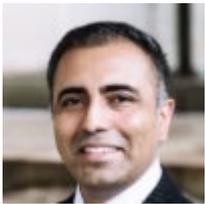


Iran Tensions Are Reason to Revoke '9/11 AUMF'

A House committee voted Tuesday to end the emergency war powers that Congress gave the presidency after 9/11. Inder Comar says it's urgent to complete that repeal process.

By **Inder Comar**

Special to Consortium News



To any defender of democracy and the rule of law, the threat at hand is plainly existential. A U.S. war with Iran would destroy countless lives and likely constitute an international crime. And it would herald a new phase of America's wars in which any pretense of peace is abandoned and a militarized economy, society and culture is the open and avowed goal of the state and its political system.

To prevent this, the 2001 Authorization for Use of Military Force, passed by Congress shortly after the terrorist attacks of Sept. 11, must be repealed or struck down, as soon as possible. On Tuesday, the House Appropriations Committee **voted for the repeal** in a move led by Rep. Barbara Lee, the only member of Congress to vote against the AUMF in 2001.

WATCH LIVE: It's been almost 18 years since Congress voted to approve a blank check for endless war – it's past time for us to hold a debate & vote
#StopEndlessWar! <https://t.co/40SpZn614Z>

– Rep. Barbara Lee (@RepBarbaraLee) [May 22, 2019](#)

War powers possess a heavy gravity: the more they are used,

the more they tend to aggrandize power from other places. Using the 2001 AUMF as the basis for an attack on Iran is likely, as it would further the aims of the war bureaucracy to take such powers entirely out of the hands of Congress. Under the executive, the war powers can be further centralized, refined, and made permanent – the framework of an imperial system of governance where a Caesar is chosen every four years; not to maintain global peace, but to perpetually advance a forever war.

On Sept. 18, 2001, President George W. Bush signed into law the AUMF, which is terse, consisting of 60 words:

“That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”

The authority to use force under the so-called 9/11 AUMF is unilateral and not subject to further review. Critically, the joint resolution by Congress provides the president with sole authority to use force as “he determines” – a sweeping grant of war-making that is unprecedented in constitutional law, without any demarcating boundary as to territory or time.

Constitution Subverted

The Constitution vests Congress with the authority to start

a war under Article I. And it grants the executive the ability to prosecute that war under Article II, subject to the limits sent by Congress. The framers plainly intended this division of power. (See [“The Federalist Papers No. 69,”](#) by Alexander Hamilton.)

The 9/11 AUMF switched these default operating conditions. Now, under a sprawling “counter-terrorism” aegis the executive has sole discretion to commence a new war. War, not peace, is the default. Then the burden shifts to Congress to stop a new military action, with a two-thirds, veto proof majority. The war powers were re-written and switched. And for 18 years, no one has cared.

Yemen provides a crystal clear example of this in action. As recently as December 2018, the executive has cited “counter-terrorism” as giving it authority for involvement in Yemen (in addition to citing generic Article II authority).

In order to restrain the executive, Congress found itself in the awkward position of having to pass a resolution (S.J. 7) to *forbid* the executive from participation in a war zone that was never authorized. On April 16, President Donald Trump [vetoed the resolution](#), and on May 2, Congress failed to override the veto with a two-thirds majority. Throughout the debate regarding Yemen, the entire political class seemed to blindly accept the absurdity that it was incumbent upon Congress to stop a military operation that had never been authorized with a two-thirds, veto-proof majority.

An attack on Iran premised on the 9/11 AUMF would be unconstitutional under domestic law, and an act of aggression under international law.

The 9/11 AUMF is unconstitutional because it violates the separation of powers. But even if it could be narrowly interpreted, there is no way that a military authorization designed to fight Al-Qaeda in Afghanistan, passed almost 18 years ago, provides any legitimate basis for an attack against Iran – a separate sovereign nation that has no connection to Al-Qaeda terrorists or the 9/11 attacks. Osama bin-Laden is long dead. How long will 9/11 be milked and exploited by corrupt leaders and enabling bureaucrats as an excuse for a forever war?

Crimes of Aggression

International law is also worth discussing. An attack on Iran without authorization from the United Nations Security Council, and not in self-defense, would constitute an act of aggression, in violation of the Nuremberg principles laid down in 1946 by the Nuremberg Tribunal. Iran poses no military threat to the United States, so self-defense is not a legal grounds for an attack. And the U.N. Security Council is unlikely to authorize U.S. military action against Iran.

Thus, as with the invasion of Iraq, a military attack against Iran could very well be a textbook case of the crime of aggression, the supreme crime under international law. Further aggression would cause regional and great powers to see America as dangerous – a rogue imperial power heavily armed with civilization-ending nuclear weapons. It would mark the end of the current international order and give birth to a volatile interregnum or even a new order of outright war between the major powers.

Wars lasting 30 or a hundred years were supposed to be

artifacts of the Middle Ages. Yet America's forever war has now lasted almost 20, and is already the longest war in American history. It is clear that elites enjoy the power they have been given to wage war as a default mechanism of international politics. This power must now end. The unconstitutionality of the 9/11 AUMF is glaringly obvious. Congress did not have the authority to hand over its war powers to the executive in 2001. Now, either Congress or the courts must recognize what has happened, and put a stop to a rabid Executive.

Americans must reject a war with Iran, end their forever war, and enact a foreign policy that is committed to international law and human rights. They should prosecute their leaders who have committed grave international offences, including for past torture and aggression in places like Iraq. The first step is to repeal or revoke the 9/11 AUMF.

Inder Comar is the executive director of Just Atonement Inc., a legal non-profit dedicated to defending democracy and building peace and sustainability. His public law expertise involves the crime of aggression, the legality of the Iraq War, and international human rights. He holds his JD from the New York University School of Law, and an MA and BAs from Stanford University. His Twitter handle is [@InderComar](#).

'Turnkey Tyranny' on the Streets of Washington

We are at the point Edward Snowden described as "turnkey tyranny." And on Wednesday night the key was turned a bit more

dramatically. Ray McGovern explains.

By Ray McGovern



Gerry Condon, President of Veterans For Peace, was bloodied and “taken to ground,” on Wednesday night for trying to get food to people inside the Venezuelan Embassy in Washington. The activists inside, some of whom have lived in the embassy for weeks with permission from the Venezuelan government, are protecting the premises from protestors who support the self-declared president Juan Guaido.

With the acquiescence of Washington police and the Secret Service, the protestors have been able to block food from entering the embassy. On Wednesday night electricity was cut to the building.

One activist tossing a loaf of bread to a window was arrested earlier this week for using a “missile.” Now Condon has been manhandled and nabbed for throwing a cucumber.

We are at the point Edward Snowden described as “turnkey tyranny.” On Wednesday night the key was turned a bit more dramatically. Until now it has been an almost imperceptibly gradual process, like the proverbial frog in boiling water.

Photo and video of Condon’s arrest (story continues below):

My friend and colleague [@RealAlexRubi](#) captured much clearer video of the moment US [@SecretService](#) savagely arrested Vets for Peace President Gerry Condon: <https://t.co/ODIDmVVRxK>

– Anya Parampil ([@anyaparampil](#)) [May 8, 2019](#)

Of course, this has happened before. I [quoted](#) these words in this [article](#) I wrote for ***Consortium News*** on December 27, 2007:

“**T**here are few things as odd as the calm, superior indifference with which I and those like me watched the beginnings of the Nazi

revolution in Germany, as if from a box at the theater. ... Perhaps the only comparably odd thing is the way that now, years later..."

The words are those of Sebastian Haffner (pen name for Raimund Pretzel), who as a young lawyer in Berlin during the 1930s experienced the Nazi takeover, and wrote a first-hand account. His children found the manuscript when he died in 1999 and published it the following year as "Geschichte eines Deutschen" (The Story of a German).

The book became an immediate bestseller and has been translated into 20 languages—in English as "Defying Hitler."

I recently learned from his daughter Sarah, an artist in Berlin, that today is the 100th anniversary of Haffner's birth. She had seen an earlier article in which I quoted her father and e-mailed to ask me to "write some more about the book and the comparison to Bush's America. ... This is almost unbelievable."

More about Haffner below. Let's set the stage first by recapping some of what has been going on here in the U.S. that may have resonance for readers familiar with the Nazi ascendancy, noting how "odd" it is that the frontal attack on our Constitutional rights is met with such "calm, superior indifference."

After suppressing for two and a half years the explosive story of the Bush/Cheney surveillance of Americans in gross violation of the Fourth Amendment, top *New York Times* officials decided to let the rest of us in on the fact that the George W. Bush administration had been eavesdropping on American citizens without the court warrants required by the Foreign Intelligence Surveillance Act (FISA) of 1978. Not to mention the U.S. Constitution.

The *Times* had learned of this well before the election in 2004 and acquiesced to White House entreaties to suppress the damaging information.

In late fall 2005 when *Times* correspondent James Risen's book,

“State of War: the Secret History of the CIA and the Bush Administration,” revealing the warrantless eavesdropping was being printed, *Times* publisher, Arthur Sulzberger, Jr., recognized that he could procrastinate no longer.

It would simply be too embarrassing to have Risen’s book on the street, with Sulzberger and his associates pretending that this explosive eavesdropping story did not fit Adolph Ochs’s trademark criterion: All The News That’s Fit To Print.

(The *Times*’ own ombudsman, Public Editor Byron Calame, branded the newspaper’s explanation for the long delay in publishing this story “woefully inadequate.”)

When Sulzberger told his friends in the White House that he could no longer hold off on publishing in the newspaper, he was summoned to the Oval Office for a counseling session with the president on Dec. 5, 2005. Bush tried in vain to talk him out of putting the story in the *Times*.

The truth would out; part of it, at least.

Unnamed Program

What followed struck me as bizarre. The day after the Dec. 16 *Times* feature article exposing the Fourth-Amendment-trashing program, the president of the United States publicly admitted to a demonstrably impeachable offense.

Authorizing illegal electronic surveillance was a key provision of the second article of impeachment against President Richard Nixon. On July 27, 1974, this and two other articles of impeachment were approved by bipartisan votes in the House Judiciary Committee.

Bush took a frontal approach, Far from expressing regret, he bragged about having authorized the surveillance “more than 30 times since the September the 11th attacks,” and said he would continue to do so. The president also said:

“Leaders in Congress have been briefed more than a dozen times on this authorization and the activities conducted under it.”

On Dec. 19, 2005, then-Attorney General Alberto Gonzales and then-NSA Director Michael Hayden held a press conference to answer questions about the as yet unnamed surveillance program.

