

## Clark blasts the poseur in chief

Wesley Clark says Bush “pranced around in a flight suit” with no long-term strategy for Iraq—and as U.S. soldiers die daily, there’s still no plan.

*Following is a partial transcript of a speech by Democratic presidential candidate Wesley Clark at the San Francisco Bar Association on Nov. 2.*

Since the end of major combat operations, more than 2,000 U.S. soldiers have been injured or wounded in that conflict [in Iraq]. I’ve been through Walter Reed. I’ve seen missing limbs; I’ve looked into mothers’ eyes. I’ve seen it all before. This is where I came in on the picture, in Vietnam. In the case of Iraq, it’s a long record of tragedy, deception, miscalculation, misdirection by an administration that had in its heart an intent to go after Saddam Hussein before they ever came to office.

It’s an administration that was warned that the greatest threat to American security was not Saddam Hussein, or North Korea, or Iran, but was instead Osama bin Laden. An administration that’s ducked its responsibility for the events of 9/11.

Harry Truman said: When you’re commander in chief, the buck stops here. What we have today is an administration that likes to take credit, but it won’t take responsibility. We all saw our president when he landed on the deck of that aircraft carrier.

Now wait a minute. Now wait a minute. That was a pretty good-looking flight suit, you got to admit. But the thing is, a lot of brave Americans have worn and fought and some of them died in that flight suit. And he landed on the deck of that carrier, and now we found out this week that the banner behind him that said “Mission Accomplished”—he didn’t have anything to do with it: It was just his White House advance team that prepared it, while it was the sailors that really wanted it there. Next thing you know, we’re gonna hear him say the sailors told him to prance around in a flight suit.

The serious issue, though, is this: When you’re the commander in chief, your most important responsibility next to upholding the Constitution is *safeguarding America*. When you’re the commander in chief, or a commander in any military operation, and it goes right or wrong, you have an obligation to do an after-action review. We did it as captains, lieutenant colonels, colonels, and generals. You do it with the commander and his staff. You ask: What happened? Why did it happen? And how can we do better next time? That’s your responsibility as a commander. I don’t know why our president can’t do it for the tragic events of 9/11.

Instead he’s ducking and bobbing and weaving, and denying the commission that’s requesting those documents—the very documents that are essential to conduct the review—that he apparently won’t conduct and lead himself.

Mr. President, the American people are asking: Turn over those documents! Explain to us how it is that 3,000 Americans and citizens of 80 other countries were attacked in our land on 9/11. What did your administration know? When did you know it? And what were your actions to protect us and to preclude it from happening? And don’t be leaking documents blaming it on junior FBI and intelligence officers. Harry Truman said, “The buck stops here.” He meant on the president’s desk, the president’s desk.

And we went from 9/11 to Iraq. We went to Iraq in secret. We, the American people, weren’t told that a decision was being made in the days right after 9/11 to attack Iraq—it took Bob Woodward to tell us that in his book. He was given access to 18 pages of top-secret classified National Security Council documents, I guess, and Iraq figured prominently.

An American journalist heard Don Rumsfeld talking on 9/11, that very day, saying: I wonder if we can use this to attack Saddam Hussein? And my military friends told me within 10 or 12 days after 9/11, they said: Sir, we’re going after Saddam Hussein whether

he did 9/11 or not. Because this administration, they don't know how to fight the war on terrorism—they just want to take down states.

We were treated to bait-and-switch. The American people were told that we would get Osama bin Laden, dead or alive. We attacked Afghanistan, all right, and in the middle of it Gen. Tommy Franks was busy preparing war plans in secret to go after Iraq—which had no connection—at least none that's been established so far.

We didn't finish the job in Afghanistan. Instead, we plotted, planned, maneuvered, implied somehow, that Saddam had nuclear weapons, or was about to have them, remember? Vice President Cheney was certain. Condoleezza Rice said, "You can't ask for the smoking gun. It might be a mushroom cloud." Remember?

And there was always that implication that it was Osama bin Laden there with Saddam, and that by attacking Saddam we were going to get Osama bin Laden. I would say it was a case of, at best, misleading. I mean, if I were an American consumer and bought something on grounds like that, I'd be calling the Better Business Bureau and seeking a good lawyer.

