

## ON PRIVATIZED PENSIONS

George W called it "a great example," declaring that our country should "take some lessons."

The paradigm that has so enamored George is the privatized social-security system that was imposed on the people of Chile 25 years ago by dictator Augusto Pinochet. His scheme of having workers pay into personal pension accounts managed by private investment banks is called the Chilean Model, and it has been hailed by laissez-faire think tanks and the Bushites as a model for privatizing our own nation's Social Security program.

Ask the people of Chile how they have fared under this model's marketplace magic, and the answer is not well. Chilean workers who participate have 10% of their paychecks handed to the private-pension bankers. Because half of the Chilean people cannot afford this deduction, they end up with no old-age pension whatsoever. For those who do participate, the rules are so rigged that 40% cannot accumulate enough money in the system to have a livable retirement.

As a top official of the U.N. Economic Commission for Latin America bluntly puts it, "The bottom line is that this system does not work." Well, it might not work for the people, but it's working very nicely for the bankers. The six funds now running the privatized system are enjoying an average annual profit of 50%!

The reason for such astonishing profits is, of course, the same reason that U.S. banks are riding high: exorbitant fees. The World Bank finds that Chilean pension managers are ripping off between a fourth and a third of the workers' payments in the form of commissions and other fees. Compare that to our own Social Security system, which takes only 1% for administrative costs and covers everyone.

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# The



# LOWDOWN

■ Edited by Jim Hightower and Phillip Frazer ■ Vol. 8 No. 04 ■ April 2006

## The Bush push for an imperial presidency—*part 1*

# Spy on 'em, torture 'em, lock 'em up. Is this what America stands for?

A fellow from a town just outside of Austin wrote a 4-sentence letter to the editor of our local daily that astonished me: *"I want the government to please, please, listen in on my phone calls. I have nothing to hide. It is also welcome to check my emails and give me a national identification card, which I will be proud to show when asked by people in authority. What's with all you people who need so much privacy?"*

Well, gee...where to start? How about with the founders? Many of the colonists who rose in support of the rebellion of '76 did so because their government kept snooping on them and invading their privacy. Especially offensive was the widespread use of "writs of assistance," which were sweeping warrants authorizing government agents to enter and search people's homes and businesses—including

those of people who had nothing to hide.

The founders had a strong sense of the old English maxim, "A man's house is his castle." They hated the government's "knock at the door," the forced intrusion into their private spheres, the arrogant abrogation of their personal liberty. So they fought a war to stop it. Once free of that government, they created a new one based on laws to protect liberty—and this time they were determined to put a short, tight leash on government's inherently abusive search powers.

Hence, the Fourth Amendment:

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

Periodically in American history, presidents have tried to annul our basic right to be left alone. John Adams imposed the infa-



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Bush is right—we can “take some lessons” from the Chilean Model. Lesson Number One: Forget it!

### WHAT THE PORT DEAL REVEALS

It was big news when the Bushites authorized the United Arab Emirates to take over the operation of some U.S. ports. Behind the headlines, however, were several little revelations that I found to be somewhere between curious...and alarming.

Let's start with a fun one. Guess who is lobbying for the Arab company that was to take over the ports? Bob Dole! Yes, the former GOP presidential nominee, who was last seen doing TV ads for Viagra, belongs to the firm lobbying on behalf of UAE's oil-rich monarchs.

And guess who also has a curious connection to the emirs? Daddy Bush! One of the seven ruling families of the al Qaeda-linked UAE monarchy is a major contributor to the George H. W. Bush Presidential Library, listed in the top donor category of “\$1 million or more.”

More alarming is the news that very few of our country's ports are American-operated these days. Unbeknownst to the public, 80% of our crucial seaport terminals are now run by entities flying the flags of Singapore, China, and other nations.

But the most stunning revelation is that—once again—no one at the top was on watch! George W himself was totally unaware that the sale was even being considered until the news hit the media fan. Likewise, Donnie Rumsfeld and Condi Rice were clueless—even though both sit on the committee that oversees such deals.

