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OPINION

Lobbyists will love the Obama era

BY RICH LOWRY

Barack Obama promised the end of the era of lobbying as we know it during the campaign, but the National Marine Manufacturers Association didn't get the message. Nor did the National Automobile Dealers Association. Nor did anyone else who can make a remotely colorable case for getting any precious drops of the bailout money sloshing around Washington.

Mr. Obama has banned lobbyists from contributing to his transition committee. No one can work on the transition on an issue that has been part of his lobbying work in the past year. After the transition, no one can lobby the Obama administration for a year on any issue he worked on during the transition.

The Obama team thought of everything, except banning failing executives from firing up their corporate jets and heading to Washington to petition for billions of dollars in federal aid. That's what the CEOs of the Big Three automakers just did. They are only the tip of the spear of a massive lobbying push for an auto bailout that includes auto dealers and suppliers, union officials, the U.S. Chamber of Commerce

and practically every elected official in Michigan.

The Paulson plan started the free-for-all. Wave around a money clip stuffed with \$700 billion, and you'll attract attention. According to a New York Times article headlined "Lobbyists Swarm the Treasury for Piece of Bailout Pie," "the Hispanic Chamber of Commerce and other Hispanic business groups met with Mr. Paulson to push for minority contracts in asset management, legal, accounting, mortgage services and maintenance jobs, like plumbing and masonry."

Billy Graham once said, "I just want to lobby for God." Interest groups lobby for mammon. So their lobbyists are swarming like hyenas to a kill or, simply, self-interested people contemplating the prospect of free money. Top lobbying firms like Patton Boggs, Akin Gump and others have new shops devoted to winning bailout funds.

Lobbyists for business exist to gain whatever tax, spending or regulatory favors they can for their clients. The more Washington taxes, spends and regulates, the more work they naturally have. So it doesn't matter how much Barack Obama abhors lobbying in theory, as long as he favors a bigger, more activist government — with

the second \$350 billion tranche of Mr. Paulson's funds, a \$25 billion auto bailout and \$600 billion stimulus bill all on the table — his Washington is going to team with well-appointed lobbyists.

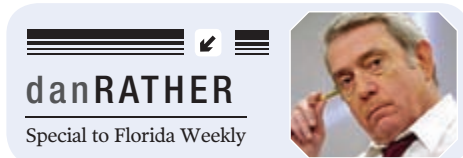
Mr. Obama's economic program has been grandiosely compared to the New Deal. FDR's tax and spending programs — unsurprisingly — played political favorites. It is impossible for a government composed of ambitious politicians to wield massive economic powers in an utterly neutral way. "Reporter Thomas Stokes won a Pulitzer Prize for his investigative research that exposed the Works Progress Administration for using federal funds to buy votes," notes historian Burton Folsom, author of the new book "New Deal or Raw Deal?" "Whatever the good intentions, the funds quickly became politicized."

Mr. Folsom gave a lecture in Washington making this point the other day. A professor at Hillsdale College, he explained to his cab driver when he arrived that he had flown in from Michigan. "Oh, you're here for the money?" his car driver replied. No, but he might be the only one. ■

Rich Lowry is editor of the *National Review*.

GUEST OPINION

Hamdan and Guantanamo



danRATHER

Special to Florida Weekly

Seven years ago, President Bush established rules for the detention and trial of suspected terrorists. This past week, one of the best-known terror detainees returned home to his native Yemen. The repatriation of Salim Hamdan, one-time driver and bodyguard for Osama bin Laden, underscores some of the unsettled questions surrounding the Guantanamo Bay detention center and the roughly 250 terror suspects who remain there.

Mr. Hamdan's fame, or infamy, stems not from his status within al-Qaida, but rather from Hamdan v. Rumsfeld, the 2006 Supreme Court case that led to a rewriting of the rules under which those held at Guantanamo could be tried. Among the first detainees formally charged under the initial rules, Mr. Hamdan has now become the first to be found guilty and sentenced under the revised rules and subsequently repatriated (Australian detainee David Hicks was sent back to his homeland after a plea bargain). He will serve the remainder of his 5½ year sentence — less time served at Guantanamo — in a Yemeni prison, with a scheduled release on Dec. 27.

President-elect Barack Obama campaigned on a pledge to close down Guantanamo, as did his Republican rival Sen. John McCain. But as many have pointed out, the central problem is not the prison itself or where it is located, but the rules that govern the fate of its inmates. The case of Mr. Hamdan illustrates a number of the questions that President Obama will need to resolve if he is to make good on that campaign pledge.

The overarching question for all detainees is what brand of justice they are entitled to. Civil libertarians generally want to bring detainee trials in line with standard U.S. criminal proceedings. But since the treatment of those captured by the U.S. has been, from the beginning, so far out of line with constitutional norms — including torture — that course could mean that even the worst suspects could have their trials overturned and evidence denied on procedural grounds. Defense access to security-sensitive evidence and witnesses also would be an obvious problem with this approach.

For those whom the U.S. decides to formally charge, some sort of further modified court system will probably have to be developed, perhaps hewing closer to the civilian model but with allowances made for the extraordinary nature of these prisoners. That will take legislation — and legislative energy from

an Obama team already facing an extraordinary set of challenges at home and abroad.

Those whom the U.S. decides to let go, or those who are sentenced and serve their time, pose another set of questions. Despite his sentence, the Pentagon maintained that it had the right to detain Mr. Hamdan indefinitely as an unlawful enemy combatant. That the Bush administration chose not to do so is interesting, as is the fact that he was returned to Yemen.

Nearly 100 of those remaining at Guantanamo are Yemeni citizens, a thorny issue in its own right. Yemen's government, like many in the region, has complicated allegiances when it comes to terrorism, working with the U.S. at times in anti-terrorism efforts but reluctant to be seen doing so in a society where holy warriors are revered. The U.S., meanwhile, seeks assurances that repatriated prisoners won't go back to being terrorists. There is also, where certain detainees are involved, the question of whether sending them home would subject them to torture.

Seven years ago, President Bush opened a new and difficult chapter in U.S. legal history. As Salim Hamdan completes his sentence in Yemen, it's becoming apparent that unraveling this legacy will involve more than shutting down its most controversial symbol. ■