Gonzales was asked why the White House decided to flout FISA rather than attempt to amend it, choosing instead a “backdoor approach.” He answered:

“We have had discussions with Congress...as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.”

It Had to Do With Us

It was not difficult to infer that the surveillance program must have been of such scope and intrusiveness that, even amid highly stoked fear, it didn't have a prayer for passage.

It turns out we didn't know the half of it.

Bear in mind that when this illegal surveillance program began, it had nothing to do with terrorism, an issue that did not really appear on the new administration's radar screen until a week before 9/11. ... So this until-recently-unknown pre-9/11 facet of the “Terrorist Surveillance Program” was not related to Osama bin Laden or to whomever he and his associates might be speaking. It had to do with us.

We know that the Democrats briefed on the “Terrorist Surveillance Program” include House Speaker Nancy Pelosi, D-CA, (the one with the longest tenure on the House Intelligence Committee), Rep. Jane Harman, D-California, and former and current chairmen of the Senate Intelligence Committee, Bob Graham, D-FL, and Jay Rockefeller, D-WV, respectively.

May one interpret their lack of public comment on the news that the snooping began well before 9/11 as a sign they were co-opted and then sworn to secrecy?

It is an important question. Were the appropriate leaders in Congress informed that within days of George W. Bush's first inauguration the NSA electronic vacuum cleaner began to suck up information on you and me, despite the FISA law and the Fourth Amendment?

Are they all complicit? And are Democratic leaders about to cave in and grant retroactive immunity to those telecommunications corporations—AT&T and Verizon—which made millions by winking at the law and the Constitution?

(Qwest, to its credit, heeded the advice of its general counsel who said that what NSA wanted done was clearly illegal.)

What's going on here? [December 2007] Have congressional leaders no sense for what is at stake?

Lately the adjective "spineless" has come into vogue in describing congressional Democrats—no offense to invertebrates.

Nazis and Their Enablers

You don't have to be a Nazi. You can just be, well, a sheep.

In his journal, Sebastian Haffner decries what he calls the "sheepish submissiveness" with which the German people reacted to a 9/11-like event, the burning of the German Parliament (Reichstag) on Feb. 27, 1933.

Haffner finds it quite telling that none of his acquaintances "saw anything out of the ordinary in the fact that, from then on, one's telephone would be tapped, one's letters opened, and one's desk might be broken into."

But it is for the cowardly politicians that Haffner reserves his

most vehement condemnation. Do you see any contemporary parallels here?

In the elections of March 4, 1933, shortly after the Reichstag fire, the Nazi party garnered only 44 percent of the vote. Only the “cowardly treachery” of the Social Democrats and other parties to whom 56 percent of the German people had entrusted their votes made it possible for the Nazis to seize full power. Haffner adds:

“It is in the final analysis only that betrayal that explains the almost inexplicable fact that a great nation, which cannot have consisted entirely of cowards, fell into ignominy without a fight.”

The Social Democratic leaders betrayed their followers—“for the most part decent, unimportant individuals.” In May, the party leaders sang the Nazi anthem; in June the Social Democratic party was dissolved.



The middle-class Catholic party Zentrum folded in less than a month, and in the end supplied the votes necessary for the two-thirds majority that "legalized" Hitler's dictatorship.

As for the right-wing conservatives and German nationalists: "Oh God," writes Haffner, "what an infinitely dishonorable and cowardly spectacle their leaders made in 1933 and continued to make afterward. ... They went along with everything: the terror, the persecution of Jews. ... They were not even bothered when their own party was banned and their own members arrested."

In sum: "There was not a single example of energetic defense, of courage or principle. There was only panic, flight, and desertion. In March 1933, millions were ready to fight the Nazis. Overnight they found themselves without leaders. ... At the moment of truth, when other nations rise spontaneously to the occasion, the Germans collectively and limply collapsed. They yielded and capitulated, and suffered a nervous breakdown. ... The result is today the nightmare of the rest of the world."

This is what can happen when virtually all are intimidated.

Our Founding Fathers were not oblivious to this; thus, James Madison wrote:

“I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations. ... The means of defense against foreign danger historically have become the instruments of tyranny at home.”

We cannot say we weren't warned.

Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner city Washington. He was a CIA analyst for 27 years and presidential briefer and is co-founder of Veteran Intelligence Professionals for Sanity.

Stefania Maurizi on How Julian Assange Changed Journalism

The Italian journalist and longtime media partner of *WikiLeaks* speaks with Dennis J. Bernstein and Randy Credico about the implications of Assange's struggle against U.S. extradition.

By [Dennis J Bernstein](#) and [Randy Credico](#)

[KPFA Flashpoints](#)



.....
Julian Assange was back in court twice last week, and will return to a high British court next

month for the major legal battle of his life. It will determine whether the U.S. is allowed to extradite the *WikiLeaks* publisher to the U.S. for prosecution.

In the first of a series of extradition hearings on May 2, [Assange appeared](#) in court via video screen. He seemed composed and focused and ready to fight. He told the British High Court: "I do not wish to surrender for extradition. I'm a journalist winning many, many awards and protecting many people." The next procedural hearing is scheduled for May 30 and another substantive hearing for early June.

Stefania Maurizi is an investigative journalist for the Italian daily *la Repubblica* and the author of two books; "Dossier WikiLeaks: Segreti Italiani" and "Una Bomba, Dieci Storie." She has for years worked closely with Assange on some of the most significant *WikiLeaks* releases including ["Collateral Murder."](#) Maurizi also worked closely with Glenn Greenwald on the files about Italy of Edward Snowden, who blew the whistle on National Security Agency surveillance.

On May 2, right after Assange's high court appearance, [Maurizi told us](#) that she fears for the health and welfare of Assange. She said she also fears for what it might mean to other journalists and whistleblowers if Assange is convicted in a U.S. court for his crucial work with whistleblowers, which has been used widely by news organizations.

Dennis Bernstein: Stefania Maurizi, I'd like you to start by giving us your gut reaction to what we have seen so far in terms of the treatment of Julian in recent days.

Stefania Maurizi: For me it has been really shocking to witness how Julian Assange has declined in the last nine years. I have been able to see changes in Julian's health and psychology. It was so

sad, and no one could do anything. I could report on it and expose it but the other media and public opinion did absolutely nothing to make the government understand how terrible his treatment was. And all this is happening not in Russia, not in North Korea, this is happening in London, in the heart of Europe. I now realize how little we can do in our democracy. If you look at what has happened to high-profile whistleblowers like Chelsea Manning and Edward Snowden, and an important publisher like Assange, who had the courage to publish these important revelations, what did your democracy do to save them, to treat them in a human way? Chelsea Manning was put in prison for seven years, where she tried to commit suicide twice. Now she is back in prison. Edward Snowden was forced to leave the U.S. Julian Assange has spent nine years in detainment and no one did anything. We were reporting, we were denouncing, we were exposing how seriously his health was declining. Nothing happened.

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Dennis Bernstein: You've worked very closely with Julian Assange in Italy. You were in a sense a co-publisher in getting out crucial documentation. Could you talk about why you consider Assange not only a publisher, but one of the most important publishers of our time?

Stefania Maurizi: I started working with *WikiLeaks* in 2009 when very few people knew about them. They hadn't yet published important documents like "Collateral Murder" or the "War Logs." I immediately saw that they were going to start a revolution. And that is what has happened: They have changed journalism. Their model of journalism spread and we see now leaks everywhere. We see this model of collaborative media partnership used by many media, like the Panama Papers Consortium. In addition, you have to realize the importance of what they have revealed. They have revealed the

true face of the wars in Afghanistan and Iraq. They have revealed the inner working of U.S. diplomacy, for example, how they put pressure on Italian prosecutors who were trying to convict 23 Americans, almost all CIA agents, responsible for the extraordinary renditions here in Italy. Or they published revelations of how the U.S. forced the Italian government to purchase a Lockheed jet fighter. This information is now available to everyone. You can see how *The Washington Post* used emails to investigate the [Jamal] Khashoggi murder and they were able to do so because they had the courage to publish these files. Even in the case of the Panama Papers, only the journalists inside the partnership can access the original files. *WikiLeaks* made these files fully accessible to everyone, so that every journalist, ever activist, every scholar, every citizen can be empowered by this information free of charge. That is the revolution.

Dennis Bernstein: Chelsea Manning is now in jail, refusing to cooperate with the grand jury. This is someone who spent so much time in solitary confinement. One of the key collaborations had to do with the activities of the U.S. government in Central America, destabilizing, undermining governments. Now they say they never get involved. If you look at the documentation in the context of the current attempt by [U.S. Special Representative for Venezuela] Elliot Abrams to destabilize Venezuela, here comes *WikiLeaks* again.

Stefania Maurizi: Absolutely. Whenever we have a scandal, we can go to the *WikiLeaks* website and search for any pertinent information. The information they publish continues to inform the public. They are now paying a huge price. I myself feel guilty because I was able throughout the past 10 years to work on all these documents, to verify them and publish them without any risk. Julian and *WikiLeaks* are paying a huge price and all the editors

are silent. People accuse me of acting as an activist. I am not acting as an activist, I am speaking out because I feel uncomfortable when I see how professional journalists have all sorts of protection and are not facing imprisonment or extradition.

Randy Credico: The last time I saw you was in December of 2017. I had seen Julian three months earlier and his health had declined noticeably in those few months. Now that he is in jail, is he able to see doctors? What is his physical health like at this point?

Stefania Maurizi: I am not sure whether he is able to see visitors. It is a very strict regime, there are very strict rules for suspected terrorists. He spends most of his time completely alone. This comes after spending the last seven years at the embassy almost entirely alone, apart from occasional visits. So you can imagine how his forced isolation is affecting his health.

Randy Credico: I look at the sentence that judge Deborah Taylor handed down: a year in jail for allegedly skipping bail. Can you go into the bogus charges that were never filed against Julian, and how they were perpetuated with the assistance of the Crown Prosecution Service?

Stefania Maurizio: Three years had passed since the Swedish case was closed. No journalistic organization had ever tried to access these documents. Thousands of journalists had covered the case but no one had the facts clear. At that point I realized that it was important from a journalistic point of view to try to access the documentation. These documents allow us to establish important facts, such as that it was the U.K. that advised the Swedish prosecutors against questioning Assange in London. The whole case began with this refusal by the Swedish prosecutor. Now we know that behind this decision there was the Crown Prosecution Service. Let's not forget that this agency is the very same agency which is in charge of deciding whether to extradite Julian Assange to the

U.S. now. The Crown Prosecution Service entered the case at the very beginning and they advised the Swedish prosecutor against questioning Assange in London. Julian Assange never refused to be questioned, he refused to be extradited because he was convinced that the extradition to Sweden could pave the way for his extradition to the U.S.

