

Cracking Down on Truth-telling

President Obama entered office vowing to run a transparent government. But instead he has clamped down on leaks, prosecuted whistleblowers and threatened truth-telling journalists with jail if they don't reveal sources, as Marcy Wheeler recounts.

By Marcy Wheeler

Last week focused a lot of attention on *New York Times* reporter James Risen, who is facing the threat of jail time for refusing to testify in a leak case against former CIA officer Jeffrey Sterling. The Supreme Court refused to hear Risen's appeal of a subpoena to testify in June.

A week ago, a bunch of fellow Pulitzer Prize winners signed a statement supporting Risen. On Thursday, a coalition of press freedom groups submitted 100,000 signatures calling on DOJ to halt its pursuit of Risen's testimony. In an interview with Maureen Dowd after a press conference on press freedom on Thursday, Risen called President Barack Obama, "the greatest enemy to press freedom in a generation."

Meanwhile, even as Risen waits to find out whether the Department of Justice will send him to jail to attempt to force him to testify about his source, Sterling also waits, as he has since January 2011, when he was first arrested. The government has done nothing official in Sterling's case since the Supreme Court refusal to take Risen's appeal in June.

Sterling is accused of providing Risen classified information regarding Operation Merlin, a bungled CIA effort to deal Iran bad nuclear weapons information. The information appeared in Chapter 9 of Risen's 2006 book, *State of War*, which exposed a number of the Bush Administration's ill-considered intelligence programs.

Risen's account revealed not just that CIA tried to thwart nuclear proliferation by dealing doctored nuclear blueprints to American adversaries, but that in this case, the Russian defector the U.S. charged with dealing the blueprints to Iran told them the blueprints were flawed. In other words, Risen's story, for which Sterling is one alleged source demonstrated questionable judgment and dangerously incompetent execution by the CIA, all in an effort to thwart Iran's purported nuclear weapons program.

Sterling's story, then, makes an instructive contrast with that of retired General James Cartwright, who is alleged by the press, but not yet, publicly at least, by the government, to have served as the source for another story about

the intelligence community's questionable judgment and dangerously incompetent execution of counter-proliferation plots targeting Iran.

Over a year ago, NBC reported that General Cartwright had received a target letter informing him he was under investigation as the source for one of David Sanger's stories on U.S.-Israeli efforts to stall Iran's enrichment program with the StuxNet cyberattack:

"According to legal sources, Retired Marine Gen. James 'Hoss' Cartwright, the former vice chairman of the Joint Chiefs of Staff, has received a target letter informing him that he's under investigation for allegedly leaking information about a massive attack using a computer virus named Stuxnet on Iran's nuclear facilities. Gen. Cartwright, 63, becomes the latest individual targeted over alleged leaks by the Obama administration, which has already prosecuted or charged eight individuals under the Espionage Act.

"As soon as the Times report appeared, Congressional leaders demanded a criminal probe, and President Obama said he had 'zero tolerance' for 'these kinds of leaks.' Republicans charged that senior administration officials had leaked the details to bolster the president's national security credentials during the 2012 campaign.

"But, said legal sources, while the probe that Attorney General Eric Holder ordered initially focused on whether the information came from inside the White House, by late last year FBI agents were zeroing in on Cartwright, who had served as one of the president's 'inner circle' of national security advisors. Two sources said prosecutors were able to identify Cartwright as a suspected leaker without resorting to a secret subpoena of the phone records of New York Times reporters.

"One source familiar with the probe said the Justice Department has not made a final decision on whether to charge Cartwright."

Subsequent reports revealed Cartwright was stripped of his security clearance sometime last year.

The story for which Cartwright allegedly served as a source did not expose StuxNet cybersecurity firm Kaspersky Lab did that. Nor was it Sanger's first story confirming U.S. and Israeli involvement; in 2011 he partnered with other *New York Times* journalists to provide details on U.S. and Israeli collaboration on the attacks.

Sanger's 2012 story provided new details, including that Obama approved an escalation of the StuxNet attack even after it had escaped beyond its target at Iran's Natanz centrifuge facility lab. Perhaps even more sensitive, Sanger's

story relayed claims from officials attending a presidential briefing suggesting that Israel had been responsible for the code escaping Natanz:

“An error in the code, they said, had led it to spread to an engineer’s computer when it was hooked up to the centrifuges. When the engineer left Natanz and connected the computer to the Internet, the American- and Israeli-made bug failed to recognize that its environment had changed. It began replicating itself all around the world. Suddenly, the code was exposed, though its intent would not be clear, at least to ordinary computer users.