And they took us to war without an adequate plan, without adequate forces. The troops did a great job. They forced their way into Baghdad, they took down the statue of Saddam Hussein. The resistance has continued, it's intensified, it's gotten worse. Jerry Bremer was appointed over there, admitted he didn't have an idea, nobody else did, what they were doing. And today, on a day in which 15 more Americans were killed, in a tragic escalation of the war, there's still no success strategy, there's no plan, there's no leadership to assure our soldiers, and their families, of the rightness of our cause, or of the fact that what we're doing makes strategic sense in terms of American interests.

Where's the leadership? Where's the accountability? And when courageous Americans come forward and try to speak up, to challenge the administration and hold them accountable for the mess, what happens? They're told that to ask questions—well, that might mean giving aid and comfort to the enemy! Since when, in a democracy, is it unpatriotic to ask questions about your country's policy? That's what I served 34 years in uniform to protect!

Well, there are places in America where people did stand up and did speak out, and one of those is in San Francisco. And it wasn't unpatriotic. And I commend you for it, and I thank you for it.

But you know, this administration's failure of leadership—it isn't just limited to Iraq. It's here at home, as well. For three years in America, incomes have dropped; the number of uninsured has risen; and we've accumulated the worst budget deficit in American history. Three million private-sector jobs lost, the worst job-creation record in 70 years. Unemployment is up from 4 percent to 6 percent. An additional 1.7 million Americans sinking into poverty last year, 700,000 of them children.

This administration wants to take credit because last quarter the GDP rose at an annual rate of 7 percent, as Americans cashed in their savings, through refinancing, to buy school clothes for their children, and spent the few meager dollars that middle Americans, ordinary people, got off the tax cut? Come on. To this administration: Stop taking credit and start taking responsibility, that's what I'm looking for!

I'm running because I've watched for three years as this administration has undermined the values that have made our nation great. And all the while they've wrapped themselves in patriotism and the American flag! Or at least, that's what they've tried to do. I've seen them taking pictures at every opportunity with our soldiers in the background. But you know what they've really wrapped themselves in is nothing more than radical, right-wing ideology. And they've tried to wrap our country in it as well, but we're not going to let them!

This is an administration that's put ideology above all—and especially in its agenda for our courts and the Constitution. The consequences for our rights and freedoms are

profound, and I need your help to bring change to the leadership and direction for our country.

I started at the beginning . . . about the foreign policy. The domestic record is about the same. If you remember, in 2000, Mr. Bush didn't run as a right-wing ideologue, he was the opposite. He talked about the "soft bigotry of low expectations." He promised to "leave no child behind." To a lot of Americans, he must have sounded moderate, reasonable and fair. They voted for him. Of course, as you know, he lost. But that's a matter for another speech.

And after the election, Mr. Bush began to show his colors. First he nominated John Ashcroft to be attorney general. OK, you're the lawyers, I'm not a lawyer, but I don't think John Ashcroft is much of an attorney and I know he's not a general! And he's certainly not a moderate.

And Mr. Bush chipped away at reproductive rights, rolled back environmental laws, started rolling back workers' safety laws. But I don't think it was until the PATRIOT Act came out that we realized just how far from the mainstream Mr. Bush and his administration were attempting to stray. Because it wasn't until we saw the PATRIOT Act and how it was implemented that we realized how little respect they have for our civil rights and civil liberties.

Of course, the act was jammed through Congress in a matter of weeks; it wasn't carefully drafted; it wasn't debated fully; it was passed in the heat of the moment, in the dark of the night. And there are a lot of provisions in it that should deeply concern Americans.

More fundamentally, last month a Justice Department report was released that indicated that the attorney general not only has used the PATRIOT Act, but he hasn't exactly explained to us how he's used the PATRIOT Act yet. But he has admitted that he's expanded the reach, using it to prosecute crimes that have nothing to do with terrorism themselves: drug crimes, blackmail, child pornography, white-collar crimes, and more.

It's become, instead of an act to remedy and prevent 9/11, it seems to have become an act of convenience, not an act of patriotism. In two years, the act has grown tentacles. And they have a long, long reach. But John Ashcroft is not through there, he wants to expand it and have PATRIOT Act II.

I think it's time to say: Stop, stop, Mr. Ashcroft! Lay it on the table! Let's see what you did with the PATRIOT Act! Take it to the Congress, let us see every single incident in which you invoked the PATRIOT Act. What did you use it for? Why did you use it? Why couldn't you have used another provision? Why couldn't you have gone to a judge to get a warrant for wiretapping instead of going on in secret? Why do you need access to those library records—have you ever gotten access to them?

