

Ellsberg Discusses Decline of Democracy

Pentagon Papers whistleblower Daniel Ellsberg discussed the threat of National Security Agency surveillance and the decline of American democracy in a late-night interview that he gave after a lecture at George State University in Atlanta.

Do you worry about being surveilled?

Oh, I'm sure I'm surveilled in terms of credit card, cell phone, and email, as is everyone. They collect everything but it doesn't mean they collect it in real-time. They want to record it. I'm sure it includes content as well as meta-data. When they want to find out about somebody, they just dial it in like Google and they'll get someone's whole life. By the way, they can listen to you via your iPhone when it's turned off. And of course the location is traceable. In short, they are more interested in me.

Now that it's come out that I'm going to see Snowden, I imagine they'll be a lot more interested in me. I don't expect to take any computers or thumb drives or anything with me because they would probably confiscate it right away.

Sometimes the public is the problem. Democracy is not foolproof. It's just better than the alternatives. I mean the elected Republicans took Congress, how do you explain that? It sounds like the ethics commission did their job. Obama appointed people to investigate the NSA after Snowden. They came up with a lot of recommendations, and he almost entirely ignored it.

You can't force the person appointed to follow their recommendations, and you can't ensure they will make good recommendations. When they do find things out about the person or the administration that appointed them, they're less likely than before to have any of those recommendations followed. If the perpetrator is in charge of implementing these things, then it's not going to happen. It's hard to find the rationale for the people who elected these Republicans. Yes, the country doesn't like the economy. And to a great degree they blame Obama probably more than his due.

The president usually gets blamed on the economy, whether it's the weather or whatever it is. If things are bad, the incumbent will get the blame. To be mad at him and to elect people who oppose him seems like an understandable thing except when you realize when they are almost certain to make matters worse. When things are bad under the incumbent, it's irrational to elect people who are almost sure to make them worse. And yet people do that rather liberally. That shows that the theory of rationality, getting all the information they can and

acting reasonably, is not something that humans should be counted on to do.

For the people to elect Republicans because they don't like results under Obama is self-punishing in effect. It's ignorant. It's counterproductive and does not do them credit. I'm in a country that almost elected George W. Bush two times. That's quite a charge against any nation. Even if he did steal both elections, he came close to winning. He got almost half the country.

That's not easy to explain and it does us no credit as a country and frankly it means that the chance that we will dig ourselves out of this hole of war, bad economy, unemployment, and climate, and help the world take on those things, is very small. We can do what we can and we should do it despite knowing that the actual chance of success is not high. And when I talk about success, I'm talking about survival of the species – the survival of our civilization.

As Noam Chomsky said recently, we're in the twilight of civilization. It must be hyperbolic, but it isn't. There's a very high chance of climatic catastrophe, which ends urban civilization and large populations. It means a huge deal in the next century. By huge, I mean most humans. It could not be more serious. It could not be overstated. Yet this country and other countries are acting in total denial, as if those problems are entirely trivial. This species and this country and this civilization are in bad shape and we're not showing signs of a willingness to do anything to avert catastrophe. And yet the challenge is there.

Whistleblowers have mostly not had an impact on policy, but sometimes they have. Movements have generally not succeeded, but sometimes they have. The stakes, being what they are, are definitely worth someone's life, many lives, to try and change the process.

The interview was originally posted by Paul DeMerrit at <http://clatl.com/freshloaf/archives/2014/11/19/daniel-ellsberg-the-original-whistleblower-on-transparency-politics-and-civilizations-future>

Katharine Gun's Risky Truth-telling

Truth-telling can be a dangerous undertaking, especially when done by government insiders trying to expose wrongdoing connected to war-making, as British intelligence official Katharine Gun discovered in blowing the whistle on a pre-Iraq War ploy, writes Sam Hussein.

By Sam Hussein

"I felt it was explosive, it really made me angry when I read it. ... I genuinely hoped that the information would strengthen the people's voice. ... It could derail the entire process for war." So said Katharine Gun recently when asked about information she leaked shortly before the invasion of Iraq.

It wasn't self-serving hyperbole. Daniel Ellsberg, who himself leaked the Pentagon Papers, has called Katharine Gun's leak "the most important and courageous leak I have ever seen. No one else – including myself – has ever done what Gun did: tell secret truths at personal risk, before an imminent war, in time, possibly, to avert it."