Now we see that he was right.

And it was the Crown Prosecution Service which advised the Swedish prosecutor against dropping the case in 2013. At that time the Swedish prosecutor considered to drop the case but the Crown Prosecution Service was against this possibility.

Finally, it was the Crown Prosecution Service who destroyed crucial emails about the case, even though the case is still ongoing. I am still fighting in the U.K. tribunal because I want to access these documents and fill in the gaps. Now the Swedish prosecutor is evaluating whether to open this case once again. The statute of limitations is in August 2020. There is a massive campaign about Julian being a rapist. After one or two years of this campaign, who will care about Julian Assange being extradited to the U.S.? That is a possible scenario.

Dennis Bernstein: Again, Julian had his first hearing today [May 2, 2019] regarding extradition to the United States. He looked okay but he is definitely in danger. Stefania, what responsibility do we have as journalists to stand up? According to Daniel Ellsberg, if they go after Julian and Chelsea the way they want to in the United States, it is the end of journalism.

Stefania Maurizi: Absolutely. This case is about whether the press is allowed to publish documents like the video "Collateral Murder," which records war crimes and whether the press is allowed to publish documents about the NSA spying on world leaders, whether

the press is allowed to publish documents on Guantanamo Bay. We saw what happened after 9/11: habeas corpus came to an end with Guantanamo, the Fourth Amendment [of the U.S. Constitution] was trampled by the NSA. Now they want to destroy the First Amendment and they will do it using Julian Assange. They will not go after *The New York Times* or *The Washington Post*.

Dennis Bernstein: Wouldn't you say that part of the genius of *WikiLeaks* was the ability to guarantee anonymity? The reason why Assange has been successful and all these major journalistic organizations were willing to work with him is because of this process he created to guarantee anonymity.



Stefania Maurizi: Julian Assange understands technology and he understands the nature of power. Most geeks know very little about power, about empire. Thanks to his knowledge in the technology field, we have this platform. But let's not forget that *WikiLeaks* is in trouble now not because they have this platform, but because they have the courage to publish. It is not enough to get the documents. Most newsrooms hide such documents. One of the journalists at *The Washington Post* had the video "Collateral Murder" and he didn't publish it. *WikiLeaks* did. It is not enough to have the platform: you have to have the integrity and the courage to publish. *The New York Times* didn't publish the important story that the NSA was intercepting the communications of U.S. citizens for more than a year. For years *The New York Times* didn't want to use the word "torture," preferring instead "enhanced interrogation." The reason the U.S. authorities are hostile toward *WikiLeaks* and Julian Assange is because they publish what the U.S. media and many other

media don't want to publish.

Dennis Bernstein: Would you like to do a shout-out from one courageous woman there in Italy to a woman who became a woman in solitary confinement and was arrested again on International Women's Day?

Stefania Maurizi: I feel a huge debt of gratitude because I have worked on Chelsea Manning's documents for years. I supported her defense fund, I wrote to her in prison. I have tried to explain to my readers why she is tremendously courageous. I really would like to see her go free because I cannot accept that one of the most important journalistic sources of all time is again in prison.

Dennis Bernstein: Both Randy and I are extremely grateful for your work, Stefania Maurizi, investigative journalist for *la Repubblica* and author of "[Dossier WikiLeaks](#)," which describes the power of a courageous publisher like Julian Assange, who has worked with extraordinary sources to get information out which we would otherwise never have heard.

[Listen](#) to the interview on KPFA.

Dennis J. Bernstein is a host of "Flashpoints" on the Pacifica radio network and the author of "[Special Ed: Voices from a Hidden Classroom](#)." You can access the audio archives at [Flashpoint](#). You can get in touch with the author at dbernstein@igc.org.

Randy Credico is an American perennial political candidate, comedian, radio host, activist and the former director of the William Moses Kunstler Fund for Racial Justice.

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Consortium News' Record on Russiagate—How CN Covered the 'Scandal': No. 7: 'Russiagate Is No Watergate or Iran-Contra'

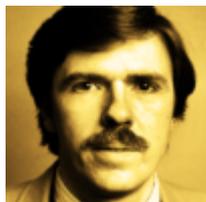
Many comparisons have been made between Russiagate and the earlier scandals of Watergate and Iran-Contra, but the similarities are at best superficial, explained Robert Parry on June 28, 2017.

On CNN last week Carl Bernstein astonishingly said that the Mueller report uncovered a scandal bigger than Watergate. No one died in either Watergate or Russiagate. But they did in Iran-Contra, when the Reagan White House skirted Congress' decision to cut off funding for the Contras, which led to many more deaths in Nicaragua. It was a scandal uncovered by CN's founder Bob Parry for the Associated Press. Parry, who was ahead of the pack in debunking Russiagate, filed this report for CN on June 28, 2017.

Russiagate Is No Watergate or Iran-Contra

By Robert Parry

Special to Consortium News



Russia-gate, the sprawling investigation into whether Russia meddled in last year's U.S. election, is often compared to the two big political scandals of the latter half of the Twentieth Century, Watergate and Iran-Contra. Sometimes you even hear that Russia-gate is "bigger than Watergate."

Yet what is perhaps most remarkable about those two Twentieth Century scandals is how little Official Washington really understands them – and how these earlier scandals significantly contrast, rather than compare, with what is unfolding now.

Although the historical record is still incomplete on Watergate and Iran-Contra, the available evidence indicates that both scandals originated in schemes by Republicans to draw foreign leaders into plots to undermine sitting Democratic presidents and thus pave the way for the elections of Richard Nixon in 1968 and Ronald Reagan in 1980.

As for Russia-gate, even if you accept that the Russian government hacked into Democratic emails and publicized them via WikiLeaks, there is still no evidence that Donald Trump or his campaign colluded with the Kremlin to do so. By contrast, in the origins of Watergate and Iran-Contra, it appears the Nixon and Reagan campaigns, respectively, were the instigators of schemes to enlist foreign governments in blocking a Vietnam peace deal in 1968 and negotiations to free 52 American hostages in Iran in 1980.

Though Watergate is associated directly with the 1972 campaign – when Nixon's team of burglars was caught inside

the Democratic National Committee offices in the Watergate building – Nixon's formation of that team, known as the Plumbers, was driven by his fear that he could be exposed for sabotaging President Lyndon Johnson's Vietnam peace talks in 1968 in order to secure the White House that year.

After Nixon's narrow victory over Vice President Hubert Humphrey in the 1968 election, FBI Director J. Edgar Hoover informed Nixon that Johnson had a secret file, complete with wiretapped phone calls, detailing the Nixon campaign's backchannel messages to South Vietnamese officials convincing them to boycott Johnson's Paris peace talks. Later, Nixon learned that this incriminating file had disappeared from the White House.

So, in 1971, after the leaking of the Pentagon Papers, which recounted the lies that had been used to justify the Vietnam War through 1967, Nixon fretted that the missing file about his peace-talk gambit in 1968 might surface, too, and would destroy him politically. Thus, he organized the Plumbers to find the file, even contemplating fire-bombing the Brookings Institution to enable a search of its safe where some aides thought the missing file might be found.

In other words, Watergate wasn't simply a break-in at the Democratic National Committee on June 17, 1972, in pursuit of useful political intelligence and Nixon's ensuing cover-up; the scandal had its origins in a far worse scandal, the derailing of peace talks that could have ended the Vietnam War years earlier and saved the lives of tens of thousands of U.S. soldiers and possibly more than 1 million Vietnamese.

Iran-Contra Parallels

Similarly, the Iran-Contra scandal exploded in 1986 with revelations that President Reagan had authorized secret arms sales to Iran with some of the profits going to fund the Nicaraguan Contra rebels, but the evidence now indicates that the connections between Reagan's team and Iran's revolutionary regime traced back to 1980 when emissaries from Reagan's campaign worked to stymie President Jimmy Carter's negotiations to free 52 American hostages then held in Iran.

According to multiple witnesses, including former Assistant Secretary of State for Middle Eastern Affairs Nicholas Veliotis, the pre-election contacts led to the opening of a weapons pipeline to Iran (via Israel), after Reagan was sworn in on Jan. 20, 1981, which was the precise moment when Iran finally released the American hostages after 444 days.

Some key players in the 1980 Reagan-Iran contacts reappeared four years later at the start of direct (again secret) U.S. arms shipments to Iran in 1985, which also involved Israeli middlemen. These key players included Iranian CIA operative Cyrus Hashemi, former CIA clandestine services chief Theodore Shackley, Reagan's campaign chief and then-CIA Director William Casey, and former CIA Director and then-Vice President George H.W. Bush.

In other words, the Iran-Contra weapons shipments of 1985-86 appear to have been an outgrowth of the earlier shipments dating back to 1980 and continuing under Israeli auspices until the supply line was taken over more directly by the Reagan administration in 1985-86.

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Thus, both the Watergate scandal in 1972 and the Iran-Contra Affair in 1986 could be viewed as “sequels” to the earlier machinations driven by Republican hunger to seize the enormous powers of the U.S. presidency. However, for decades, Official Washington has been hostile to these underlying explanations of how Watergate and Iran-Contra began.

For instance, The New York Times, the so-called “newspaper of record,” treated the accumulation of evidence regarding Nixon’s 1968 peace-talk gambit as nothing more than a “rumor” until earlier this year when a scholar, John A. Farrell, uncovered cryptic notes taken by Nixon’s aide H.R. Haldeman, which added another piece to the mosaic and left the Times little choice but to pronounce the historical reality finally real.

Grasping the Watergate Narrative

Still, the Times and other major news outlets have failed to factor this belated admission into the larger Watergate narrative. If you understand that Nixon did sabotage President Johnson’s Vietnam War peace talks and that Nixon was aware that Johnson’s file on what LBJ called Nixon’s “treason” had disappeared from the White House, the early “Watergate tapes” from 1971 suddenly make sense.

Nixon ordered White House chief of staff H.R. “Bob” Haldeman and National Security Adviser Henry Kissinger to locate the missing file but their search came up empty. Yet, some

Nixon aides thought the file might be hidden at the Brookings Institution, a liberal think tank in Washington. So, in his desperate pursuit of the file, Nixon called for a break-in at Brookings, possibly even fire-bombing the building as a cover for his team of burglars to slip in amid the confusion and rifle the safe.

The old explanation that Nixon simply wanted to find some file related to Johnson's 1968 pre-election Vietnam bombing halt never made sense given the extreme steps that Nixon was prepared to take.