Worst of all, though, Michael Chertoff, the head of Homeland Security, was also blissfully ignorant! His sole job is to be on the alert for any and all security

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mous Alien and Sedition Acts. Lincoln suspended habeas corpus during the Civil War. Woodrow Wilson conducted the Palmer Raids. FDR interred Japanese-Americans and others. And LBJ and Nixon used the COINTEL program to spy on war protesters and civil rights activists, including Martin Luther King, Jr.

In each case, however, the abuses were temporary. Americans rebelled and gradually brought the government back into line with our country's belief that privacy, a basic human right, is a cornerstone of democracy.

### Bush's push

Now comes the BushCheney regime, pushing the most massive and rapid expansion of presidential might America has ever known. “I believe in a strong, robust executive authority,” growled Dick “Buckshot” Cheney, architect of the power grab. He adds, “The president of the United States needs to have his constitutional powers unimpaired, if you will.” I wouldn't, but they're nonetheless asserting an imperious view of unlimited executive power that is foreign to our Constitution, demolishes the founders' ingenious system of checks and balances (key to the functioning of our democratic republic), and transforms America's government into a de facto presidential autocracy.

Their push includes a White House program of domestic spying so sweeping that it would make Nixon blush; an audacious claim of a unilateral executive right to suspend treaties and ignore U.S. laws; an insistence that a president can seize U.S. citizens with no due process of law and imprison them in CIA “black sites” or send them to foreign regimes to be tortured; a series of new plans for military spying on the American people; the repression of both internal dissenters and outside protesters; an all-out assault on the

## Bush's commitment to our liberties

Those worried about the dramatic increase in federal snooping can take heart that Congress created a “Privacy and Civil Liberties Oversight Board” in December 2004. This watchdog's task is to ask hard questions about the government's monitoring of our private conversations, and it has a broad mandate to review the effects that executive-branch spying operations are having on our liberties.

Only one problem: it isn't functioning! Nearly a year and a half after its creation, the PCLOB has yet to meet. Bush has tried to stall it to death, waiting nine months before even nominating board members for Senate approval. He's also been trying to starve the watchdog to death, seeking an initial budget of only \$750,000—one-twentieth of what experts would consider merely adequate. Guess how much Bush's latest budget seeks for this oversight board? Zero. Not a penny. And that pretty well sums up what he thinks of privacy and civil liberties.

public's right to know; and...well, way too much more.

The rise of a supreme executive is such a fundamental threat to our constitutional form of government—and to who we are as a people—that the Lowdown will devote both this issue and next month's to it. The media barons have covered this rise only sporadically and disjointedly, but it's important for We The People to see the frightening whole of it... and launch the rebellion of '06.

**NATIONAL SECURITY AGENCY.** Richard Nixon is the godfather of the BushCheney philosophy of execu-

tive supremacy. “Well, when the president does it, that means it is not illegal,” Tricky Dick explained to us some 30 years ago.

This plenipotentiary view of the American presidency (which would send shivers through the founders) is behind the unilateral, secret, and illegal directive issued by Bush in 2001, ordering the NSA to spy on ordinary Americans. It's now conceded that untold thousands of citizens who have no connection at all to terrorism have had their phone conversations and emails swept up and monitored during the past four years by NSA agents.

This is against the law. First, Bush's directive blatantly violates the Fourth Amendment, for it sends his agents stealing into our lives to search our private communications without probable cause and without a warrant. Second, it goes against the very law creating NSA, which prohibited the agency from domestic spying without court supervision. Third, it bypasses 1978's Foreign Intelligence Surveillance Act, which set up a special FISA court specifically to issue secret warrants so a president could snoop on Americans suspected of being connected to terrorists. Going around this law is a felony, punishable by five years in prison. *Yes: George W. Bush broke the law. He's a criminal.*

When this sweeping program of presidential eavesdropping was revealed last December by a leak to the *New York Times*, Bush first tried lying, scoffing that the news report was mere media “speculation.” Didn't work. So then he turned defiant, belligerently declaring that damned right he was tapping phones. “If you're talking to a member of al-Qaeda,” he announced, “we want to know why.”

