

**THE BLOG****Russert Watch**

By Marty Kaplan

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Since Arianna's on the space shuttle this weekend, or some other ship where they don't get NBC, I'm filling in on the *Meet the Press* front.

And since I know that many HuffPo readers come to this feature looking for blood, or at least pumpkin pie, let's start with a slice of dessert: to me, Tim's low point was when he asked Senator Carl Levin whether — if Congress establishes that W broke the law by eavesdropping without court approval — this would cause “a Constitutional crisis.”

No, Tim, impeachment isn't a Constitutional crisis. A President who holds himself above the law: *that's* a Constitutional crisis. Republicans will no doubt try to spin any attempt to hold the President accountable as “a Constitutional crisis,” just as they've already tried to spin an attempt to violate the Senate's filibuster and cloture rules as “the Constitutional option.” Russert's preemptive use of a talking point that's still just a gleam in Ken Mehlman's eye may be good marketing (“Stay tuned to NBC for continuing coverage of the Constitutional crisis!”), but it frames the issue exactly backwards. It's not Congress that will cause a crisis if it looks into Bush's lawbreaking; it's W who's already caused a Constitutional crisis by crowning himself King George.

Is there anyone more useless than Condi Rice? She was Russert's first guest, and he gave her ten feet of rope to hang herself with. On the eavesdropping front, she actually said, “I am not a lawyer” — not once, but three times. Even Richard Nixon said “I am not a crook” only once.

Russert repeatedly asked her why Bush didn't get approval from the Foreign Intelligence Surveillance Act (FISA) court before wiretapping Americans, and her answer was that Bush had Constitutional authority because he's commander-in-chief; that he has “statutory authority”; that he got authority from the Attorney General and the National Security Agency's general counsel and inspector general; and that he briefed Congressional leadership.

What part of the Constitution? “I'm not a lawyer.” What statute? “I'm not a lawyer.” Those are *administration* officials, not the FISA court. “I'm not a lawyer.”

I wish Russert had pointed out that Rice omitted one other person who gave him permission, and whom Bush invoked in his emergency-televised Saturday morning radio address to justify his actions: the White House counsel. That's right: Harriet Miers told W that he was above the law. (As Nixon put it, If the president does it, it's not against the law.)

How sorry are we now that she isn't on the Supreme Court? And how plausible is it that Sam Alito, who never told the Reagan Justice Department anything it didn't want to hear, will desert Bush just when he'll need him most?

Russert did, though, point out that the overseers she was citing worked for Bush, not for the judicial branch. As for the Democrats who were briefed: I'm still waiting to hear why they didn't scream bloody murder, but I have a hunch that the Administration briefers' use of their national security cone-of-silence don't-be-a-traitor voodoo was pretty effective.

It would also have been helpful if Russert had demolished Condi's argument that non-state terrorism planned on US soil can't be fought within FISA. The truth is that the FISA court acts quickly: within hours. You can even eavesdrop *before* going to the FISA court, if you think hours isn't good enough, and then get permission afterward. The record of the past few years shows that the FISA court has been extraordinarily persuadable by Administration arguments for domestic surveillance. What made Bush blow off FISA? Bill Clinton's explanation of getting blown comes to mind: "I did something for the worst possible reason. Just because I could." Now there's a Constitutional crisis for you.

When Condi wasn't channeling Nixon, she painted herself as a big fan of the 9/11 Commission — you know, the one whose formation the Administration fought tooth and nail, and the one whose successor group flunked BushCo on protecting us from terrorism. When, defending Bush's lawbreaking, she cited the 9/11 Commission and said how important it was for us to "connect the dots," I couldn't help thinking of her testimony, when she said that the Presidential Daily Briefing headlined "Bin Laden Determined to Strike Within US" was "a historical document." If that's how well she connected the dots then, no wonder she's doing so badly at coloring within the lines now.

Russert tried to nail his second guest, Senator Carl Levin, by using a trademark move: citing a previous position in order to demonstrate flipflopbery. In this case, the subject was Levin's opposition to the Patriot Act. Russert pointed out that Levin had voted to authorize it in the first place. But that's the kind of simplification that Republican paid-media makers use when they produce lying campaign commercials. In fact, as Levin pointed out, when the Patriot Act was passed, he and the Democrats insisted that it contain a sunset provision because he was troubled then about the very civil liberties violations that rightly concern him (and a number of Republicans) now.

Levin also pointed out that when Russert asked Condi whether the US would lean on the Iraqis to amend their constitution to include the Sunnis, as Congress has requested, she ducked, saying that there was an ongoing process ongoing, or some such diploblather. Tim might've nailed her on that, too, but I suppose there's the risk that she might not want to come back on the show.

The guests on the reporters' roundtable that followed were Gwen Ifill of PBS and John Harwood of the *Wall Street Journal*. This is the moment in the show when Washington reporters totally repress the fact that they are human beings, citizens, or people with emotions and moral compasses, and instead treat what is going on solely as political theater. In this segment, it's all meta-, all-the-time. Polls, strategy, tactics: you bet. Outrage, disbelief, authenticity: what do you think this is, Comedy Central?

Tim wished Condi a Merry Christmas at the end of her segment. He wished Senator Levin a Happy Hanukkah at the end of his. But John and Gwen didn't even get Happy Holidays. As Bush said of Poland, What about Kwanzaa?

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