The relevant portions of Nixon's White House tapes include an entry on June 17, 1971, coincidentally one year to the day before the Watergate burglars were caught. Nixon summoned Haldeman and Kissinger to the Oval Office and pleaded with them again to locate the file.

"Do we have it?" Nixon asked Haldeman. "I've asked for it. You said you didn't have it."

Haldeman: "We can't find it."

Kissinger: "We have nothing here, Mr. President."

Nixon: "Well, damn-it, I asked for that because I need it."

Kissinger: "But Bob and I have been trying to put the damn thing together."

Haldeman: "We have a basic history in constructing our own, but there is a file on it."

Nixon: "Where?"

Haldeman: "[Presidential aide Tom Charles] Huston swears to

God that there's a file on it and it's at Brookings."

Nixon: "Bob? Bob? Now do you remember Huston's plan [for White House-sponsored break-ins as part of domestic counter-intelligence operations]? Implement it."

Kissinger: "Now Brookings has no right to have classified documents."

Nixon: "I want it implemented. Goddamn-it, get in and get those files. Blow the safe and get it."

Haldeman: "They may very well have cleaned them by now, but this thing, you need to "

Kissinger: "I wouldn't be surprised if Brookings had the files."

Haldeman: "My point is Johnson knows that those files are around. He doesn't know for sure that we don't have them around."

But Johnson did know that the file was no longer at the White House because he had ordered his national security adviser, Walt Rostow, to remove it in the final days of Johnson's presidency.

Forming the Burglars

On June 30, 1971, Nixon again berated Haldeman about the need to break into Brookings and "take it [the file] out." Nixon suggested using former CIA officer E. Howard Hunt to conduct the Brookings break-in.

"You talk to Hunt," Nixon told Haldeman. "I want the break-in. Hell, they do that. You're to break into the place,

rifle the files, and bring them in. Just go in and take it. Go in around 8:00 or 9:00 o'clock."

Haldeman: "Make an inspection of the safe."

Nixon: "That's right. You go in to inspect the safe. I mean, *clean it up.*"

For reasons that remain unclear, it appears that the Brookings break-in never took place (nor did the fire-bombing), but Nixon's desperation to locate Johnson's peace-talk file was an important link in the chain of events that led to the creation of Nixon's burglary unit under Hunt's supervision. Hunt later oversaw the two Watergate break-ins in May and June of 1972.

While it's possible that Nixon was still searching for the file about his Vietnam-peace sabotage when the ill-fated Watergate break-ins occurred a year later, it's generally believed that the burglary was more broadly focused, seeking any information that might have an impact on Nixon's re-election, either defensively or offensively.

However, if you think back on 1971 when the Vietnam War was tearing the country apart and massive antiwar demonstrations were descending on Washington, Nixon's desperation to locate the missing file suddenly doesn't seem quite so crazy. There would have been hell to pay if the public learned that Nixon had kept the war going to gain a political advantage in 1968.

Through 1972 – and the early days of the Watergate scandal – former President Johnson had stayed silent about Nixon's sabotage of the Paris peace talks. But the ex-President

became livid when – after Nixon’s reelection in 1972 – Nixon’s men sought to pressure Johnson into helping them shut down the Watergate investigation, in part, by noting that Johnson, too, had deployed wiretaps against Nixon’s 1968 campaign to obtain evidence about the peace-talk sabotage.

While it’s not clear whether Johnson would have finally spoken out, that threat to Nixon ended two days after Nixon’s second inaugural when on Jan. 22, 1973, Johnson died of a heart attack. However, unbeknownst to Nixon, Johnson had left the missing file, called “The X-Envelope,” in the care of Rostow, who – after Johnson’s death – gave the file to the LBJ presidential library in Austin, Texas, with instructions that it be kept under wraps for at least 50 years. (Rostow’s instructions were overturned in the 1990s, and I found the now largely declassified file at the library in 2012.)

So, with the “The X-Envelope” squirreled away for more than two decades at the LBJ library and with the big newspapers treating the early sketchy reports of Nixon’s peace-talk sabotage as only “rumors,” Watergate remained a scandal limited to the 1972 campaign.

Still, Nixon’s cover-up of his campaign’s role in the Watergate break-in produced enough clear-cut evidence of obstruction of justice and other offenses that Nixon was forced to resign on Aug. 9, 1974.

A Failed Investigation

The 1979-81 hostage confrontation with Iran was not nearly as devastating a crisis as the Vietnam War but America’s

humiliation during the 444-day-long ordeal became a focus of the 1980 election, too, with the first anniversary of Iran's seizure of the U.S. Embassy in Tehran coincidentally falling on Election Day 1980.

President Carter's failure to gain freedom for the 52 embassy personnel turned what had been a close race into a landslide for Ronald Reagan, with Republicans also gaining control of the U.S. Senate and ousting some of the most influential Democratic senators.

In 1984, Reagan won reelection in another landslide, but two years later ran afoul of the Iran-Contra scandal. Reagan's secret arms sales to Iran and diversion of profits to the Contras "broke" in November 1986 but focused only on Reagan's 1985-1986 arms sales and the diversion. Still, the scandal's crimes included violations of the Arms Export Control Act and the so-called Boland Act's prohibitions on arming the Contras as well as perjury and obstruction of justice. So there was the prospect of Reagan's impeachment.

But – from the start of Iran-Contra – there was a strong pushback from Republicans who didn't want to see another GOP president driven from office. There was also resistance to the scandal from many mainstream media executives who personally liked Reagan and feared a public backlash if the press played an aggressive role similar to Watergate.

And, moderate Democrats, such as Rep. Lee Hamilton of Indiana who co-chaired the congressional investigation, sought to tamp down the Iran-Contra fires and set up firebreaks to prevent the investigation from spreading to related crimes such as the Reagan administration's

protection of Contra cocaine traffickers.

“Ask about the cocaine,” pleaded one protester who was dragged from the Iran-Contra hearing room, as the congressional investigators averted their eyes from such unseemly matters, focusing instead on stilted lectures about the Congress’s constitutional prerogatives.

It was not until 1990-91 that it became clear that secret U.S.-approved arms shipments to Iran did not start in 1985 as the Iran-Contra narrative claimed but traced back to 1981 with Reagan’s approval of arms sales to Iran through Israel.

Reagan’s politically risky move of secretly arming Iran immediately after his inauguration and the hostage release was nearly exposed when one of the Israeli flights strayed into Soviet airspace on July 18, 1981, and crashed or was shot down.

In a PBS interview nearly a decade later, Nicholas Veliotos, Reagan’s assistant secretary of state for the Middle East, said he looked into the incident by talking to top administration officials.

“It was clear to me after my conversations with people on high that indeed we had agreed that the Israelis could transship to Iran some American-origin military equipment,” Veliotos said.

In checking out the Israeli flight, Veliotos came to believe that the Reagan camp’s dealings with Iran dated back to before the 1980 election. “It seems to have started in earnest in the period probably prior to the election of 1980, as the Israelis had identified who would become the

new players in the national security area in the Reagan administration,” Veliotes said. “And I understand some contacts were made at that time.”

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However, in 1981, Veliotes said, the State Department issued misleading press guidance to cover the administration’s tracks and the Washington media failed to follow up. Thus, the U.S.-Israeli arms pipeline to Iran stayed secret from the American people until November 1986 when – despite Reagan’s long-running insistence that he would never trade arms with a terrorist state like Iran – the operation was exposed.

When I re-interviewed Veliotes in 2012, he said he couldn’t recall who the “people on high” were who had described the informal clearance of the Israeli shipments of U.S.-manufactured weapons, but he indicated that “the new players” were the young neoconservatives who were working on the Reagan campaign, many of whom later joined the administration as senior political appointees.

Documents that I discovered at the Reagan presidential library revealed that Reagan’s neocons at the State Department, particularly Robert McFarlane and Paul Wolfowitz, initiated a policy review in 1981 to allow Israel to undertake secret military shipments to Iran.

McFarlane and Wolfowitz also maneuvered to put McFarlane in charge of U.S. relations toward Iran and to establish a clandestine U.S. back-channel to the Israeli government

outside the knowledge of even senior U.S. government officials.

Another Failed Investigation

In 1991, faced with the accumulating evidence of a prequel to the Iran-Contra scandal, Congress grudgingly agreed to take a look at these so-called "October Surprise" allegations. But Republicans, then led by President George H.W. Bush and his White House team, mounted an aggressive cover-up to "spike" the story.

And, with the congressional inquiry largely in the hands again of Rep. Hamilton, the Democrats timidly folded their tent despite a growing body of evidence that the Reagan team was indeed guilty.

Much of that evidence flowed into the House Task Force in December 1992 when President George H.W. Bush had already been defeated for reelection and the Democrats were looking forward to their renewed control of Washington. So, instead of giving a careful review to the new evidence, the House Task Force ignored, disparaged or buried it.

The late-arriving material included sworn testimony on Dec. 18, 1992, from David Andelman, the biographer of French intelligence chief Alexandre deMarenches, describing how deMarenches had confided that he had helped arrange the Republican-Iranian contacts. Andelman, an ex-New York Times and CBS News correspondent, said that while he was working on deMarenches's autobiography, the arch-conservative spymaster admitted arranging meetings between Republicans and Iranians about the hostage issue in the summer and fall of 1980, with one meeting held in Paris in October.

Andelman said deMarenches ordered that the secret meetings be kept out of his memoirs because the story could otherwise damage the reputations of his friends, William Casey and George H.W. Bush. Andelman's testimony corroborated longstanding claims from a variety of international intelligence operatives about a Paris meeting involving Casey and Bush. But the Task Force report brushed this testimony aside, paradoxically terming it "credible" but then claiming it was "insufficiently probative."

The Task Force's report argued that Andelman could not "rule out the possibility that deMarenches had told him he was aware of and involved in the Casey meetings because he, deMarenches, could not risk telling his biographer he had no knowledge of these allegations."

In the last weeks of the investigation, the House investigators also received a letter from former Iranian President Bani-Sadr detailing his behind-the-scenes struggle with Ayatollah Ruhollah Khomeini and his son Ahmad over their secret dealings with the Reagan campaign. But the House investigators dismissed Bani-Sadr's first-hand account as hearsay and thus also lacking "probative value."

I later unearthed some of the evidence in unpublished Task Force files. However, in the meantime, Official Washington had dismissed the "October Surprise" and other Iran-Contra-connected scandals, like Contra drug trafficking, as conspiracy theories.

The Russian Report

Ironically, another piece of late-arriving evidence was a January 1993 report from a national security committee of

the Russian parliament about the Kremlin's intelligence data confirming that key Republicans, including George H.W. Bush and William Casey, had met with Iranian officials in Europe regarding the hostages during the 1980 campaign.

