

# OF COURSE BLUMENTHAL IS RUNNING AGAINST CIVILIAN LAW

Gregg has a post up expressing shock that Richard Blumenthal, CT's craven Attorney General running to replace Chris Dodd, advocated against using civilian law for both Khalid Sheikh Mohammed and the UndieBomber, Umar Farouk Abdulmutallab. Gregg argues that Blumenthal's stance (on this issue and on opposition to Bernanke's reconfirmation) is directly counter to the Administration's policy.

To which I'd respond in two ways.

- Of course he's running against civilian law.
- It's not so clear his stance on civilian law (as opposed to Ben Bernanke) is "completely counter to the position of the administration."

Here's a big chunk from Gregg's post:

But listen to what comes next—listen to this relative non sequitur that Blumenthal volunteers without a prompting question:

I'm determined to chart my own course in Washington, different in many respects from the Administration. I've taken the position that the trial of Khalid Sheik Mohammed should be in a military tribunal away from the United States, or, I'm sorry, away from New York and New Haven, and on a number of

other issues, for example opposing the reconfirmation of Bernanke as chairman of the Federal Reserve, I have charted my own course, I'm prepared to do it, and issue-by-issue debate either side in what I think is the right thing to do.

What this attorney general and former US attorney has to say about who supposedly is and is not entitled to their rights is pretty shocking,

[snip]

Yet, just over a year after the inauguration of this theoretically still popular president, the candidate for US Senate in Connecticut just went out of his way to distance himself from the White House on two hot issues—a civil trial for KSM and the reappointment of Ben Bernanke as Fed Chair.

But wait, there's more.

Blumenthal was next asked about whether Christmas crotch-bomber Umar Farouk Abdulmutallab should have been brought into the US criminal process, and the question turned to Miranda rights (I apologize in advance for the meandering quote, but I want to give the entire context):

Let's talk in real terms about what Mirandizing means. It means reading somebody their rights as opposed to simply interrogating them. I think there's a general consensus now that in that instance there may have been no real need to read Miranda rights before some interrogation took place. And, in my view, with a terrorist, with our nation potentially at risk,

interrogation should be pursued, and the consequences may be that some evidence may be inadmissible, but there is obviously in that case, overwhelming evidence without whatever may be gained or gleaned from the interrogation. So, bottom line, interrogation should have been pursued by a specially trained group of agents without necessarily a lawyer being present, and if at some point there was diminished usefulness to the interrogation, other criminal interrogation should have been applied perhaps by other authorities.

Yes, this is utter garbage—in terms of what actually happened to Abdulmutallab, what Miranda rights actually are, and who is entitled to them by law—but stick with me:

Very often the reading of rights diminishes the usefulness of subsequent interrogation, the reason being simply that the defendant chooses to have a lawyer present, or chooses to cease talking. And I would have pursued the interrogation without the Miranda rights because I believe that the usefulness of learning about contacts from Yemen and elsewhere in the world and potential immediate attacks that may be known to this individual outweigh the benefits of having that at the trial

Yes, more inaccuracies and inanities in search of a position, so questioner Lehrer wanted to clarify, should

Abdulmutallab be tried in civilian court? "Probably not in criminal court," says Blumenthal.

Stupid, yes, but importantly here, also completely counter to the position of the administration of a president still thought popular in Dick's state.

Now, as I suggested, it should surprise no one that a "finger-in-the-wind" politician like Blumenthal is taking this stance against civilian law.

As I pointed out earlier this week, Scott Brown says he won in MA (which is slightly to the left of CT, if you look at it from my perspective) because he ran against civilian law.

Republicans discovered the renewed power of terrorism in last month's special Senate election in Massachusetts. Neil Newhouse, the pollster for the Republican victor, Scott Brown, said **voters responded to the way Mr. Brown framed the issue, supporting him 63 percent to 26 percent when told he favored charging suspected terrorists as enemy combatants in a military tribunal while his Democratic opponent would give them constitutional rights and a civilian trial.**

"This moved voters more than the health care issue did," Mr. Newhouse said. "The terrorism stuff resonated, and it wasn't just from the advertising we did." [my emphasis]

**Scott Brown's pollster found that MA voters—voting to replace Ted Kennedy, of all people!!!—were more than twice as likely to support Brown for advocating against civilian law than Martha Coakley, the AG from the state next door to Blumenthal's, who supported it. Scott Brown won at least partly because he trashed civilian law (he even went so far as to**

endorse water-boarding explicitly, in MA, and still won).

And, as I also pointed out this week, in response to the lesson they took from the Brown win, Republicans are running hard against civilian law. "If this approach of putting these people in U.S. courts doesn't sell in Massachusetts, I don't know where it sells," Mitch McConnell told someone at a Heritage event on February 3. He went on to say, "You can campaign on these issues anywhere in America."

Now, I agree with Mitch McConnell on approximately nothing policy-wise. But he's a smarter politician than a lot of guys on our side. And he, at least, believes "you can campaign" against civilian law "anywhere in the country." Including Massachusetts. And, presumably, Connecticut.

Which might explain why craven politicians like Richard Blumenthal are doing just that.

Now, onto my second point, Gregg's suggestion that Blumenthal, by campaigning against civilian law, is campaigning "completely counter to the position of the administration of a president still thought popular in Dick's state."

Is he?

After all, the White House was as heavy-handed in chasing Chris Dodd from this race—and finding a replacement—as they were in chasing candidates out of Michigan and Colorado's gubernatorial races. The White House has been intimately involved in this race. And the two guys at the White House who are likely most involved in this race—Rahm Emanuel and David Axelrod—are also the two guys who are at this moment dealing away civilian law like it's some kind of frivolous earmark only an insider would care about.

So while the guy in charge of our civilian legal system, Eric Holder, may cling to support of civilian law (though he appears to be ready to sacrifice that fight, anyway, at least in the case of KSM), the guys most involved in this

race almost certainly don't give a shit about civilian law, and instead consider it as annoying as a pack of geese threatening to take down Obama's 747 full of more important (according to Rahm and Axe) agenda items.

So the lesson I would take from Blumenthal's craven disavowal of civilian law is not (just) that he's a craven politician. It's that the guys in charge of politics at the White House not only don't have the stomach for explaining why civilian law is a better solution for both Abdulmutallab and KSM, but also that they're willing to accept the Republicans' framing of this issue.

Update: post organization tweaked and expanded slightly.