

GOING ASTRAY - OBAMA AND NATO BOMBINGS IN LIBYA

EW and probably bmaz as well will likely have more to say on this one when they free up.

Charlie Savage reported on Friday that Obama rejected advice from both Jeh Johnson (Pentagon general counsel) and, even more significantly, Caroline Krass (the acting head of DOJ's Office of Legal Counsel) when he availed to himself the power to continue bombings and killings in Libya, under the assertion that he's, well, he's just not being all that hostile in his bombing campaign.

Like Nixon in Cambodia, Obama did find supporters for his decisions about Libya. Ex-Yale Dean, current assassination proponent, Harold Koh (legal advisor for the State Department) apparently assured Obama that the bombings just do not rise to the level of being "hostilities" for which Obama needs Congressional permission. Robert Bauer, Obama's White House counsel, reportedly provided his own version "yeah buddy" for Obama.

Just as Bush found it convenient to get his White House Counsel, Alberto Gonzales, to opine that as long as Bush designated his torture victims as being "illegal enemy combatants" (whatever the ultimate facts) he was exempt from war crimes prosecutions, Obama's White House counsel is equally eager to tell Obama that, as long as he doesn't call them "hostilities," Obama can bomb any nation for any period of time.

Most importantly – all of this is being done in derogation of the Office of Legal Counsel opinion that the President has exceeded his authority. At issue, according to White House Spokesman Eric Shultz (Dan Pfeiffer was tied up) isn't the very same, age old, typical power grab of any unchecked sovereign, but instead the age

of the War Powers resolution.

“It should come as no surprise that there would be some disagreements, even within an administration, regarding the application of a statute that is nearly 40 years old to a unique and evolving conflict,” Mr. Schultz said. “Those disagreements are ordinary and healthy.”

The Obama theory is that with 10 years of Bush-Obama battering of the psyches and vocabularies of Americans and with some very dedicated government propaganda processes to boot, the meaning of the term “hostilities” has changed to exclude American or American led NATO bombings. And this is “ordinary and healthy.”

Apparently the words “ordinary” and “healthy” have changed some over the last 40 years as well. For those civilian residents in Tripoli who were killed or maimed by NATO’s bombing run today, there is no translation dictionary or program current enough to convert their descriptions of the outcome of the NATO bombing into the words “ordinary” and “healthy.” NATO provided an assist though – what happened wasn’t a bombing of civilians, but rather a strike on an unintended target.

“[I]t appears that one weapon did not strike the intended target and that there may have been a weapons system failure which may have caused a number of civilian casualties.”

Cue up Obama’s spox to explain to us how words like “civilian casualties” have also changed a lot over the last few decades – in an ordinary and healthy way. Maybe they’ll even bring on Henry Kissinger to help with the explanation.

I don’t completely buy Glenn Greenwald’s take that Bush had “better” lawyers, because [now starts my paraphrase of Glenn’s point] some were prepared to threaten to quit over the NSA program (which they demanded be revised into an

equally unconstitutional format) and others were prepared to blindly follow the lead without even knowing anything about why they'd be resigning, still, I will say that Bauer and Koh can easily fill the shoes of Gonzales and Bellinger.

Bush and "torture." Obama and "hostilities." The one thing that we can rely upon is that the meaning of the phrase "Executive Power" has changed over the years. Unchecked, it will continue to change at an ever-increasing rate. And for those of us who remember Obama's "stern face" as he promised during primaries and campaigns to "restore the rule of law" we can only wonder when that phrase went so far astray as to encompass the things the Obama administration has done over the last few years.