Of course, George, if you have reason to believe that a particular

## Do something!

**Information and Agitation:** To learn more and get involved, here are a few of the excellent groups that are documenting, monitoring, and challenging the Bushites' dangerous accretion of executive power and invasion of our Fourth Amendment rights:

■ **Center for Constitutional Rights**  
666 Broadway, 7th Floor  
New York, NY 10012  
212-614-6464  
<http://www.ccr-ny.org>

■ **American Civil Liberties Union**  
125 Broad Street., 18th Floor  
New York, NY 10004  
[www.aclu.org](http://www.aclu.org)

■ **People for the American Way**  
2000 M Street, NW, Suite 400  
Washington, DC 20036  
202-467-4999  
1-800-326-7329  
[www.pfaw.org](http://www.pfaw.org)

■ **Federation of American Scientists,  
Project on Government Secrecy**  
1717 K Street, NW, Suite 209

Washington, DC 20036  
202-546-3300  
[www.fas.org](http://www.fas.org)

■ **Electronic Privacy Information Center**  
1718 Connecticut Ave., NW, Suite 200  
Washington, DC 20009

Also, Al Gore gave an informative (and long) speech on January 16 about the Constitutional issues raised by the Bushites' power grab. For a text of it, go to [http://www.truthout.org/docs\\_2006/011606Y.shtml](http://www.truthout.org/docs_2006/011606Y.shtml).

American is talking to al-Qaeda, you should scoot over to FISA pronto and get a spy warrant.

We don't have time to wait for no stinking court order, he shouts, we gotta jump on these traitors quicker than a gator on a poodle. The FISA system is "too cumbersome"—we need "agility."

Yeah, well, democracy is supposed to be a little cumbersome, so guys like you don't run amok. Fact is, FISA judges can act PDQ and are hardly restrictive. Of the 5,645 times Bush has requested surveillance warrants, how many did the court reject or defer? Only six! Besides, FISA lets presidents go snooping all they want, the instant they want, then come back to court *three days later* to get the warrant. How cumbersome is that?

Even GOP lawmakers didn't buy the agility line, so Bush next tried claiming that Congress had actually given him the go-ahead to bypass the law. On September 14, 2001, he said, Congress passed the "authorization for use of military force," empowering him to use all necessary force against the 9/11 terrorists. Yet none of the 518 lawmakers who voted for this say that it included permission for Bush to spy illegally on our people. In fact, George W specifically asked congressional leaders to give him this permission but was turned down.

Finally, Bush has resorted to spouting Nixon's maxim that a president's official actions are inherently legal. Even though he broke the law knowingly and repeatedly, the Bushites assert that it's OK, citing a dangerous and thoroughly un-American defense that, as commander-in-chief, he has the constitutional right to break any law in the interest of national security. In matters of war and foreign policy, he, Cheney, and Alberto "See No Evil" Gonzales

claim that the president's authority cannot be checked by Congress or the judiciary—indeed, they don't even have to be informed.

Nonsense. He's commander-in-chief of the military—not of the country. He's president, not king. And as president, he's the head of only one of the three co-equal branches.

Yet bizarrely and pathetically, Congress has rolled over and even cheered this gross usurpation of its clear constitutional responsibilities—including its power to declare war, control the public purse, regulate the military, ratify treaties, make laws "necessary and proper" for the conduct of all government, provide oversight of executive actions, and generally serve the public as a check and balance against presidential abuses. As Sen. Russ Feingold, the truly fine defender of our rights and liberties, wrote in a February blog: *"I cannot describe the feeling I had, sitting on the House floor during Tuesday's State of the Union speech, listening to the President assert that his executive power is, basically, absolute, and watching several members of Congress stand up and cheer him on. It was surreal and disrespectful to our system of government and to the oath that as elected officials we have all sworn to uphold. Cheering? Clapping? Applause? All for violating the law?"*

The breathtaking notion that Bush can, on his own say-so, thumb his nose at the due process of law and even be a serial lawbreaker has astounded not only Feingold but also a slew of leading right-wing thinkers:

■ **Paul Weyerich**, of Free Congress Foundation: "My criteria for judging this stuff is, what would a President Hillary do with these same powers?"

■ **George Will**, columnist: "[Executive] powers do not include deciding that a law—FISA, for example—is somehow exempted from the presidential

duty to 'take care that the laws be faithfully executed.'"

■ **David Keene**, of the American Conservative Union: "The American system was set up on the assumption that you can't rely on the good will of people with power."