And indeed, Ellsberg had asked for such a leak during this period. He had been saying during the run-up to the Iraq invasion: "Don't wait until the bombs start falling. ... If you know the public is being lied to and you have documents to prove it, go to Congress and go to the press. ... Do what I wish I had done before the bombs started falling [in Vietnam] ... I think there is some chance that the truth could avert war."

Ellsberg leaked the Pentagon Papers – internal documents which showed a pattern of U.S. government deception about the Vietnam War – in 1971, though he had the information earlier. And while the Pentagon Papers, the leaks by Chelsea Manning to WikiLeaks and Edward Snowden's National Security Agency leaks were all quite massive, the Katharine Gun leak was just 300 words. Its power came from its timeliness.

In October of 2002, the U.S. Congress passed the so-called Authorization for Use of Military Force Against Iraq Resolution of 2002. In November, the U.S. government had gotten the United Nations Security Council to pass a threatening resolution on Iraq, but in most people's view, it stopped short of actually authorizing force.

The U.S. ambassador to the U.N. at the time, John Negroponte, said when resolution 1441 was adopted unanimously: "There's no 'automaticity' and this is a two-stage process, and in that regard we have met the principal concerns that have been expressed for the resolution." That is, the U.S. would intend to come back for a second resolution if Iraq didn't abide by a "final opportunity to comply with its disarmament obligations."

On Feb. 5, 2003, Colin Powell claimed in his infamous presentation at the UN that Iraq was hiding weapons of mass destruction. Feb. 15, 2003 saw the greatest global protests in history, with millions around the world rallying against the impending Iraq invasion, including over a million near the UN headquarters in New York City.

It was around this time that Katharine Gun, who worked as a language specialist at the Government Communications Headquarters, the British equivalent of the NSA, got a memo from the NSA and then decided to – through intermediaries – leak it to the media. The brief email read in part:

“As you’ve likely heard by now, the Agency is mounting a surge particularly directed at the UN Security Council (UNSC) members (minus US and GBR of course) for insights as to how membership is reacting to the on-going debate RE: Iraq, plans to vote on any related resolutions, what related policies/ negotiating positions they may be considering, alliances/ dependencies, etc – the whole gamut of information that could give US policymakers an edge in obtaining results favorable to US goals or to head off surprises. ... to revive/ create efforts against UNSC members Angola, Cameroon, Chile, Bulgaria and Guinea, as well as extra focus on Pakistan UN matters.”

The memo outlined that U.S. and British assets should focus on getting information to pressure member of the UN Security Council to go vote for a war resolution – material for blackmail to put it bluntly. This internal government document could show people – especially those who tend to put stock in government pronouncements – that what President George W. Bush was claiming at the time: “We are doing everything we can to avoid war in Iraq” – was exactly backwards. The U.S. government in fact was doing virtually everything it possibly could to ensure war.

When the British reporters writing the story called the author of the memo, Frank Koza, a top official at the NSA, they were put through to his office. When they shared the nature of their phone call, they were told by an assistant they had “the wrong number.” The reporters noted: “On protesting that the assistant had just said this was Koza’s extension, the assistant repeated that it was an erroneous extension, and hung up.”

The story was ignored by the U.S. media, though we at the Institute for Public Accuracy put out a string of news releases about it. Gun has commented that Martin Bright, one of the reporters who broke the story for the British *Observer*, had been booked on several U.S. TV networks just after the story was published but they had all quickly cancelled. [See video of an interview with Gun and Larry Wilkerson, former chief of staff for Colin Powell, on German TV from last year.]

However, the story did cause headlines around the world – especially in the countries on the Security Council that the memo listed as targets of the surveillance. Through whatever combination of authentic anger or embarrassment at their subservience to the U.S. government being exposed, most of these governments apparently peeled away from the U.S., and no second UN resolution

was sought by the war planners.

Rather, George W. Bush started the Iraq war with unilateral demands that Saddam Hussein and his family leave Iraq (and then indicated that the invasion would commence in any case.)

In 2004, the *Observer* reported that “surveillance played a role in derailing a compromise UN resolution in the weeks before the Iraq war. Adolfo Aguilar Zinser, Mexico’s UN ambassador at the time, has charged that the U.S. spied on a private meeting of six swing countries on the Security Council aimed at a compromise. Zinser told the *Observer*: ‘The meeting was in the evening. They [U.S. diplomats] call us in the morning before the meeting of the Security Council and they say: “We appreciate you trying to find ideas, but this is not a good idea.”’”

