

Bush's Clever Cognitive Dissonance

So, George W. Bush sees himself as the great defender of the U.S. Constitution.

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In [a Nov. 15 speech](#) to the right-wing Federalist Society, the President embraced the Constitution's checks and balances as a vital protection against tyranny. And he demanded that federal judges act as fair referees, not political or ideological partisans.

To many Americans who have been aghast at Bush's six-plus years of trampling the Constitution, such pronouncements might represent a textbook case of "cognitive dissonance," a psychological term describing the uncomfortable tension when one's stated principles are at odds with one's actions.

For Bush, however, this divergence of words from behavior may be closer to the fable of the Emperor's New Clothes, when the monarch strutted about in invisible garments while his terrified subjects kept quiet about his nakedness.

In this case, the Washington press corps reported on Bush's speech as if the President were entirely sincere and left out contradictory facts.

For instance, there was silence about how Bush prevailed in Election 2000 by getting five partisan Republican justices on the U.S. Supreme Court to stop a recount of votes in Florida that - if it had been allowed to tally all legally cast ballots - might well have put Al Gore in the White House.

Instead, the five Republican justices cast aside any sense of neutrality - and their own principles about avoiding federal interference in state decisions - to hammer together a twisted ruling that halted the recount and gave the election to George W. Bush. [For details, see our new book, [Neck Deep](#).]

Yet, in his Nov. 15 speech, Bush declared how important it was for judges to act as honest umpires.

"When people see the umpire rooting for one team, public confidence in our courts is eroded, the sense of unfairness is heightened and our political debates are poisoned," Bush said. "So we will insist ... on judges who call the game fairly."

Bush also declared that he was committed to the original intent of the Founders as expressed in the Constitution.

"Tonight I will discuss a judicial philosophy that is based on what our Founders intended," Bush said. "The President's oath of office commits him to do his best to 'preserve, protect,

and defend the Constitution of the United States.’ I take these words seriously. I believe these words mean what they say.”

‘Plenary’ Powers

Yet, even many conservative legal scholars, such as former assistant attorney general Jack Goldsmith, believe that Bush and his inner circle have stretched the wartime powers of the President far beyond what the Founders intended or the Constitution allows.

Bush has asserted “plenary” – or unlimited – powers as Commander in Chief for the duration of the indefinite “war on terror.” In Bush’s view, that means he can ignore the rights that the Constitution grants to both citizens and other branches of the federal government.

While the Founders envisioned “unalienable rights” for all mankind, Bush claims that he can even waive *habeas corpus*, a principle dating back to the Middle Ages requiring the government to present evidence of a person’s guilt.

Habeas was a right that the Founders considered so fundamental that they embedded it in the body of the Constitution. But Bush’s former White House counsel and Attorney General Alberto Gonzales once told the Senate Judiciary Committee, “There is no expressed grant of *habeas* in the Constitution.”

Gonzales’s unorthodox view – which left Republican Sen. Arlen Specter sputtering in disbelief – also wasn’t just theoretical. Bush and his administration have locked up people, including American citizens, while denying them their day in court. [See Consortiumnews.com’s “[Gonzales Questions Habeas Corpus.](#)”]

Bush also has formulated military commissions – first unilaterally and then through legislative action – that represent a parallel legal system operating outside the rules of the U.S. Constitution.

In effect, the Military Commissions Act of 2006 casts aside not only *habeas corpus* but the Sixth Amendment, which grants the accused “the right to a speedy and public trial, by an impartial jury” and the right to confront one’s accusers. By contrast, in Bush’s system, there is no guarantee of either a speedy or a public trial. Secrecy dominates in a process run by U.S. military officers whose careers depend on the favor of the Commander in Chief.

The military commissions also would apply not only to foreign “unlawful enemy combatants” but to “any person” who aids the enemy “in breach of an allegiance or duty to the United States,” presumably a reference to U.S. citizens. [See Consortiumnews.com’s “[Who Is ‘Any Person’ in Tribunal Law?](#)”]

In his warrantless wiretapping program, Bush also has brushed aside the Fourth Amendment, which requires that the government establish “probable cause” before it can conduct searches of Americans. In his wiretapping operation, Bush ignored, too, the specific legal requirements of the Foreign Intelligence Surveillance Act.

Bush’s approval of harsh interrogation tactics, including simulated drowning by “waterboarding,” also has made a mockery of the Eighth Amendment and its ban on “cruel and unusual punishments,” not to mention federal statutes prohibiting torture.