Ironically, this Bush push to place himself above the law is centered on a failed program. The agents who are having to sift through piles of our calls and emails say that nearly all of the sifting is worthless, finding fewer than 10 citizens a year who even warrant further checking. In fact, the Bushites can point to only two "successes." They brag that the spying uncovered a plot to detonate fertilizer bombs in London—but British officials deny that NSA spying helped uncover the plot. Their other "success" is ludicrous—they claim to have found a guy who was going to cut down the Brooklyn Bridge. His weapon? A blowtorch.

In response to Bush's illegal spying, Congress has been almost comical. After huffing and puffing about doing a deep investigation into the criminality of the program, Senate Republicans abruptly cancelled their plans for public hearings and ran to the White House waving surrender hankies. Last month, they announced that they had negotiated with Cheney, who graciously gave the Senate a grand oversight role. What did they get, specifically? A new subcommittee. TAH-DAH!

Now seven senators will be allowed an occasional peek at whatever documents the White House is willing to send to them. In turn, Congress will sanction Bush's secret spying on Americans, letting him snoop on someone for 45 days without having to bother getting a warrant from that pesky FISA court. You can just hear Cheney guffawing back in his cave.

Bush's assertion of extraordinary

risks—but no one at this \$41.1 billion agency shook the secretary awake or said, "Sir, you might want to sneak a peak at this one."

The port deal reveals less about the emirs than it does about the Bushites. How can they be so scandalously blasé about our security?

## PRINCIPLES IN HIGH PLACES

If a top government official takes a principled stand against Bush's executive excesses but the media ignores this action, did it happen?

Twice in recent months high-ranking insiders have declined to play the Bushites' "Go-along-to-get-along" game, but neither got much coverage. One is Robert Grenier, head of the CIA's counter-terrorism center. This respected officer, who rose to the agency's top terrorism post after an extensive career as a clandestine operative in Pakistan and the Mid-East, was appalled by much of what the Bushites are doing. Rather than be silent, Grenier expressed his misgivings internally, opposing secret prisons, extraordinary rendition, and the use of such forms of torture as "waterboarding" (strapping prisoners to a board and plunging them into a pool of water until they almost drown—then doing it again).

But the Bushites want "Yes Men," not constructive criticism, so they simply sacked Grenier. They've also tried to dishonor him, whispering that he was fired for not being "aggressive" enough. But, as one of his predecessors bluntly said, "It is not that Grenier wasn't aggressive enough, it is that he wasn't 'with the program.'"

The other dissident is U.S. District Judge James Robertson, one of the 11 members of the FISA court that's supposed to approve any spying on U.S. citizens by our foreign intelligence agencies. Robertson was

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deeply distressed that Bush's warrantless domestic spying was legally suspect and had compromised the work of FISA. Rather than participate in the ongoing sham, Robertson quietly resigned from FISA on December 19.

### BUSH 34%, CLINTON 73%

The latest CBS poll has Bush's job-approval rating at 34%, the lowest of his presidency. When the House voted to impeach Bill Clinton in late 1998, a CNN/USA Today/Gallup poll showed he had a 73% approval rating.

When Americans are asked how they view George personally, his numbers are even more sickly—only 29% register a favorable opinion. One big factor is the war. Two thirds of Americans now say things are going badly in Iraq, and only 29% say Bush's war is worth what it's costing our country.

Well, say BushCheney Rumsfeld & Gang, the fickle, namby-pamby public is being misled by the pinko, America-hating media and traitorous Democrats. We don't listen to them. We get our inspiration from the troops on the ground, the fighting folks who really know what's going on over there—and these real Americans are gung-ho, fully committed to our stay-the-course war policy.

Horsebeep! The first-ever poll of our soldiers in Iraq, taken by Zogby International in February, reveals that (yet again) the Bushites have been lying to us. A mere 23% of the soldiers say they back Bush's policy. And 72% say that all U.S. troops should be pulled out within a year! More than one in four of them (29%) are so fed up that they say the U.S. should exit Iraq immediately.

By the way, 52% of Americans want Congress to consider impeaching Bush for secretly and illegally wire-tapping American citizens. Now that's a bad number.

