



The Web Site of The Sacramento Bee

This story is taken from [Sacbee](#) / [Opinion](#).

Christopher J. Dodd: Restoring rule of law as an American ideal

By Christopher J. Dodd - Special To The Bee

Published 12:00 am PST Friday, December 14, 2007

In a recent letter to Sen. John McCain, R-Ariz., Gen. John Vessey, former chairman of the Joint Chiefs of Staff under President Reagan, quoted "The Armed Forces Officer," a book sent to every American officer by Gen. George Marshall, architect of the D-Day invasion and namesake of the Marshall Plan. It reads: "The United States abides by the laws of war. ... Wanton killing, torture, cruelty, or the working of unusual hardship on enemy prisoners or populations is not justified under any circumstances. Likewise respect for the reign of law is expected to follow the flag wherever it goes."

Those words are from the middle of the last century; but they could have been written at any time in our history – this idea that the rule of law extends even to those enemies we most despise; that our Constitution's principles are transcendent; that in America, right makes might.

With the law following our flag, we threw down tyrants and oppressors for two centuries.

We rid the world of the Nazis and Soviet communism.

We proved that great strength can serve great virtue.

America's adherence to the rule of law was the foundation of our security for the last half of the 20th century.

But today, America is making itself known to the world not for what we accomplished on the beaches at Normandy. Not for what we created with the Marshall Plan. Not for the moral authority born at the Nuremberg trials of Nazi war criminals that served the common good and security of all nations for 60 years.

But for Abu Ghraib, Guantánamo, torture. And wiretapping.

Indeed, in the last few years, President Bush asked America's biggest telecom companies to help them spy on their own customers – most famously at the AT&T office on Folsom Street in San Francisco. They weren't presented with a warrant, yet handed over our private information to the administration anyway.

Now the president is asking Congress, as part of the renewal of the Foreign Intelligence Surveillance Act (FISA), to give those companies immunity for everything they've done – to declare that they cannot be held accountable for their role in the administration's warrantless

surveillance efforts.

Absent that accountability, the American people will be kept in the dark, replacing the eloquence of the words Gen. Marshall sent to every officer with a simpler, darker motto: "Trust me."

That is not the America I grew up in – it is not the America we want our kids to grow up in during the 21st century.

Ours is not a country born of fear.

I have pledged to do everything in my power to prevent this immunity bill from becoming law. If the retroactive immunity clause is not stricken from the FISA bill, I will go to the floor of the U.S. Senate and filibuster it. And I hope my colleagues will support me.

The central question to the FISA debate and the litany of abuses these last several years – from this administration's abolition of habeas corpus, advocacy of torture and retreat from the Geneva Conventions – is the same: Can we defend America if we fail to defend our Constitution and the rule of law? This administration believes that to keep us safe we need to give up rights. That is a false choice.

I believe when we disregard the rule of law we become more vulnerable, more isolated. Rather than stopping terrorists, it helps create them, people who will seek vengeance on us for the rest of their lives.

It's time our president understood that America's moral authority isn't merely incidental to our security, but the very foundation. A president who understands that it is not always the example of our force that keeps us safe – but rather the force of our example.

Restoring our belief in this most fundamental of American principles is the challenge we face today.

Can we? The whole world is waiting for our answer.

Go to: [Sacbee](#) / [Back to story](#)

This article is protected by copyright and should not be printed or distributed for anything except personal use.
The Sacramento Bee, 2100 Q St., P.O. Box 15779, Sacramento, CA 95852
Phone: (916) 321-1000

Copyright © [The Sacramento Bee](#)