Hamilton had requested the Russian assistance before the U.S. election in 1992, but the report was not sent until there were only two weeks left in George H.W. Bush's presidency.

Lawrence Barcella, who served as the Task Force chief counsel, later told me that so much incriminating evidence arrived late that he asked Hamilton to extend the inquiry for three months but that Hamilton said no (although Hamilton told me that he had no recollection of denying Barcella's request).

The other fatal flaw of the House investigation was that it left much of the actual investigating up to President George H.W. Bush's White House counsel's office and the State Department, although Bush was one of the chief suspects and, in 1991-92, was running for re-election, a campaign that would have been derailed if the 1980 October Surprise allegations were confirmed.

The naivete of this decision was underscored years later when I located a memo at Bush's presidential library stating that the State Department had informed the White House counsel's office that Casey had traveled to Madrid in 1980, corroborating a key October Surprise allegation.

The confirmation of Casey's trip was passed along by State Department legal adviser Edwin D. Williamson to Associate White House Counsel Chester Paul Beach Jr. in early November

1991, just as the October Surprise inquiry was taking shape, according to Beach's "memorandum for record" dated Nov. 4, 1991.

Williamson said that among the State Department "material potentially relevant to the October Surprise allegations [was] a cable from the Madrid embassy indicating that Bill Casey was in town, for purposes unknown," Beach noted.

Two days later, on Nov. 6, 1991, Beach's boss, White House counsel C. Boyden Gray, arranged an inter-agency strategy session and explained the need to contain the congressional investigation into the October Surprise case. The explicit goal was to ensure the scandal would not hurt President Bush's reelection hopes in 1992.

In 2013, when I interviewed Hamilton about the Beach memo, he lamented that the Madrid information had not been shared with his investigation, saying "you have to rely on people" in authority to comply with information requests.

"We found no evidence to confirm Casey's trip to Madrid," Hamilton told me. "We couldn't show that. The [George H.W. Bush] White House did not notify us that he did make the trip. Should they have passed that on to us? They should have because they knew we were interested in that."

Asked if knowledge that Casey had traveled to Madrid might have changed the Task Force's dismissive October Surprise conclusion, Hamilton said yes, because the question of the Madrid trip was key to the task force's investigation.

Not Moving the Needle

However, the Madrid trip revelation and other post-

investigation disclosures failed to move the needle on Official Washington's disdain for the October Surprise story.

The later disclosures included a 1993 interview in Tel Aviv in which former Israeli Prime Minister Yitzhak Shamir said he had read the 1991 book, *October Surprise*, by Carter's former National Security Council aide Gary Sick, which made the case for believing that the Republicans had intervened in the 1980 hostage negotiations to disrupt Carter's reelection.

With the topic raised, one interviewer asked, "What do you think? Was there an October Surprise?"

"Of course, it was," Shamir responded without hesitation. "It was."

And, there were other corroborating statements as well. In 1996, for instance, while former President Carter was meeting with Palestine Liberation Organization leader Arafat in Gaza City, Arafat tried to confess his role in the Republican maneuvering to block Carter's Iran-hostage negotiations.

"There is something I want to tell you," Arafat said, addressing Carter in the presence of historian Douglas Brinkley. "You should know that in 1980 the Republicans approached me with an arms deal [for the PLO] if I could arrange to keep the hostages in Iran until after the [U.S. presidential] election," Arafat said, according to Brinkley's article in the fall 1996 issue of *Diplomatic Quarterly*.

In 2013, after the movie "Argo" appeared regarding an early facet of the Iran-hostage crisis, former Iranian President Bani-Sadr elaborated on his account of Republican overtures to Iran in 1980 and how that secret initiative prevented release of the hostages.

In a Christian Science Monitor commentary, Bani-Sadr wrote, "Ayatollah Khomeini and Ronald Reagan had organized a clandestine negotiation which prevented the attempts by myself and then-U.S. President Jimmy Carter to free the hostages before the 1980 U.S. presidential election took place. The fact that they were not released tipped the results of the election in favor of Reagan."

Then, Bani-Sadr added a new detail, that "two of my advisors, Hussein Navab Safavi and Sadr-al-Hefazi, were executed by Khomeini's regime because they had become aware of this secret relationship between Khomeini, his son Ahmad, ... and the Reagan administration." [For more details on the October Surprise case, see Robert Parry's Trick or Treason and America's Stolen Narrative.]

Compare and Contrast

So how do Watergate and Iran-Contra compare and contrast with Russia-gate? One key difference is that in Watergate in 1972-73 and Iran-Contra in 1985-86, you had clear-cut crimes (even if you don't want to believe the two "prequels" from 1968 and 1980, respectively).

In Watergate, five burglars were caught inside the DNC offices on June 17, 1972, as they sought to plant more bugs on Democratic phones. (An earlier break-in in May had installed two bugs, but one didn't work.) Nixon then

proceeded to mount a cover-up of his 1972 campaign's role in funding the break-in and other abuses of power.

In Iran-Contra, Reagan secretly authorized weapons sales to Iran, which was then designated a terrorist state, without informing Congress, a violation of the Arms Export Control Act. He also kept Congress in the dark about his belated signing of a related intelligence "finding." And the creation of slush funds to finance the Nicaraguan Contras represented an evasion of the U.S. Constitution.

There was also the attendant Iran-Contra cover-up mounted both by the Reagan White House and later the George H.W. Bush White House, which culminated in Bush's Christmas Eve 1992 pardons of six Iran-Contra defendants as special prosecutor Lawrence Walsh was zeroing in on possible indictment of Bush for withholding evidence.

By contrast, Russia-gate has been a "scandal" in search of a specific crime. President Barack Obama's intelligence chieftains have alleged – without presenting any clear evidence – that the Russian government hacked into the emails of the Democratic National Committee and of Hillary Clinton's campaign chairman John Podesta and released those emails via WikiLeaks and other Internet sites. (The Russians and WikiLeaks have both denied the accusations.)

The DNC emails revealed that senior Democrats did not maintain their required independence regarding the primaries by seeking to hurt Sen. Bernie Sanders and help Clinton. The Podesta emails pulled back the curtain on Clinton's paid speeches to Wall Street banks and on pay-to-play features of the Clinton Foundation.

Hacking into personal computers is a crime, but the U.S. government has yet to bring any formal charges against specific individuals supposedly responsible for the hacking of the Democratic emails. There also has been no evidence that Donald Trump's campaign colluded with Russians in the hacking.

Lacking any precise evidence of this cyber-crime or of a conspiracy between Russia and the Trump campaign, Obama's Justice Department holdovers and now special prosecutor Robert Mueller have sought to build "process crimes," around false statements to investigators and possible obstruction of justice.

Railroading Flynn

In the case of retired Lt. Gen. Michael Flynn, Trump's first national security adviser, acting Attorney General Sally Yates used the archaic Logan Act of 1799 to create a predicate for the FBI to interrogate Flynn about a Dec. 29, 2016 conversation with Russian Ambassador Sergey Kislyak, i.e., after Trump's election but before the Inauguration.

The Logan Act, which has never resulted in a prosecution in 218 years, was enacted during the period of the Alien and Sedition Acts to bar private citizens from negotiating on their own with foreign governments. It was never intended to apply to a national security adviser of an elected President, albeit before he was sworn in.

But it became the predicate for the FBI interrogation – and the FBI agents were armed with a transcript of the intercepted Kislyak-Flynn phone call so they could catch Flynn on any gaps in his recollection, which might have been

made even hazier because he was on vacation in the Dominican Republic when Kislyak called.

Yates also concocted a bizarre argument that the discrepancies between Flynn's account of the call and the transcript left him open to Russian blackmail although how that would work – since the Russians surely assumed that Kislyak's calls would be monitored by U.S. intelligence and thus offered them no leverage with Flynn – was never explained.

Still, Flynn's failure to recount the phone call precisely and the controversy stirred up around it became the basis for an obstruction of justice investigation of Flynn and led to President Trump's firing Flynn on Feb. 13.

Trump may have thought that tossing Flynn overboard to the circling sharks would calm down the sharks but the blood in the water only excited them more. According to then-FBI Director James Comey, Trump talked to him one-on-one the next day, Feb. 14, and said, “‘I hope you can see your way clear to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go.’”

Trump's “hope” and the fact that he later fired Comey have reportedly led special prosecutor Mueller to look at a possible obstruction of justice case against Trump. In other words, Trump could be accused of obstructing what appears to have been a trumped-up case against Flynn.

Of course, there remains the possibility that evidence might surface of Trump or his campaign colluding with the Russians, but such evidence has so far not been presented. Or Mueller's investigation might turn over some rock and

reveal some unrelated crime, possibly financial wrongdoing by Trump or an associate.

(Something similar happened in the Republican investigation of the Sept. 11, 2012 Benghazi attack, a largely fruitless inquiry except that it revealed that Secretary of State Hillary Clinton sent and received official emails over a private server, which Comey decried during last year's campaign as "extremely careless" but not criminal.)

Curb the Enthusiasm

Another contrast between the earlier scandals (Watergate and Iran-Contra) and Russia-gate is the degree of enthusiasm and excitement that the U.S. mainstream media and congressional Democrats have shown today as opposed to 1972 and 1986.

Though The Washington Post's Bob Woodward and Carl Bernstein aggressively pursued the Watergate scandal, there was much less interest elsewhere in major news outlets until Nixon's criminality became obvious in 1973. Many national Democrats, including DNC Chairman Bob Strauss, were extremely hesitant to pursue the scandal if not outright against it.

Similarly, although Brian Barger and I at The Associated Press were pursuing aspects of Iran-Contra since early 1985, the big newspapers and networks consistently gave the Reagan administration the benefit of the doubt – at least before the scandal finally burst into view in fall 1986 (when a Contra-supply plane crashed inside Nicaragua and a Lebanese newspaper revealed U.S. arms shipments to Iran).

For several months, there was a flurry of attention to the complex Iran-Contra scandal, but the big media still ignored

evidence of a White House cover-up and soon lost interest in the difficult work of unraveling the convoluted networks for arms smuggling, money laundering and cocaine trafficking.

Congressional Democrats also shied away from a constitutional confrontation with the popular Reagan and his well-connected Vice President George H.W. Bush.

After moving from AP to Newsweek in early 1987, I learned that the senior executives at Newsweek, then part of The Washington Post Company, didn't want "another Watergate"; they felt another such scandal was not "good for the country" and wanted Iran-Contra to go away as soon as possible. I was even told not to read the congressional Iran-Contra report when it was published in October 1987 (although I ignored that order and kept trying to keep my own investigation going in defiance of the wishes of the Newsweek brass until those repeated clashes led to my departure in June 1990).