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authority has nothing to do with terrorism and everything to do with his and Cheney's mad intent to enthrone the American presidency with "plenary" power—i.e., unqualified, absolute power.

### March of autocracy

It would be distressing enough if the BushCheney NSA power play was their only assertion of authoritarian government, but it is just one item on an astoundingly long list. Here are two particularly brash examples:

**IMPRISONMENT.** Bush maintains that, as "a war president," he has the inherent power (never claimed by any predecessor) to seize and imprison any American citizen suspected by his administration of having even the vaguest connection to terrorists. He declares that he can throw citizens in federal jails in perpetuity on his own authority, without consulting a judge or getting an arrest warrant. The hapless innocent suspects who wail that a nightmarish mistake is being made are out of luck. Bush says that his executive prisoners can be taken in secret (without even notifying their families), do not have to be told of any specific charges against them, have no right to lawyers, and can be held without trial.

They might be shipped to secret CIA prisons around the world, which were authorized not by Congress, but by a classified executive order signed by Bush on September 17, 2001. Yes, the order creating the secret prisons was itself secret. These CIA "black sites," as they are called in Bush's bureaucratic netherworld, are not subject to congressional oversight. Last December, after members of Congress learned about these facilities, both chambers voted to get reports on where the CIA's prisons are and what goes on inside them. But at the behest of the White House,

GOP leaders quietly took this provision behind closed doors and killed it—the majority vote be damned.

Accused citizens might also be secretly turned over to repressive foreign governments for interrogation—an unpleasant, illegal, and morally bankrupt practice known as "extraordinary rendition." Consider Maher Arar's case. Returning home from a family vacation in 2002, this Canadian software engineer was "detained" by the feds at Kennedy Airport, thrown into solitary confinement in Brooklyn, denied proper legal counsel, grilled, and then "rendered" by the Bushites to a Syrian prison. He was held there for 10 months in a rat-infested dungeon and brutally tortured. Finally, finding that he had no connection to terrorism, the Syrians released him.

Arar sued the U.S. government for knowingly sending him to a torture chamber. In February, a federal judge blocked Arar's case without even hearing it. Caving in to Bush's claim of supreme executive power, the judge ruled that extraordinary rendition is a foreign-policy matter that the courts cannot review.

**TORTURE.** "We do not torture," says George W in yet another bald-faced lie. Actually, he and his henchmen have bent themselves into contortions trying to assert that the commander-in-chief does, indeed, have the inherent right to torture suspects in U.S. custody. In 2002, when he learned that Afghan detainees were being abused in violation of the Geneva Conventions and our own War Crimes Act, Bush did not order the mistreatment to stop. Instead, he signed an order stating, "I have the authority under the Constitution to suspend Geneva."

He might as well have shouted, "I am the King!"

A year later, a White House memo tried to redefine torture, imperiously

declaring that only gross brutality that causes "organ failure, impairment of bodily function or even death" can be called torture. John Yoo, the lawyer who has crafted many of Bush's claims of expansive executive authority, even argues that it would not be unlawful torture for a president to order that the testicles of a detainee's child be crushed. "I think it depends on why the president thinks he needs to do that," says Yoo.

Human-rights groups report that more than 100 captives have died while being tortured by executive-branch interrogators. "*We do not torture?*" Then why did Bush and Cheney fight so ferociously last year to kill Sen. John McCain's bill that would ban our government from using torture? The White House pleaded, threatened, cajoled, and demanded that Congress at least exempt the CIA. Only when the ban passed both houses by veto-proof margins did Bush appear to give in, even publicly hugging McCain in a gesture of concession.

But when he signed the bill on December 30, with Congress and the media out of town on holiday, Bush quietly added a "signing statement," augustly proclaiming that he retains the right to ignore the ban whenever he thinks it conflicts with his inherent authority as commander-in-chief.

The Constitution clearly says that Congress—and only Congress—is empowered "to make all laws." Yet this president, who whines that "liberal" judges keep stretching the Constitution beyond the strict words of the founders, says that he can rewrite America's laws by interpreting them to mean what he wants them to mean.

If Bush can spy illegally, arrest citizens and throw away the key, sanction torture, lie, make his own laws, and not be held accountable, then what can't he do? **More next month.**

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