“‘We think there was a modification done by the Israelis,’ one of the briefers told the president, ‘and we don’t know if we were part of that activity.’

“Mr. Obama, according to officials in the room, asked a series of questions, fearful that the code could do damage outside the plant. The answers came back in hedged terms. Mr. Biden fumed. ‘It’s got to be the Israelis,’ he said. ‘They went too far.’”

Sanger’s StuxNet story is, then, just like Risen’s account of Merlin, a story of the dangerous unintended consequences caused by covert U.S. efforts to combat Iran’s claimed nuclear program. Both are issues the American public deserves to debate. Should the U.S. risk further proliferation in its effort to counter proliferation? Should NSA launch offensive attacks against an adversary we’re not at war with? What kind of blowback do such operations invite?

Both stories have been critical to bringing necessary public attention to the bungling behind our Iran policy. Yet the alleged leakers in the two stories have thus far been treated differently. Sterling has been fighting prosecution for 3.5 years. Cartwright has lost his security clearance but, two years after the Sanger story, DOJ has not charged him or anyone else.

There may be any number of explanations for the apparently different treatment: DOJ may still be crafting a case against Cartwright, and we may all be defending Sanger’s right to protect his sources sometime in the future. Given the sensitivities of StuxNet, DOJ may be unable to prosecute the leak without exposing even more classified information.

Cartwright’s different treatment may reflect DOJ’s efforts, announced last year , to “explore ways in which the intelligence agencies themselves, in the first instance, can address information leaks internally, though administrative means, such as the withdrawal of security clearances.”

Then there’s the possibility that if you’re “Obama’s favorite general,” as Cartwright reportedly was, you don’t get prosecuted. Unlike Cartwright, Jeffrey Sterling didn’t sit in on White House briefings. On the contrary, the

government claimed Sterling only leaked this information after losing an Equal Employment Opportunity suit against the CIA, in which he claimed he had not been given certain assignments because he is African-American. In fact, as Risen reported in a 2002 story on Sterling, CIA Director John Brennan, then the Agency's deputy executive director, played a role in denying Sterling's claim, after which the CIA subjected Sterling to an early security investigation.

Both Risen's and Sanger's stories provided citizens important information on America's ham-handed efforts to combat Iran. Both leaks served to provide important information about the ill-considered covert actions done in our name. Thus far, the leaks have not been treated the same.

Hopefully, the inaction on Sterling's case and against Cartwright, if he is, indeed, Sanger's source, reflects reconsideration on the part of the Obama Administration of its counterproductive criminalization of whistleblowing. Hopefully, what we're seeing is a belated recognition that attacking journalism doesn't serve the country.

But for now, Jeffrey Sterling and James Risen remain under direct threat from DOJ for telling us just how problematic some of CIA's programs against Iran are.

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The Liberal Zionist Dilemma

Several decades ago, liberal Jews and African-Americans were at the forefront for the U.S. fight for civil rights, but the demands from Israel for Jews to support Zionism to the detriment of Palestinian rights created a rift that grows wider even today, as Lawrence Davidson explains.

By Lawrence Davidson

Liberalism, framed as a socio-political ideal, argues that human beings are good and social progress achievable. It is a "glass half-full" outlook.

Within this paradigm all individuals, not just members of a specific religion,

race or nationality, should have political and civil rights. Here also neither the state nor the law is an end in itself. They are instruments for the creation and maintaining of an environment meant to promote freedom while minimizing social inequalities. Holding this ideal does not preclude identifying with a particular ethnic or religious group. It does, however, preclude any claim of exclusive rights for such groups to the detriment of others.

Within the Western environment many Jews held to this liberal ideal. They saw it as in their interest to work toward an environment of universally applied political and civil rights while minimizing social inequality.

For instance, by the mid-Twentieth Century in the United States, many Jewish organizations were allied with African-Americans in their struggle for civil rights and equality. However, this proved to be a complex alliance and it ultimately broke down. Its demise marked a waning of organized American Jewish liberal activism. What had happened?

Part of the answer became apparent after the Arab-Israeli war of 1967. At that time many civil rights leaders in the U.S. noticed that Israel was not, after all, a very liberal society. It was designed exclusively for one group and discriminated against those who were not members of that group. When this became a subject of concern and debate within the civil rights community, many Jewish organizations broke with the movement and its struggle.