So, perhaps the biggest similarity between Russia-gate and Watergate is that Richard Nixon and Donald Trump were both highly unpopular with the Washington establishment and thus had few influential defenders, while an important contrast with Iran-Contra was that Reagan and Bush were very well liked, especially among news executives such as Washington Post publisher Katharine Graham who, by all accounts, did not care for the uncouth Nixon. Today, the senior executives of The New York Times, The Washington Post and other major news outlets have made no secret of their disdain for the buffoonish Trump and their hostility toward Russian President Vladimir Putin.

In other words, what is driving Russia-gate – for both the mainstream news media and the Democrats – appears to be a political agenda, i.e., the desire to remove Trump from office while also ratcheting up a New Cold War with Russia, a priority for Washington’s neoconservatives and their liberal-interventionist sidekicks.

If this political drama were playing out in some other country, we would be talking about a “soft coup” in which the “oligarchy” or some other “deep state” force was using semi-constitutional means to engineer a disfavored leader’s removal.

Of course, since the ongoing campaign to remove Trump is happening in the United States, it must be presented as a principled pursuit of truth and a righteous application of the rule of law. But the comparisons to Watergate and Iran-Contra are a stretch.

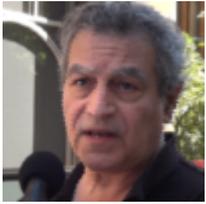
The late investigative reporter Robert Parry, the founder of *Consortium News*, broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s.

Gravel Declares Presidential Bid to Highlight Anti-Interventionism and Direct Democracy

The former U.S. senator, 89, who read the Pentagon Papers into the Congressional record, and ran for president in 2008, says he’s not entering to win but to inject crucial issues into Democratic primary debates.

By [Joe Lauria](#)

Special to Consortium News



Former U.S. Senator Mike Gravel formally declared his bid on Monday for the Democratic Party's 2020 nomination for president in an effort to introduce into the primary debates critical discussion of U.S. interventionism abroad and a system for direct democracy at home.

Gravel, who is 89 years old, says he's not in it to win but to spur debate on what he sees as the two most vital issues facing the United States: ending militarism and expanding democracy beyond representative government.

Serving as a U.S. senator from Alaska between 1969 and 1981, Gravel became best known for having read the highly-classified Pentagon Papers into the Congressional Record at a Senate subcommittee meeting that he chaired on June 29, 1971. Several other senators had turned down copies of it from whistleblower Daniel Ellsberg.

Gravel had immunity to reveal classified information in the midst of a legislative act as laid out in [Article 1, Section 6](#) of the U.S. Constitution, the so-called speech or debate clause. It is rarely invoked by members of Congress to make public secret evidence of governmental criminality or abuse.

The Pentagon Papers, a secret Defense Department study of the Vietnam War, made clear that U.S. administrations had kept the war going while lying to the American people about the chances of victory in Southeast Asia.

The U.S. Supreme Court ruled the next day, on June 30, 1971, that the Nixon Justice Department had violated the First

Amendment of the Constitution by exercising "prior restraint," that is, ordering a news organization in advance not to publish. The court's decision was a victory for *The New York Times* and *The Washington Post* and for press freedom. But while the court said the government could not tell a newspaper not to publish classified information, the majority also ruled that *after* publication the state could prosecute a media outlet for having done so.

Gravel begins reading the Papers at the 7 minute mark:

While Gravel only faced possible censure or expulsion from the Senate (neither happened), he became liable for prosecution when he later had the Papers published in four volumes by Beacon Press in Boston. The FBI investigated the publisher.

While Nixon chose not to go after Gravel, a grand jury was empaneled in Boston to indict two *New York Times* reporters who had worked on the Papers' story. The case collapsed before reaching an indictment when Ellsberg's trial for stealing the documents ended in a mistrial in part because of warrantless wiretapping against him. The *Times* reporters asked the prosecutors whether they had also been spied on and received no reply, Ellsberg said in a recent interview.

The attempt by Nixon to prosecute two journalists for possessing and disseminating classified information has gained new relevance with the case of Julian Assange, the WikiLeaks founder and publisher.

Assange is facing prosecution in the U.S. on what is believed to be similar charges of possession and

dissemination under the Espionage Act. He is also being spied on in Ecuador's London embassy, where he has had asylum since 2102.

2008 Comeback

Gravel reemerged from a long absence in politics to challenge for the 2008 Democratic presidential nomination.

He entered several debates and shared the stage with Barack Obama, Hillary Clinton, and Joe Biden among other candidates and mixed it up with them:

It is in the debates that Gravel hopes again to shine a light on what he believes are the most important issues of the day.

But the Democratic Party has this year changed the rules for gaining entry to the 12 scheduled debates, the first of which will be on June 26 in Miami. Candidates must garner donations from at least 65,000 individuals. And there must be contributions from a minimum of 200 different donors in at least 20 states.

Gravel has a steep obstacle to overcome in less than three months. He is not alone. Rep. Tulsi Gabbard of Hawaii has not yet reached the 65,000 donor threshold.

Gravel said that despite his run he's supporting Gabbard. "She's the only one prepared to take on the military industrial complex," Gravel said in a telephone interview. "She wants to close bases around the world and that's music to my ears."

Begun By Students

The idea for a Gravel run in 2020 was hatched by two first-year university students, David Oks and Henry Williams. Gravel gave them control of his Twitter feed after he saw how well they understood his thinking. “That’s what really sold me [on running],” Gravel said.

Gravel’s website lays out his platform with this introduction:

“Sen. Gravel is committed to ending America’s imperial policies (especially in Venezuela and Iran), rescheduling cannabis, fundamentally reforming our politics through direct democracy, abolishing mass surveillance on American citizens, prioritizing climate change, dismantling America’s carceral state, and building a foreign policy free of undue influence by Israel and Saudi Arabia.”

He also called for Assange to be given amnesty, the National Security Agency to be abolished, the U.S. to withdraw from the “Five Eyes” intelligence network, police to be held account for brutalizing citizens, a formal investigation into U.S. government involvement in human rights abuses around the world, and an end to foreign wars.

“There are two things that are destroying us,” Gravel said. “One, on the long arc of history, will be climate change—will this planet survive—and two, is the nuclear threat, which is stronger than ever and could eclipse us overnight.”

Gravel’s core issue, which he’s been working on for 25 years, is to establish the procedures to create a Legislature of the People in which citizens can use the

initiative system, now present in 26 U.S. states, to make federal laws. Power resides with the people who give it away in elections to representatives who then use it for their own interests, Gravel said.

“The people will become the senior partners and representative government will shape up,” said Gravel.

He announced with this video on Monday:

<https://twitter.com/MikeGravel/status/1115298261215014912>

Joe Lauria is editor-in-chief of Consortium News and a former correspondent for *The Wall Street Journal*, *Boston Globe*, *Sunday Times* of London and numerous other newspapers. He is the co-author with Mike Gravel of “A Political Odyssey,” published by Seven Stories Press. Joe can be reached at joelauria@consortiumnews.com and followed on Twitter [@unjoe](https://twitter.com/unjoe) .

Mike Gravel is a member of Consortium News’ advisory board.

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1% Politics and the New Gilded Age

Rajan Menon looks at two recent scandals and what they show about the nexus between wealth and power in America.

By [Rajan Menon](#)

[TomDispatch.com](#)



Despair about the state of our politics pervades the political spectrum, from left to right. One source of it, the narrative of fairness offered in basic civics textbooks – we all have an equal opportunity to succeed if we work hard and play by the rules; citizens can truly shape our politics – no longer rings true to most Americans. Recent surveys indicate that substantial numbers of them believe that the [economy](#) and [political system](#) are both rigged. They also think that money has an [outsized influence](#) on politics. Ninety percent of Democrats hold this view, but so do 80 percent of Republicans. And [careful studies](#) confirm what the public believes.

None of this should be surprising given the stark economic inequality that now marks our society. The richest 1 percent of American households currently account for [40 percent](#) of the country's wealth, more than the bottom 90 percent of families possess. Worse yet, the top 0.1 percent has cornered about [20](#) percent of it, up from 7 percent in the mid-1970s. By contrast, the share of the bottom 90 percent has since then fallen from 35 percent to 25 percent. To put such figures in a personal light, in 2017, [three men](#) – Jeff Bezos, Warren Buffett, and Bill Gates – possessed more wealth (\$248.5 billion) than the bottom 50 percent of Americans.

Over the last four decades, economic disparities in the U.S. [increased substantially](#) and are now [greater](#) than those in other wealthy democracies. The political consequence has

been that a tiny minority of extremely wealthy Americans wields disproportionate influence, leaving so many others feeling disempowered.

What Money Sounds Like

Two recent headline-producing scandals highlight money's power in society and politics.

The first involved super-affluent parents who used their wealth to get their manifestly unqualified children into highly selective colleges and universities that previously had reputations (whatever the reality) for weighing the merits of applicants above their parents' wealth or influence.

The second concerned Texas Senator Ted Cruz's reported failure to reveal, as election laws require, more than \$1 million in low-interest loans that he received for his 2012 Senate campaign. (For that lapse, the Federal Election Commission (FEC) fined Senator Cruz a modest \$35,000.) The funds came from Citibank and Goldman Sachs, the latter his wife's longtime employer. News of those undisclosed loans, which also cast doubt on Cruz's claim that he had funded his campaign in part by liquidating the couple's assets, only added to the sense that favoritism now suffuses the politics of a country that once prided itself on being the world's model democracy. (Journalists covering the story couldn't resist pointing out that the senator had often lambasted Wall Street's "crony capitalism" and excessive political influence.)

The Cruz controversy is just one reflection of the coming of 1 percent politics and 1 percent elections to America at a

moment when the first billionaire has been ensconced in the Oval Office for more than two years, posing as a populist no less.

Since the Supreme Court's 2010 ruling in *Citizens United v. Federal Election Commission*, money has poured into politics as never before. That's because the Court ruled that no limits could be placed on corporate and union spending aimed at boosting or attacking candidates running for political office. Doing so, the justices determined in a 5-4 vote, would be tantamount to restricting individuals' right to free speech, protected by the First Amendment. Then came the Court's 2014 *McCutcheon v. Federal Election Commission* decision (again 5-4), which only increased money's influence in politics by removing the aggregate limit on an individual's contribution to candidates and to national party committees.