Meanwhile, Katharine Gun had been found out as the leaker shortly after the memo was published – she has a talent for telling the truth, not so much for covering up apparently – and spent many months awaiting trial. England has no First Amendment that might have protected Gun. It does have a repressive Official Secrets Act, under which she was being prosecuted by the Blair government.

Marcia Mitchell, co-author of *The Spy Who Tried to Stop a War: Katharine Gun and the Secret Plot to Sanction the Iraq Invasion*, notes however that at the last minute, the Blair government, which was about to face elections “with her signed confession in hand, chose not to present evidence that the invasion of Iraq was, in fact, legal, a demand by the Defense.”

That is, the British government was afraid of what could come out about the legality of the Iraq war in a trial. And so Gun, who was newly married when she exposed the NSA/GCHQ’s activities, was able to avoid jail and continue as a language instructor. She has since been supportive of Edward Snowden and others who expose government wrongdoing.

At the UN

The subject of spying at the UN was again highlighted in 2010 from cables leaked to WikiLeaks by Chelsea (formerly Bradley) Manning. Reuters reported at the time: “According to one cable, the State Department asked U.S. envoys at U.N. headquarters and elsewhere to procure credit card and frequent flyer numbers, mobile phone numbers, email addresses, passwords and other confidential data from top U.N. officials and foreign diplomats.”

Of course, spying on UN missions by the U.S. is illegal, Vienna Convention on Diplomatic Relations says: “The receiving State shall permit and protect free communication on the part of the mission for all official purposes.... The

official correspondence of the mission shall be inviolable.”

Similarly, in 2013, the *Guardian* reported as G8 leaders meet in Northern Ireland: “Turkey, South Africa and Russia have reacted angrily to the British government demanding an explanation for the revelations that their politicians and senior officials were spied on and bugged during the 2009 G20 summit in London.” The governments were responding to the *Guardian* story: “GCHQ Intercepted Foreign Politicians’ Communications at G20 Summits,” based on Edward Snowden’s NSA leaks.

Lessons Learned

The Katharine Gun case give us many lessons. First off, it’s a great example to rebut anyone parroting the establishment line that the NSA’s activities are based on stopping terrorism, or that they are merely overzealous efforts at ensuring security, or perhaps typical diplomatic games. Here, the NSA and GCHQ were spying to try to facilitate an aggressive war – the highest war crime under the Nuremberg statutes.

Similarly, it highlights what great ideals some “whistleblowers” – the term doesn’t really do justice – are motivated by. And of course, such revealers are much more threatening to war-makers and others when they are acting in parallel with movements. Those movements may also help ward off the government attempting to imprison the whistleblower.

The “rebuttal” that everybody spies and therefore it’s no big deal when the U.S. or some other government is caught doing so similarly doesn’t hold up. Yes, virtually every government spies – but you’re not supposed to get caught. And if a government does get caught, it’s an indication that it’s own people – the very people who are paid to carry out the surveillance – don’t believe in it and are willing to put themselves at risk to expose the spying and the underlying wrongdoing.

Perhaps most importantly, the lesson is not that Katharine Gun’s leak was futile because the U.S. invaded Iraq – any more than the lesson is that the Feb. 15 global protests were in vain. Rather, more of both could have really changed things. If global protests had started in 2002, then the congressional authorization for war in late 2002 could have been prevented. If more people within the war-making governments had their consciences moved by such movements and had leaked more critical information, war could have been forestalled.

And, even if the Iraq invasion happened, if global protests had continued and global solidarity were better coordinated, when it became clear to all that the WMDs not in Iraq were a contrived pretext for aggression, a sustained revulsion

against the invasion could have led to the war-makers being held accountable, preventing much suffering in Iraq and elsewhere – and laying the basis for a world free of war.

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The Confusion Around Net Neutrality

President Obama reaffirmed his support for “Net neutrality,” but his appointed FCC chairman Tom Wheeler continues to flirt with ideas for giving major Internet providers more options to charge extra for higher-speed service, reports Michael Winship.

By Michael Winship

A week has passed since President Obama surprised everyone with a strong statement in support of Net neutrality, declaring that the Internet should be available to everyone, reclassified under Title II of the Telecommunications Act as a common carrier a public utility like telephone service or electricity without special privileges to companies willing to pay a premium for faster, more exclusive access.