Unitary Executive

Still, Bush's Nov. 15 speech talked glowingly of the constitutional "checks and balances" as a guard against tyranny.

"When the Founders drafted the Constitution, they had a clear understanding of tyranny," Bush said. "They also had a clear idea about how to prevent it from ever taking root in America. Their solution was to separate the government's powers into three co-equal branches: the executive, the legislature, and the judiciary. ...

"Each serves as a check on the others. And to preserve our liberty, each must meet its responsibilities - and resist the temptation to encroach on the powers the Constitution accords to others."

But for the past six years, Bush has asserted his right as "unitary executive" to ignore any law that he chooses by asserting his "plenary" powers and attaching "signing statements."

In effect, if one examines Bush's claims of unlimited executive power - and overlays that with a "war on terror" of indefinite duration - a fair conclusion is that the President has, in effect, eliminated both the "checks and balances" and the "unalienable rights" that the Founders enshrined in the Constitution and the Bill of Rights.

Under Bush's theories, constitutional rights can be selectively denied by one person, him.

Yet, in his Federalist Society speech, Bush was the rock-ribbed protector of the Founders' dream of a constitutional Republic. He chided his political opponents for their more flexible interpretation of the Constitution.

"Advocates of a more active role for judges sometimes talk of a 'living Constitution,'" Bush said. "In practice, a living Constitution means whatever these activists want it to mean. They forgot that our Constitution lives because we respect it enough to adhere to its words."

But what Bush has sought in key federal judicial appointments, including his Supreme Court selections of John Roberts and Samuel Alito, are judges who will predictably assent to Bush's extraordinary assertion of presidential powers, regardless of the words in the Constitution or the intent of the Founders.

Cognitive Dissonance

In a broader sense, Bush's Nov. 15 speech reflected what has been a core rhetorical device of the modern American Right, the clever use of cognitive dissonance - the confident assertion of positions that fly in the face of reality.

I first encountered this tactic in 1981 when President Ronald Reagan sought to frustrate the intent of government policies from the 1970s by appointing individuals who were hostile to those goals but who claimed to embrace the same principles.

For instance, Reagan disdained President Jimmy Carter's emphasis on "human rights" but instead of making a complete break, Reagan appointed Ernest Lefever as the State Department's human rights pointman.

Though Reagan and the Right hailed Lefever as a champion of human rights, the nomination

founded after critics, including his own family members, presented evidence of his racial prejudices and fondness for South Africa's apartheid government.

(After Lefever's nomination was pulled, Reagan turned to a more astute practitioner of this technique, a bright and aspiring neoconservative named Elliott Abrams.)

In dealing with environmental issues, Reagan took a similar tack. Instead of directly challenging environmental policies enacted during the previous decade, he appointed right-wing "environmentalists" who talked about their love of nature while quietly dismantling regulatory protections.

What the Right - and especially the neocons - drew from these experiences was that the Washington press corps could be tough when contesting some narrow falsehood or a slight hypocrisy, but would ignore audacious misrepresentations, at least when they came from Republicans backed by aggressive right-wing media attack groups.

Bush has proved to be a master of this technique because he shows even fewer scruples than the average politician in making claims that are at clear variance with the truth.

For instance, in his last two addresses to the United Nations General Assembly, Bush has hailed the U.N.'s Universal Declaration of Human Rights although its tenets are in contradiction of his claims that he can kill, kidnap, detain, torture and spy on anyone of his choosing anywhere in the world.

Nevertheless, Bush displayed a well-founded confidence that the U.S. press corps wouldn't challenge him on these obvious hypocrisies - and he was right. [See Consortiumnews.com's "[Bush to World: Up Is Down](#)."]]

Indeed, one of the most successful features of Bush's presidency may be his ability to exploit cognitive dissonance to avoid accountability for his actions. While Bush doesn't blush when his actions belie his words, the American political system can't seem to cope, incapable of either reconciling Bush's dishonesty or enforcing any accountability upon him.

The national press corps and other Washington institutions - like the emperor's subjects in the old fable - try as best they can to ignore the obvious.

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, [Neck Deep: The Disastrous Presidency of George W. Bush](#), was written with two of his sons, Sam and Nat, and can be ordered at [neckdeepbook.com](#). His two previous books, [Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq](#) and [Lost History: Contras, Cocaine, the Press & 'Project Truth'](#) are also available there. Or go to [Amazon.com](#).

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