justifying torture. And, as Lederman suggested to me via email, perhaps Bradbury helped Mukasey during the nomination process.

But I'm struck that this self-declared fan of the clarity of Orwell's prose didn't answer the question. Do you support the White House's nomination of Stephen Bradbury, he was asked. Rather than saying "yes" or "no," Mukasey instead asserted that "Bradbury is one of the finest lawyers I've ever met." Only marginally more clear than Mukasey's response to the question, "Is waterboarding torture?"

Mukasey apparently assigned the DOJ speechwriter to read Orwell's essay. I'd suggest to the Senate Judiciary Democrats that, if Mukasey still sounds like he hasn't reviewed his own favorite essay when he comes before them this week, they ought to remind him.