

**JUNE 24**

# The news media's political 'F' word

**W**hen a federal judge compares George W. Bush to Benito Mussolini, is that newsworthy? After the conservative daily New York Sun broke the story about a speech by Judge Guido Calabresi of the 2nd Circuit Court of Appeals, few media outlets even mentioned what he had to say.

"In a way that occurred before but is rare in the United States ... somebody came to power as a result of the illegitimate acts of a legitimate institution that had the right to put somebody in power," Judge Calabresi told attorneys and law students at the American Constitution Society's annual convention on June 19. "That is what the Supreme Court did in Bush versus Gore. It put somebody in power."

The 71-year-old judge, who was born in Milan before his family left Italy in 1939, added: "The reason I emphasize that is because that is exactly what happened when Mussolini was put in by the king of Italy." And Calabresi, a former dean of Yale Law School, went on: "The king of Italy had the right to put Mussolini in, though he had not won an election, and make him prime minister. That is what happened when Hindenburg put Hitler in. I am not suggesting for a moment that Bush is Hitler. I want to be clear on that, but it is a situation which is extremely unusual."

Referring to the Supreme Court's post-election decision in 2000, Judge Calabresi said: "When somebody has come in that way, they sometimes have tried not to exercise much power. In this case, like Mussolini, he has exercised extraordinary power."

There doesn't seem to be any question about the accuracy of the quotations. The reporter who wrote the Sun newspaper story, Josh Gerstein, told me that he transcribed the quotes from a tape recording.

Exactly what constitutes "fascism" may be hotly debated by political scientists and others. The definition in one dictionary refers to a "governmental system marked by stringent socioeconomic control, a strong central government usually headed by a dictator, and often a belligerently nationalistic policy." But it should be clear that fascism wouldn't necessarily arrive on the heels of goose-stepping soldiers or brown-

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shirt thugs dressed up in Nazi regalia.

About three-quarters of a century ago, the Louisiana populist Huey Long commented: "If fascism came to America it would be on a program of Americanism." Well, fascism hasn't arrived in the United States – millions exercise crucial freedoms of speech and press every day – but we should recognize that the U.S. government's response to 9/11 has included some fascistic elements.

Consider, for instance, the assessment by Stuart Taylor Jr., a careful mainstream journalist specializing in legal issues. His article in the June 12 edition of National Journal focused on memos and reports within the Bush administration about guidelines related to interrogation and torture. "These warped analyses are not just the work of a few lawyers carried away with clever circumvention of the law," Taylor wrote. "They reflect an attitude deeply entrenched in the Bush White House – including Bush and Dick Cheney as well as (White House counsel Alberto) Gonzales – that whenever the president invokes national security, he enjoys near-dictatorial powers and is quite literally above the law."

Taylor's conclusion should give chills to anyone who hasn't been numbed by the soothing prattle of corporate media or the complacent view that it won't matter much whether Bush gets four more years in the White House: "These perversions of the law would allow Bush to seize, imprison, and torture anyone in the world, at any time, for any reason that he associates with national security. Little did the Framers suspect that their Constitution would be twisted by a president to claim powers more appropriate to Roman emperors, Russian czars, and King George III."

At Cornell University, government professor Theodore Lowi now aptly describes the George W. Bush administration as "a toxic combination of God rhetoric, money, cronyism and severe moral hierarchy that poses a real threat of fascism for our nation."

This is not to throw the word "fascism" around loosely. Our society continues to enjoy a wide range of freedoms. Yet fascistic repression is apt to arrive in stages.

Anyone who was paying close attention to the actions of the Ashcroft Justice Department in the wake of 9/11 has seen that elements of fascism can be implemented in the USA, particularly in times of crisis.

The assumption that it can't happen here makes more likely the possibility that it will.

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