In those seven days, opposition from the telecom and cable companies and their supporters in Congress has countered the initial, intense burst of enthusiasm from the media reform community. And the big question remains: when push comes to shove, where will Federal Communications Commission Chair Tom Wheeler an Obama loyalist but former lobbyist for the telecom and cable industries land?

Opinions vary, and conflicting accounts of a meeting with Wheeler deepen the uncertainty. In theory at least, the FCC’s decision-making process is independent from presidential or congressional pressure, and whatever choice Wheeler makes will need the support of the other two Democrats on the commission to make it stick. Most believe he’ll have that backing but the roller coaster ride continues.

Here’s a summary of the state of play.

Public opinion. Consistently, surveys indicate that Americans strongly favor Net neutrality when they know what it is. That includes those who consider themselves politically conservative, contrary to this [Alex Jones rant](#).

A poll from the University of Delaware's Center for Political Communication, released on the day of President Obama's announcement, finds that 81 percent of those surveyed oppose "allowing internet service providers [ISPs] to charge some websites or streaming video services extra for faster speeds," with only 17 percent in favor.

A poll by Vox Populi conducted in late October for the Internet Freedom Business Alliance concludes, "When confronted with some of the implications of ending net neutrality such as ISPs having the power to charge tolls, give different access speeds to a variety of providers and limit freedom to access content, conservatives were as concerned or more concerned than liberals. Conservatives also shared the concern of liberals that giving ISPs these powers could worsen the digital divide. This suggests that conservatives do indeed support the underlying principles of net neutrality."

The problem, as the University of Delaware poll reveals, is that "most Americans say they have heard little or nothing about the topic;" fully half of them answering "nothing at all." But interestingly, their survey "reveals that viewers of satirical shows such as John Oliver's Last Week Tonight and The Colbert Report are far more aware of the issue than consumers of traditional news sources."

Congress. We mentioned last week that although Congress does not have direct control of the FCC, it can make trouble through control of the commission's purse strings and its power to call for endless hearings about every decision the FCC makes. As if on cue, the Communications and Technology Subcommittee of the House Energy and Commerce Committee scheduled oversight hearings on Net neutrality for Wednesday, Dec. 10.

Michigan Republican Fred Upton, House and Energy chair, told Variety, "Ignoring the term 'independent agency,' the president this week wanted the world to know who was boss when it comes to net neutrality. As the FCC moves closer to a vote that could put the government in control of the Internet, it is imperative that Congress hears directly from all five commissioners and leading stakeholders."

But according to Dana Liebelson at The Huffington Post, Silicon Valley insiders say "Republicans' bombastic opposition to net neutrality is threatening [their] support, even as it wins the party political favor with the telecom and cable companies bankrolling their campaigns." She writes:

"Between January 2011 and June 2014, executives, employees, and political action committees affiliated with nine of the companies that oppose net neutrality, including Verizon, AT&T, and Cisco Systems (and excluding those companies' subsidiaries), gave \$762,000 to the National Republican Congressional Committee

and \$733,915 to the National Republican Senatorial Committee. The same groups gave less than \$500,000 each to the equivalent Democratic committees.

“Some of the Republicans who criticized net neutrality most vocally this week have also collected big donations from the telecom industry. House Speaker John Boehner (R-Ohio) received \$317,825 from these companies, while incoming Senate Majority Leader Mitch McConnell (R-Ky.) received \$159,925. The five members of Congress who received the biggest donations from this group are all Republicans.”

Liebelson also notes that Silicon Valley has “historically leaned towards Democrats. From January 2011 to June 2014, executives, employees, and political action committees affiliated with nine tech companies, including Google, Facebook, and Netflix, gave \$481,788 to the Democratic Senatorial Campaign Committee and \$366,043 to the Democratic Congressional Campaign Committee. The same group gave less than \$324,000 each to the two Republican counterparts. Of the five members of Congress who received the highest contributions from these companies, four are Democrats.”

Over at CNN’s “State of the Union” on Sunday, Minnesota Democratic Sen. Al Franken blasted Texas Republican Ted Cruz’s Twitter characterization of Net neutrality as “Obamacare for the Internet.” Franken said, “He has it completely wrong and he just doesn’t understand what this issue is.”

