



THE BLOG

You've Got Mail. No, THEY'VE Got Mail. No, They've Got YOUR Mail.

By Marty Kaplan

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The government can now read your first-class mail. No court order required; no pesky warrants needed.

This is the latest power that George W. Bush has arrogated to himself. He didn't win it by jamming it down Congress's throat, or ramming it through the Supreme Court, or amending the Constitution. He did it just by saying so. No, that's not quite right — he didn't even say it. He just had it written down, and signed his name beneath it. Dick Cheney and Alberto Gonzales, and those other guardians of our civil liberties who can be counted on to restrain him when he goes too far, came up with a signing statement just before Christmas that he tacked on to a friggin' Postal Accountability and Enhancement Act.

The Act itself, according to the NY Daily News scoop that broke this coup-by-signing-statement story, “explicitly reinforced protections of first-class mail from searches without a court’s approval. Yet in his statement Bush said he will ‘construe’ an exception, ‘which provides for opening of an item of a class of mail otherwise sealed against inspection in a manner consistent ... with the need to conduct searches in exigent circumstances.’”

To read your first-class mail, all W needs to do is “construe” you. No judges, no criminal courts, no FISA warrants, no due process, nada.

What a reassurance it is to learn from White House spokeswoman Emily Lawrimore that Bush was claiming no new authority. “In certain circumstances - such as with the proverbial ‘ticking bomb’ - the Constitution does not require warrants for reasonable searches,” she said.

The “‘ticking bomb’”! I must have missed the day in 10th grade when we covered the part of the Constitution that talks about that.

The “proverbial ‘ticking bomb’”! Never did a phrase more deserve double scare quotes. That's right, it's *proverbial*, Ms. Lawrimore, like the Loch Ness monster is proverbial. There's no such freakin' thing! It's what happens on *24*, or in Tom Clancy novels, or in the nutball imaginations of drunken defectors like Curveball whose rantings provided the WMD rationale that W rode into a war of choice. The CIA doesn't believe in the ticking bomb scenario, the FBI doesn't believe in the ticking bomb scenario, but thanks to the defenders of freedom in the White House who don't know the

difference between entertainment and reality, your civil liberties are now yours, and your civil liberties are now liberties, only as long as some chickenhawk neocon lawyer in the West Wing basement thinks you deserve them.

Construe You, Mr. President.

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