We should lay it all out! If there are pieces that can be justified, OK, we'll consider it. But let's lay it out, and let's have it fully accountable, and in the meantime let's suspend the provisions that allow the searches and seizures without subpoenas and warrants, let's suspend them right now, and go back to real justice.

I believe law enforcement needs all the tools necessary to deal with the problems of terrorism. But I don't believe you can win a war on terror if you give up the essence of who we are as Americans. So let's lay it out. Let's lay it out through Congress, full legislative review, show us the pluses and minuses.

When I was a kid growing up in Arkansas . . . we had something we called the bookmobile. Maybe you remember it—they used to drive it around to schools. It had important documents like the Declaration of Independence and the Constitution. And they'd say: OK, kids, you're going to get 10 minutes off—the bookmobile is outside. No test in math today. Go out and walk through the bookmobile and look at the replica of the Constitution of the United States.

And you'd goof off for a few minutes. It was more fun than a fire drill, after all.

We need to take the results of the review of the PATRIOT Act to the American people

in a bookmobile—around to a hundred thousand towns and cities and communities across America. We need to ask Americans to think again, what is it that this country stands for? How much is it right to give up in order to secure the protection that we need to thwart terrorism? Because this is a matter for the people to decide. It's our Constitution, not John Ashcroft's.

Now we're hearing about this PROTECT Act. It's another in a long list of ironically named acts from this administration. I love these labels. According to a memo released this month, the last one by John Ashcroft: What the PROTECT Act does is forbids prosecutors from agreeing to downward departures for federal sentencing guidelines except in rare circumstances. And when a judge orders a downward departure after a prosecutor objects, then the prosecutor reports the judge to the Department of Justice.

Now, what exactly does this mean in practice? For prosecutors it means the prospect of a growing backlog of cases as plea-bargains are more rare before judges. It means the possibility, as Sen. Kennedy put it, of winding up on a DOJ blacklist.

And what does it mean for Americans? That's what we need to be asking—because it's a real blow at separation of powers. It's a real blow at what America stands for.

I don't want you to think I'm too partisan on this. Let me quote what Chief Justice Rehnquist said about Ashcroft's attempts to collect information on judges who downwardly depart. He said, "It could amount to an unwarranted and ill-considered effort to intimidate the individual judges in the performance of their judicial duties."

I concur. And I don't agree that often with Republican judges.

And I don't want this Bush administration trying to tell judges how to do their jobs. He's appointing, or trying to appoint people, to positions on the bench who aren't qualified to be there. I believe in having people on the bench who are fair and impartial. That's a sound expectation of the American people. It's the foundation of our legal system. But apparently Mr. Bush has a different vision of our courts. And he's pursued a campaign to appoint a series of right-wing ideologues in the same way he's pursued an ideological and unilateral foreign policy.

One of his first acts was to terminate the role of the American Bar Association in evaluating his nominees. That's a practice that's been used since President Eisenhower, and every single Republican and Democratic president, until this one, has continued that tradition.

Mr. Bush has repeatedly refused to confer with Democratic senators on judicial nominees for federal vacancies. So much for that claim of bipartisan tone and bringing people together.

I mean he doesn't focus on qualifications; he focuses on ideology. And the amazing thing is, he seems to make no secret of it. He said that Justice Thomas and Justice Scalia were his mold for picking judges. But in this country our rights and liberties are protected in the United States Constitution.

Frankly, I think it's outrageous that Mr. Bush appoints people based not only on their allegiance to the document, but on their willingness to impose a personal ideology. A personal ideology designed to roll back established constitutional rights. And it amazes me that some in that other party had the audacity to criticize Democrats for appointing judges that are "judicial activists" while they pat themselves on the back for appointing "strict constructionists." I think all of us know that while Mr. Bush's nominees are guilty of a lot of things, strict construction is not one of them.

The problem is, it's not just that his nominees are conservative. It's that they're ready and willing to overlook the law, in order to achieve an ideologically driven result of the law.

Just look at Justice Brown, his recent nominee for the 9th Circuit. The California State Bar evaluation committee actually rated her "not qualified." The State Supreme

Court noted that she was prone to insert her personal conservative views into her appellate opinions and was insensitive to established precedent.