In an age when money drives politics, even ex-presidents are cashing in. Fifteen years after Bill Clinton departed the White House, he and Hillary had amassed a net worth of \$75 million – a 6,150 percent increase in their wealth. Barack and Michelle Obama's similarly soared from \$1.3 million in 2000 to \$40 million last year – and they're just warming up. Key sources of these staggering increases include sky-high speaking fees (often paid by large corporations), including \$153 million for the Clintons between February 2001 and May 2016. George W. Bush also made tens of millions of dollars in this fashion and, in 2017, Obama received \$400,000 for a single speech to a Wall Street firm.

No wonder average Americans believe that the political class is disconnected from their day-to-day lives and that ours

is, in practice, a democracy of the rich in which money counts (and counts and counts).

Cash for College

Now let's turn to what those two recent scandals tell us about the nexus between wealth and power in America.

First, the school scam. Parents have long hired pricey tutors to coach their children for the college admissions tests, sometimes paying them hundreds of dollars an hour, even \$1,500 for 90 minutes of high-class prep. They've also long tapped their exclusive social and political connections to gin up razzle-dazzle internships to embellish those college applications. Anyone who has spent as much time in academia as I have knows that this sort of thing has been going on for a long time. So has the practice of "legacy admissions" – access to elite schools especially for the kids of alumni of substantial means who are, or might prove to be, donors. The same is true of privileged access to elite schools for the kids of mega-donors. Consider, for instance, that \$2.5 million donation Charles Kushner made to Harvard in 1998, not long before his son Jared applied. Some of the folks who ran Jared's high school noted that he wasn't exactly a whiz-bang student or someone with sky-high SAT scores, but – surprise! – he was accepted anyway.

What's new about the recent revelations is that they show the extent to which today's deep-pocketed helicopter parents have gone into overdrive, using brazen schemes to corrupt the college admissions process yet more. One unnamed parent spent a cool \$6.5 million to ensure the right college

admitted his or her child. Others paid hefty amounts to get their kids' college admissions test scores falsified or even hired proxies to take the tests for them. Famous actors and financial titans made huge payments to university sports coaches, who then lied to admissions officers, claiming that the young applicants were champions they had recruited in sports like water polo, crew, or tennis. (The kids may have known how to swim, row, or play tennis, but star athletes they were not.)

Of course, as figures on the growing economic inequality in this country since the 1970s indicate, the overwhelming majority of Americans lack the connections or the cash to stack the deck in such ways, even assuming they would do so. Hence, the public outrage, even though parents generally understand that not every aspirant can get into a top school – there aren't enough spots – just as many know that their children's future happiness and sense of fulfillment won't depend on whether they attend a prestigious college or university.

Still, the unfairness and chicanery highlighted by the admissions scandal proved galling, the more so as the growing crew of fat cats corrupting the admissions process doubtless also preach the gospel of American meritocracy. Worse, most of their kids will undoubtedly present their fancy degrees as proof that quality wins out in our society, never mind that their starting blocks were placed so far ahead of the competition.

To add insult to injury, the same parents and children may even portray admissions policies designed to help students who lack wealth or come from underrepresented communities as

violations of the principles of equal opportunity and fairness, democracy's bedrock. In reality, students from low-income families, or even those of modest means, are startlingly less likely to be admitted to top private universities than those from households in the top 10 percent. In fact, applicants from families in the top 1 percent are now 77 times more likely than in the bottom 20 percent to land in an elite college, and 38 of those schools admit more kids from families in that top percentage than from the bottom 60 percent.

Buying Politics (and Politicians), American-Style

Now, let's return to the political version of the same – the world in which Ted Cruz swims so comfortably. There, too, money talks, which means that those wealthy enough to gain access to, and the attention of, lawmakers have huge advantages over others. If you want political influence, whether as a person or a corporation, having the wealth needed to make big campaign contributions – to individuals or groups – and to hire top-drawer lobbyists makes a world of difference.

Official data on the distribution of family income in the United States show that the overwhelming majority of Americans can't play that game, which remains the preserve of a tiny super-rich minority. In 2015, even with taxes and government-provided benefits included, households in the lowest 20 percent accounted for only about 5 percent of total income. Their average income – not counting taxes and government-provided assistance – was only \$20,000. The share of the bottom 50 percent – families making \$61,372 or less – dropped from 20 percent to 12 percent between 1978 and

2015. By contrast, families in the top 1 percent earned nearly 50 percent of total income, averaging \$215,000 a year – and that’s only income, not wealth. The super-rich have plenty of the latter, those in the bottom 20 percent next to none.

Before we proceed, a couple of caveats about money and political clout. Money doesn’t always prevail. Candidates with more campaign funds aren’t guaranteed victory, though the time politicians spend raising cash leaves no doubt that they believe it makes a striking difference. In addition, money in politics doesn’t operate the way simple bribery does. The use of it in pursuit of political influence works more subtly, and often – in the new era opened by the Supreme Court – without the slightest need to violate the law.

Still, in Donald Trump’s America, who would claim that money doesn’t talk? If nothing else, from inaugural events – for Trump’s inaugural \$107 million was raised from a host of wealthy donors with no limits on individual payments, 30 of which totaled \$1 million or more – to gala fundraisers, big donors get numerous opportunities to schmooze with those whose campaigns they’ve helped bankroll. Yes, there’s a limit – currently \$5,600 – on how much any individual can officially give to a single election campaign, but the ultra-wealthy can simply put their money into organizations formed solely to influence elections as well as into various party committees.

Individuals, companies, and organizations can, for instance, give money to political action committees (PACs) and Super PACs. Though bound by rules, both entities still have lots

of leeway. PACs face no monetary limits on their independent efforts to shape elections, though they can't accept corporate or union money or take more than \$5,000 from individuals. They can provide up to \$5,000 to individual election campaigns and \$15,000 per party committee, but there's no limit on what they can contribute in the aggregate. Super PACs have far more running room. They can rake in unlimited amounts from a variety of sources (as long as they're not foreign) and, like PACs, can spend limitless sums to shape elections, providing they don't give money directly to candidates' campaigns.

Then there are the dark money groups, which can receive financial contributions from any source, American or foreign. Though their primary purpose is to push policies, not individual campaigns, they can engage in election-related work, provided that no more than half their funds are devoted to it. Though barred from donating to individual campaigns, they can pour unlimited money into Super PACs and, unlike PACs and Super PACs, don't have to disclose who gave them the money or how much. Between 2008 and 2018, dark money groups spent \$1 billion to influence elections.

In 2018, 2,395 Super PACs were working their magic in this country. They raised \$1.6 billion and spent nearly \$809 million. Nearly 78 percent of the money they received came from 100 donors. They, in turn, belonged to the wealthiest 1 percent, who provided 95 percent of what those Super PACs took in.

As the 2018 congressional elections kicked off, the four wealthiest Super PACs alone had \$113.4 million on hand to support candidates they favored, thanks in substantial

measure to business world donors. In that election cycle, 31 individuals ponied up more than \$5 million apiece, while contributions from the top four among them ranged from almost \$40 million to \$123 million.

The upshot: if you're running for office and advocate policies disliked by wealthy individuals or by companies and organizations with lots of cash to drop into politics, you know from the get-go that you now have a problem.

Wealth also influences political outcomes through the lobbying industry. Here again, there are rules, but even so, vast numbers of lobbyists and eye-popping amounts of lobbying money now are at the heart of the American political system. In 2018 alone, the 50 biggest lobbying outfits, largely representing big companies, business associations, and banks, spent \$540 million, and the grand total for lobbying that year alone was \$3.4 billion.

Nearly 350 of those lobbyists were former legislators from Congress. Officials departing from senior positions in the executive branch have also found artful ways to circumvent presidential directives that prohibit them from working as lobbyists for a certain number of years.

Do unions and public interest groups also lobby? Sure, but there's no contest between them and corporations. Lee Drutman of the New America think tank notes that, for every dollar the former spent in 2015, corporate donors spent \$34. Unsurprisingly, only one of the top 20 spenders on lobbying last year was a union or a public-interest organization.

The sums spent by individual companies to gain political

influence can be breathtaking. Take now-embattled Boeing. It devoted \$15 million to lobbying in 2018 – and that’s not counting its campaign contributions, using various channels. Those added another \$8.4 million in the last two-and-a-half years. Yet Boeing only placed 11th among the top 20 corporate spenders on lobbying last year. Leading the pack: the U.S. Chamber of Commerce at \$94.8 million.

Defenders of the status quo will warn that substantially reducing money’s role in American politics is sure to threaten democracy and civil liberties by ceding undue power to the state and, horror of horrors, putting us on the road to “socialism,” the right wing’s bogeyman *du jour*. This is ludicrous. Other democracies have taken strong steps to prevent economic inequality from subverting their politics and haven’t become less free as a result. Even those democracies that don’t limit political contributions have adopted measures to curb the power of money, including bans on television ads (a huge expense for candidates in American elections: \$3 billion in 2018 alone just for access to local stations), free airtime to allow competitors to disseminate their messages, and public funds to ease the financial burden of election campaigns. Compared to other democracies, the United States appears to be in a league of its own when it comes to money’s prominence in politics.

Those who favor continuing business as usual like to point out that federal “matching funds” exist to help presidential candidates not be steamrolled by competitors who’ve raised mounds of money. Those funds, however, do no such thing because they come with stringent limits on total spending. Candidates who accept matching funds for a general election

cannot accept contributions from individuals. Moreover, matching funds are capped at \$20 million, which is a joke considering that Barack Obama and Mitt Romney spent a combined \$1.2 billion in individual contributions alone during the 2012 presidential election. (Super PACs spent another \$350 million to help Romney and \$100 million to back Obama.)

A New American Tradition?

Rising income inequality, wage stagnation, and slowing social mobility hurt ordinary Americans economically, even as they confer massive social and political advantages on the mega-rich – and not just when it comes to college admissions and politics either.

Even the *Economist*, a publication that can't be charged with sympathy for left-wing ideas, warned recently of the threat economic inequality poses to the political agency of American citizens. The magazine cited studies showing that, despite everything you've heard about the power of small donations in recent political campaigns, 1 percent of the population actually provides a quarter of all the money spent on politics by individuals and 80 percent of what the two major political parties raise. Thanks to their wealth, a minuscule economic elite as well as big corporations now shape policies, notably on taxation and expenditure, to their advantage on an unprecedented scale. Polls show that an overwhelming majority of Americans support stricter laws to prevent wealth from hijacking politics and want the *Citizens United* ruling overturned. But then just how much does the voice of the majority matter? Judging from the many failed efforts to pass such laws, not much.