Asked by CNN’s Candy Crowley whether Net neutrality would stunt “innovation” among ISPs, Franken replied, “That’s baloney. They’ve been doing this all along. They’ve been doing this since the beginning of the Internet. This isn’t going to stop this. All this stop[s] them from doing is making a whole bunch of extra money. But this is not going to stop them from, from wiring the country.”

ISP reaction. Which makes the comments of John Chambers, CEO of Cisco Systems, all the more interesting. He told CNBC last week that reclassifying the Internet under Title II “would be a tremendous mistake for our country.”

Cisco manufactures networking equipment for the ISPs, most of which are in opposition to Net neutrality. “This will cost the country jobs and economic leadership,” Chambers declared, adding that, “Our broadband buildout over the last four to five years has been very good, probably one of the best in the world.”

But as Susan Crawford said on *Moyers & Company* last year, “It’s fair to say that the US at the best is in the middle of the pack when it comes to both the speed and cost of high speed internet access connections.”

Also at stake: the multibillion dollar merger of Comcast with Time Warner. Last week, there was speculation that Obama's stand on Net neutrality might be part of a tradeoff for government approval of the deal.

But Steven Davidoff Solomon wrote in *The New York Times* late last week, "President Obama's statements only add to the troubles for this deal. Potentially, the F.C.C. could require that the two companies agree to a form of net neutrality as part of the needed regulatory clearance."

This, Solomon suggested, leads to speculation as to "whether Comcast wants to complete the deal at all in light of the net neutrality issue. If not, can Comcast get out of the transaction if the F.C.C. approves the deal but then separately adopts a net neutrality rule in a way that would hurt cable and other broadband companies?" Watch this space.

As Jamie Surowiecki recently wrote in *The New Yorker*, "The brute fact is that most mergers don't work," and he quoted NYU finance professor Aswath Damodaran: "More value is destroyed by acquisitions than by any other single action taken by companies." Can you say Time Warner/AOL?

Meanwhile, the National Cable and Telecommunications Association, the lobby group of which current FCC Chair Wheeler is a past president and CEO, has a blog full of reasons why Title II reclassification is a *terrible* idea, including this chart, designed, presumably, to make your eyes cross at just how difficult the NCTA believes it would be.

So whither Wheeler? The \$64,000 question. Late the day after Obama's official statement, Brian Fung and Nancy Scola at *The Washington Post* wrote that in a meeting at the FCC, Wheeler "told a group of business executives that he was moving in a different direction a more nuanced solution. That approach would deliver some of what Obama wants but also would address the concerns of the companies that provide Internet access to millions of Americans, such as Comcast, Time Warner Cable and AT&T.

" 'What you want is what everyone wants: an open Internet that doesn't affect your business," a visibly frustrated Wheeler said at the meeting, according to four people who attended. "What I've got to figure out is how to split the baby.'

"The dissonance between Obama and Wheeler has the makings of a major policy fight affecting multibillion-dollar industries."

But on Wednesday, Dana Liebelson and Ryan Grim at *The Huffington Post* reported that on the contrary, "multiple sources in the meeting" had told them that Wheeler had said he "was taking the president's comments under advisement." One

said, on background, “Personally, my sense coming out of the meeting was it was more likely than not that he would wind up doing what the president asked.”

Two days later, Brian Fung at the Post was back, reporting that Obama’s statement “undermined weeks of work by the chairman to develop an alternative policy, which he has said in private meetings could preserve a free and open Web while also addressing concerns by the Internet providers. Wheeler, while publicly saying he has been open to all options including the full use of Title II, still appears to favor the hybrid plan that uses some of the FCC’s Title II authority only in some circumstances, according to the people who have met with him over the past few weeks.”

One of Brian Fung’s sources described a meeting in which Wheeler was “openly hostile to just about every other idea that was mentioned, to the point where he would bite people’s heads off after they opened their mouths.” Another said, simply, “The dude needs a vacation.”

What everyone agrees is that Wheeler wants to take it slow. The FCC has announced, “There will be no vote in the December meeting agenda. That would mean rules will now be finalized in 2015.”

And there is one guarantee: no matter the FCC’s decision, legal action will keep Net neutrality in play and in the news for a long time to come. We’ll keep you informed and on top of actions you can take to let the FCC and Chairman Wheeler know what you think.

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