She's taken strong stances against reproductive rights, affirmative action, worker protection—contrary to precedent. She's spoken favorably about the *Lochner* decision. She's called the Supreme Court's decisions in the 1930s to uphold the New Deal legislation, "the triumph of our socialist revolution." I don't think I'm going too far out on a limb to say that in America I think we can do better.

I think we need justices who respect the law. Who are fair and impartial. Who look at the case. Weigh the evidence. Consider the precedents. And work through the established legal method of discovering the law in the solution to the immediate problems at hand.

But I don't think that's quite what's going on. Instead what I see is more of an effort to transform the court systems starting at the ground floor. Bringing in people of particular viewpoints at the trial and appellate courts. Three years into his administration [unintelligible] by judges who dominate a particular point of view. And if he has an opportunity to fill all the vacancies, then every single circuit, including the 2nd and 9th, will be dominated by Republican judges. He's appointed a total of 167, including 29 circuit judges, in just three years.

I spent my time in the United States Army nonpartisan. I believed you work with the commander in chief for the good of the American people and you followed the law. I don't support partisan agendas over what's good for this country. And I'm speaking here on these matters today because I'm concerned about what's good for the country. We need judges with a judicial temperament, not representing a hard-line ideology.

While it's true that Democrats did filibuster Judge Pickering this week, there's a lot of [unintelligible] in Washington, but that's part of this democratic process. When I taught political philosophy at West Point, I went back and talked about the Federalist Papers, the basis for the Constitution, and I remember teaching Federalist 51—you remember it too. They said it this way, "If men were angels there would be no need for government. But as they are not, let interest counteract interest, and ambition counteract ambition."

So, it's the best form of government yet developed by the mind of man, and sometimes it does look difficult. Well, when we hear about the four filibuster cases, just remember, that during the Clinton administration, 20 percent of the judicial nominees during those eight years never even received a confirmation vote. They often languished for years beforehand as Republicans used every procedural trick in the book to hold up their appointments. I remember what happened [to] Judge Richard Paez and to Marsha Berzon, now serving on the 9th Circuit: Judge Paez more than two years, Judge Berzon more than three years, in waiting.

And I don't have to tell you how high the stakes are, because if you look at all these Supreme Court decisions, as you must, look at how many of them have been decided by a 5-to-4 vote. And if you think that doesn't matter so much, talk to my friend Al Gore.

So I'm very concerned about this election in 2004. I'm concerned not only because we have an administration that seeks credit but won't take responsibility in its foreign policy. It doesn't really have domestic policy, just domestic politics. But also an administration that, if it is returned to office, is likely to profoundly change the substance of American law. The issues are profound: separation of church and state, the right of privacy, reproductive rights, all those will be at issue during the next four years.

That's what's at stake in this election. It's clear, because you can look at what Mr. Bush has already been attempting to do to the legal system. That's why I'm asking for your support here today.

I've got a different view of the Constitution and our courts than George W. Bush. I've lived under it in the United States Armed Forces. I studied it, supported it, was judged by it, and believe in it. I believe in giving our prosecutors the discretion they

need to do their jobs; appointing judges with diverse backgrounds who are fair, independent and committed to law over ideology; treating those judges with respect, letting them do their jobs free from surveillance and intimidation. And most importantly, I believe in upholding the Constitution of the United States all the time, not just when it's convenient.

I've traveled around the United States for the past six weeks talking about jobs, and healthcare, and foreign policy, especially Iraq. And I'm concerned. I'm concerned because this country is in difficulties that it hasn't been in for a long, long time. I'm concerned because in a democracy, if you want to keep it, you have to fight to preserve it. It's a gift, but it's a gift that has to be renewed by the commitment, the interest, the courage of every member of the elected. If it's neglected, it will transform itself into something else. We've seen it. It's the record of history. We're the greatest democracy, but we're not the first.

So I'm concerned. That's why I'm asking for your vote.

Justice Kennedy wrote in the Supreme Court's long-awaited opinion in *Lawrence v. Texas* that as the Constitution endures, persons in every generation can invoke its principles in their own search for a greater freedom.

What I want to do as president is provide the leadership to help this country move forward to find our greater freedom. And if you feel the same way, and if you share this vision, I hope you'll join with me so we can get this country off the right-wing path it's on and on to the right path for all Americans.