How about Jewish liberal individuals? They were now confronted with one of three choices: (1) retain a principled adherence to the liberal ideal and cease their uncritical support of the Zionist state, (2) renounce the liberal ideal and continue their whole-hearted support for illiberal Israel, or (3) become quiet in public while fretting in private about the evolving racist nature of Israel. It seems many of them took the third option.

An Old Dilemma

Given this history it is simply wrong to think of the present dilemma faced by Jewish liberals over Israeli behavior as something new. So-called liberal Zionists such as Peter Beinart, Amos Oz, Ari Shavit and Jonathan Freedland have certainly known for decades that the notion of civil and political rights for Jews and non-Jews equally was not an aim of the Zionist movement and therefore stood little chance of shaping the behavior of the Israeli state.

Yet here we are, following three massive invasions of Gaza and its inhumane blockade, repeated massacres of Palestinian civilians going back at least as far as Israel's "war of independence," decades of continuous land theft and illegal settlement, and more than 60 years of an Israeli-inspired police state

environment on the West Bank, confronting a suddenly newsworthy liberal Zionist dilemma.

One argument given to explain this belated display of liberal Zionist angst is that only recently have such individuals decided that the two-state solution is in real jeopardy. As this argument goes, as long as a two-state solution was possible, liberal Zionists could hope for the realization of both Jewish and Palestinian political and civil rights within their respective two states.

But this explanation is misleading. It is incorrect to think of the two-state solution as only recently at death's door. In truth, if this solution was ever alive and possible (which is questionable), it was killed off the moment Menachem Begin lied to President Jimmy Carter about the granting of progressive "autonomy" to the Palestinians. That was 1979. That otherwise quite knowledgeable Zionists as those mentioned above did not know this is hard to believe.

So why is this liberal dilemma an issue now? A more accurate answer might lie with changing public opinion. It has only been in the last ten years or so that the Zionist storyline on the Israeli-Palestine conflict has lost its monopoly. In that same time frame the boycott movement has also become a worldwide affair.

As Israel's illiberal character becomes more public, option 3 noted above becomes harder to maintain. As Jonathan Freedman tells us in his New York Review of Books article, "The Liberal Zionists," these folks are now attacked from all sides. The Zionist movement is, if you will, circling its wagons and no longer finds liberal complaints tolerable, even in private. It wants everyone out there saluting the Israeli flag.

The Israeli author and columnist Ari Shavit shows us where these extreme nationalist pressures will likely lead those still trying to square the circle of liberalism and Zionism. In his recent book, *My Promised Land*, he writes, "The choice is stark, either reject Zionism [the Zionist State of Israel] because of Lydda [an example of the massacre of civilians by Israeli forces], or accept Zionism [the Zionist state] along with Lydda. If need be, I will stand by the damned. Because I know that if it wasn't for them, the state of Israel would not have been born. They did the dirty, filthy work that enables my people, myself, my daughter and my sons to live." So much for the liberal ideal.

Facing Contradiction

In truth the term "liberal Zionist" has never made much sense. The only way to explain its survival is to consider the survival of the Zionist storyline itself – the story of Israel as a democracy upholding the Western model in the Middle

East.

As long as one believed that this was true, one could dismiss Israeli brutality as just occasional slippage from progressive political and civil principles supposedly underlying the state. Within this context, there could be liberal Zionists privately decrying occasional Israeli bad behavior.

But the Zionist storyline was not true. We never were dealing with just occasional slippage but rather with the inherent brutality of a state with policies and practices designed to bring about racist ends (a nation exclusively for one group) while conjuring up a remarkably durable cover story that it was, after all, a liberal democracy.

The Israeli Right, as well as the Palestinians, always knew the cover story was a sham. Now, with the recent Gaza slaughter, much of the rest of the world does too. That public unveiling, along with the Zionist demands for uncritical loyalty, leaves the liberals in a wholly untenable situation.

You simply cannot adhere to the principle of universal civil and political rights and, at the same time, support a Zionist state. To do so is to involve oneself in a contradiction. The liberals are being forced to face this fact.

And, as this happens, they will have to make a real choice: cease being Zionist or cease adhering to the liberal ideal. I suspect that, along with Ari Shavit, most of them will decide to “stand with the damned.”

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