

Mea culpa ,Mea culpa! No Mas, No Mas!

This column was originally titled for the Defense, but I've renamed it "It is what it is" because I think this says it all and there is so much fun, frivolity and just feel good decadence in the offensive parts of my personality, I would hate to deprive you.

I was planning to write my column about the use and abuse of executive privilege, which is essentially a Presidential right to privacy, but My good intentions (That I have on good authority (don't ask) pave the way to hell) were hijacked once again by some (what I consider) churlish comments by my fellow Las Vegas Tribune columnist, Ben Childs.

To preview what got us to this point (like the clips from the previously aired episodes of the Sopranos), Ben made reference to the fact that he believed that imitation is the sincerest form of flattery (which I agree) and that I was imitating him (which I violently disagree) when I wrote my first column. I then wrote my next column sniping about this. I made reference to Slander and discussed some of the facts of a case in which both Ben and I are involved. I probably should not have mentioned it, but I felt that I needed to because it was my ox that was being gored.

Ben then felt that he was being personally attacked by me, said so in his column and discussed the case in much more detail. Ben ends his column saying lets agree to disagree, move on and refrain from personal attacks and further discussion of my client and Ben's involvement. I agree. Lets end this here.

But I must make one final point (I feel like Columbo) I agree that if people can't disagree without disintegrating into personal attacks it does denigrate our adversary system of justice. But I do not think my column is "an example of what's wrong with the legal community here." to the contrary, I pride myself on being able to disagree vociferously without being disagreeable Nuff said? I hope so. Can't we all just get along?

I must comment on an article in last week's Las Vegas Tribune, where a Boston man sued the Mass bar over a gay marriage question regarding 2 married lesbians, their children and their property. (I remember a bar review question about a married couple from West Virginia that moved to Hollywood, got married in a church there, Our Lady of Leather and then got divorced. The question was "Are they still brother and sister?" I'm not a fan of Hollywood, fetish churches or incest, but I answered the question and I passed!) He refused to answer the question, failed and then sued for 9.75 million dollars (how did he come up with that?) due to the "morally repugnant and patently offensive" question. Mr. Dunne (of course he's done, put a fork in him) is representing himself There is a legal adage that states that anyone that represents himself has a fool for a client There is also a hallowed, hoary (it doesn't mean THAT Mr. Dunne) legal maxim that states "truth is a complete defense".

I have a piece of advice for Mr. Dunne. IF you want to avoid "morally repugnant and patently offensive" issues find a new profession like dictator, soldier of fortune or professional athlete. Maybe then you won't soil your tender sensibilities with the great unwashed! Get a grip! You don't need to like gay marriage. If bothers you that much move to Nebraska or any of those

other States that believe as you do that gay marriage should be outlawed .Boston has been described as the cradle of liberty Why don't you rob some other State's cradle? In the immortal words of Jim Croce " Robbin' the cradle is worse than Robbin' the tomb and 5 short minutes of lovin' will get you 20 long years in jail.

George W has done it again. Bush has asserted executive privilege by refusing to obey congressional subpoenas and by instructing two former aides — White House Counsel Harriet Miers and political director Sara Taylor — not to testify this week before the Senate Judiciary Committee. The Framers intended the legislative and executive branches of government to tussle over power, providing healthy checks and balances along the way...

In order for the three branches of government to exist separately and equally, each must be able to resist bullying and badgering by the others. After weeks of investigations and hearings, and despite stonewalling by the White House and Justice Department, Congress has managed to ferret out the knowledge that the administration sought to turn the ostensibly objective Justice Department into a tool for partisan advantage. At this point, the subpoenas and further hearings are all but pointless: at best, more administration officials and former officials would take the oath and then provide Congress and the public little or no information on the matter. the administration can blame itself for the continued hearings and allegations because it failed to reveal who wanted the U.S. attorneys fired, and for what reason. Rejecting candor, the administration gives the impression it has something improper and embarrassing to hide.

Asserting executive privilege, White House officials submit that the president needs to get blunt advice from his aides and Cabinet. It doesn't follow, however, that such advice by nature would embarrass the adviser if made public, and therefore Americans must never learn what advice the president receives.

President Bush can just tell the American people why he wanted the U.S. attorneys fired and what criteria caused his aides to place those attorneys' names on the list. His decision to deny the public that knowledge summons more suspicion than any investigation or congressional subpoena ever could. Bush might enjoy a measure of executive privilege, but he also shoulders a duty to explain himself to the American people he serves, especially on matters unrelated to national security.

“Executive privilege,” a concept nowhere mentioned in the Constitution, is essentially a presidential right to privacy. The idea is that presidents have a right to receive the advice and counsel of their staff on a confidential basis, and to keep it confidential, free from the inquiring eyes of other branches of government, even when the others are doing their constitutional jobs.

Unless the White House is simply lying, Bush had no role in what appears to be an unprecedented politicization of the Department of Justice. If that’s true, how can he claim that his right to receive confidential information from his aides is somehow compromised by forcing them to testify before Congress about conversations and messages which the President neither heard nor saw?

If Richard Nixon couldn’t keep secret conversations in which he himself was intimately

involved, as the Supreme Court ruled in *United States v. Nixon*, why should George W. Bush be able to keep secret conversations in rooms he wasn't in, and emails he never read or knew about?

What's more, the administration's offer to allow these aides to testify privately off the record, as opposed to publicly under oath, far from strengthening the president's hand, only makes the resort to executive privilege appear more suspect. If they have nothing to hide, why try so hard to keep their testimony hidden? If they have something to hide, all the more reason to require them to come clean.

The Bush administration has been circling the wagons and violating the "Public's right to know". My momma always said, if you keep digging yourself into a deeper hole, Stop Digging! George W throw me a bone, as Moses Woodward Bernstein, the famous biblical journalist says "Let my people know!" Till next time, irrepressibly yours Mace

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