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## Americans deserve no less

By Robert McCallum

After Sept. 11, President Bush pledged to use "every tool of intelligence ... and every necessary weapon of war" to prevent another attack. The president has done just that — and all of his actions have been lawful and consistent with those of past presidents.



"A president who breaks the law is a threat to the very structure of our government," former vice president Al Gore said in remarks Monday.

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From World War II to the present, presidents have employed their constitutional authority to conduct surveillance on foreign agents without court order — and every appellate court to consider conduct of this kind has upheld it. President Clinton ordered the search of Russian spy Aldrich Ames' home without court approval.

President Bush's program, like those before it, has proven its value by foiling deadly plots on our soil. Nor has the president acted alone. He has kept congressional leaders advised of the wiretapping program, and Congress itself expressly authorized the use of "all necessary and appropriate force" against the terrorists.

The Supreme Court in the Hamdi military-detainee case in 2004 recognized the significance of this authorization, and past presidents have used similar congressional resolutions to deploy all of the tools of warfare — including electronic surveillance — to find and attack the enemy. The American people deserve no less from our leaders today.

When the president signed the McCain-Graham amendment concerning treatment of detainees, he issued a statement that he would interpret the law consistent with his constitutional authority. The recent claim by some that this reflects intent to "ignore" the law is wrong.

The amendment reflects the president's — and our nation's — policies and values, and the president is fully committed to executing it faithfully. Because the Constitution gives the president authority over wartime and foreign affairs, however, presidents often have issued similar signing statements when Congress legislates in these areas. Nothing different happened here.

The McCain-Graham amendment also provides that scores of frivolous lawsuits by detainees at Guantanamo Bay, Cuba, — seeking everything from access to DVDs to high-speed Internet access for their lawyers — must be dismissed. The bipartisan law replaces these suits with a new, balanced court review system to ensure that every detainee is properly held.

While some may disagree, the Supreme Court has long said laws modifying jurisdiction take effect immediately, and that interpretation is echoed by Sens. Lindsey Graham, R-S.C., and Jon Kyl, R-Ariz., who sponsored the

legislation. While all detainees should be treated fairly, the brave men and women serving our country should be focused on their military mission, not distracted by defending themselves against baseless lawsuits.

President Bush has said that he will use every lawful means to prevent another attack. History would not forgive us if we did anything less.

*Robert McCallum is associate attorney general in the Justice Department.*

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