Rajan Menon, a [TomDispatch regular](#), is the Anne and Bernard Spitzer Professor of International Relations at the Powell School, City College of New York, and Senior Research Fellow at Columbia University's Saltzman Institute of War and Peace Studies. His latest book is ["The Conceit of Humanitarian Intervention."](#)

JOHN KIRIAKOU: Another Whistleblower in Solitary Confinement

Marty Gottesfeld is a reminder of the Justice Department's determination to silence truth-tellers, writes John Kiriakou.

By [John Kiriakou](#)

Special to Consortium News



Last year I [wrote about a whistleblower](#) from New England who took direct action to save a child's life and who paid for it with his freedom. Marty Gottesfeld is now serving 10 years in prison for trying to save Justina Pelletier from abuse at the hands of her doctors at Children's Hospital in Boston.

At the age of 14, Justine developed searing stomach pain and inexplicable digestive problems. Her parents took her to a series of doctors until a metabolic geneticist at Tufts Medical Center diagnosed her with mitochondrial disease, a genetic malady that can lead to weakened muscles, neurological problems and dementia.

Her symptoms worsened over the course of the next 18 months until the pain was too much to bear. She began slurring her

speech and was unable to stand. Finally, her parents took her to Boston Children's Hospital, a leading institution affiliated with Harvard University. It was there that doctors said Justina didn't have mitochondrial disease at all. They said she had mental illness and her symptoms were psychosomatic. They took her off her medications, but her parents refused to comply. When they went to take Justina home, they were blocked by hospital guards. The hospital took Justina into "state custody" and reported her parents to state officials for "medical child abuse." It was then that the case went off the rails.

Transferred to a Psychiatric Ward

Justina was transferred to the hospital's child psychiatric ward, where her condition worsened even more. She could no longer stand or walk and her hair fell out. Her toenails were actually ripped out when hospital staff dragged her, accusing her of refusing to walk. Justina was allowed one 20-minute call per week with her parents, but that call was monitored by staff, and they were forbidden from discussing her care. She resorted to making crafts out of paper in which she embedded messages and sent them to her parents. One said simply, "I'm being tortured."

Justina's parents sued Children's Hospital with the full support of the original doctor from Tufts. But the doctors at Children's argued that the only danger to Justina's health was her parents. They said that Justina had been overmedicated and that her parents had ignored her mental illness. A judge agreed, at least for the time being. That was until an investigation by [The Boston Globe](#) found that Children's Hospital had done this before, to other parents.

Indeed, in the previous 18 months, the hospital had removed at least five other children from their parents for “medical child abuse,” something that hospital staffers called a “parentectomy.”

The story drew the attention of Marty Gottesfeld, a computer-security expert. He was appalled at the treatment to which Justina and her family were being subjected and he decided to act. He initiated a denial of service attack against the Children’s Hospital computer system and against the Wayside Youth and Family Support Network, where Justina was later moved. Children’s complained that the attack cost the institution \$300,000 to mitigate and \$300,000 in lost donations because it took place during the annual pledge drive. But that attack also served to raise public awareness of Justina’s plight and may have been the reason she was finally moved to a facility nearer her family in Connecticut.

Justina’s parents kept up the pressure on the hospital, the state, and the judge overseeing the case. Justina and her sister were able to smuggle out a 45-second video in which she implored the judge to let her go home to her family. It was clear that after 16 months in a psychiatric ward her problems were not “in her head.” They were in her genes. The original Tufts doctor was right. Justina had mitochondrial disease. The judge finally reversed his decision and sent her home.

Prosecutors, however, focused on Gottesfeld and he was soon arrested. His case was assigned to Judge Nathaniel Gorton, the same judge who oversaw the harsh case against privacy pioneer Aaron Schwartz, who eventually committed suicide

under the weight of his spurious federal charges. Gorton is known as a hanging judge; he proved that with Gottesfeld's sentence.

Reporting from Prison

Gottesfeld has tried to make good use of his time since he entered the "justice" system. He has reported on waste, fraud, abuse, and illegality in the Justice Department; he's written about the corruption and conflict of interest of his judge; and he has spoken out against intolerable prison conditions. His punishment has been swift and severe.

Last week Gottesfeld was transferred to the Metropolitan Detention Center (MDC) in Brooklyn, New York. This is the same prison that had a power outage last month resulting in conditions so severe that they violated the human rights of the prisoners there and made international news. And to make matters worse, Marty was placed in solitary confinement and is now scheduled to be transferred to something called a Communications Management Unit (CMU).

A CMU puts onerous controls on a prisoner's ability to communicate with the outside world. I was in a "modified CMU" when I was at the Federal Correctional Institution at Loretto, Pennsylvania. With a modified CMU, both my incoming and outgoing mail were read, scanned, and kept in the prison's Investigative Unit. My phone calls were all monitored in real time, and I was subjected to routine and regular "shake downs," where the guards confiscated whatever it was that I happened to be writing at any given time.

Marty's experience will likely be worse. He has been covering Justice Department malfeasance for years now at

such sites as *The Western Journal*, *Red State*, *World News Daily*, and now *The Intercept*. But CMU placement will deny him any access to the press whatsoever. It will silence him. This is, of course, a violation of his constitutional right to freedom of speech. But the Justice Department has only to say that Marty's journalism is a "threat to the continuing operation of the institution" to justify this loss of rights. Solitary confinement makes everything even worse.

I called the Justice Department to ask several questions. Why was Marty Gottesfeld transferred to MDC Brooklyn and not directly to a low-security prison? Why was he placed in solitary confinement? And why is he being designated for a CMU? The response was short: No comment.

The Gottesfeld experience should be a reminder for all of us. The Justice Department will stop at nothing to silence truth-tellers. It doesn't want people to know about crooked judges and prosecutors, unsanitary and unhealthy conditions, animal-grade food, and the violation of constitutional rights. It doesn't matter who the president is. They all do it. We just have to keep up the fight.

John Kiriakou is a former CIA counterterrorism officer and a former senior investigator with the Senate Foreign Relations Committee. John became the sixth whistleblower indicted by the Obama administration under the Espionage Act—a law designed to punish spies. He served 23 months in prison as a result of his attempts to oppose the Bush administration's torture program.

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Media Serve the Governors, Not the Governed

Since 2006 WikiLeaks has been censoring governments with governments' own words. It has been doing the job the U.S. constitution intended the press to do, says Joe Lauria.

By [Joe Lauria](#)
in Sydney, Australia



In his 1971 opinion in the Pentagon Papers case, U.S. Supreme Court Justice Hugo Black wrote: “In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government’s power to *censor* the press was abolished so that the press would remain forever free to *censure* the Government.”

That’s what WikiLeaks and Julian Assange have been doing since 2006: censoring governments with governments’ own words pried from secrecy by WikiLeaks’ sources—whistleblowers. In other words, WikiLeaks has been doing the job the U.S. constitution intended the press to

do.

One can hardly imagine anyone sitting on today's U.S. Supreme Court writing such an opinion. Even more troubling is the news media having turned its back on its mission. Today they almost always serve the governors—not the governed.

The question is why.

Consolidation of media ownership has increased obedience of desperate journalists; entertainment divisions have taken over news departments; and careerist reporters live vicariously through the power of those they cover, rejecting the press' unique power to hold those officials to account.

It comes down ultimately to lifestyles. Men go to war to protect and further their lifestyles. The press cheers them on for residual material betterment and increase in status.

Millions of lives erased for lifestyles.

It used to be accepted in television that news departments would lose money and would be supported by the entertainment division. That's because news was considered a public service. TV newsmen—they were almost all men in those days—were former wire service and newspaper reporters. But greed has put the presenters' personalities before public service, as entertainment masquerades as news. Newspapers have sacrificed investigative units to maximize profit. Government is the winner.

The abdication of the mainstream media of their constitutional responsibility to serve the governed and not the governors has left a void filled for more than a decade

by WikiLeaks.

No longer do today's Daniel Ellsbergs need to take their chances with editors at *The New York Times* or *The Washington Post*, or with their reporters spinning the damning information they risk their freedom to get to the public—no matter how disinterested and distracted the public may be.

Now the traditional media can be bypassed. WikiLeaks deals in the raw material—that when revealed—governments hang themselves with. That's why they want Assange's head. They lust for revenge and to stop further leaks that threaten their grip on power. That the corporate media has turned on Assange and WikiLeaks reveals their service to the state and how much they prioritize their style of life—disregarding the carnage they help bring about.

In that Pentagon Papers' decision, the majority of the court ruled that the First Amendment prohibited the government from exercising prior restraint—or censorship—on the media *before* publication of classified information. But the majority of the court also said the government could prosecute journalists *after* publication.

Indeed the U.S. Espionage Act, which has withstood First Amendment challenges, criminalizes a publisher's or journalist's mere possession, as well as dissemination, of classified material. A 1961 amendment to the Act extended U.S. jurisdiction across the world. Assange is threatened by it.

U.S. administrations have been reluctant to take the step of post-publication prosecution, however. Nixon did not prosecute Sen. Mike Gravel, who was constitutionally

protected when he read the Papers, given to him by Ellsberg, into the Congressional record. But Gravel could have been prosecuted for publishing the Papers as a book. Barack Obama decided to back off Assange when it was plain *The New York Times* and other corporate media would be as liable as Assange and WikiLeaks for publishing classified information. The virulently anti-media Trump administration, however, may take that step if Assange is arrested.

From their point of view it's easy to understand why the U.S. wants to crush Assange. But what is Australia's excuse? Why is it fighting America's battles? Why has the Australian mainstream media also turned against Assange after an election held in the U.S., not here? What has happened to Australia's sovereignty? That's a question that can be answered by Australians coming into the streets, like today—and staying there until their compatriot is at last free to leave that damned embassy. Free to continue to do the job the media refuses to do.

Joe Lauria gave this speech at a rally for Julian Assange organized by the Socialist Equality Party in Sydney on March 3. You can watch the video of the speech here:

Video by Cathy Vogan

Joe Lauria is editor-in-chief of Consortium News and a former correspondent for *The Wall Street Journal*, *Boston Globe*, *Sunday Times* of London and numerous other newspapers. He can be reached at joelauria@consortiumnews.com and followed on Twitter [@unjoe](https://twitter.com/unjoe) .

The FBI Came Close to Staging a Coup

Andrew McCabe, a senior bureau official, provided the alarming evidence in a “60 Minutes” interview, writes John Kiriakou.

By **John Kiriakou**

Special to Consortium News



Former FBI deputy director Andrew McCabe, in an **explosive interview** with CBS’s “60 Minutes,” said that in early 2017, in the aftermath of President Donald Trump’s firing of former FBI Director James Comey, he and other FBI officials discussed the possibility of recruiting a cabinet secretary to help push the president out of office by using the Constitution’s 25th Amendment

McCabe further contended that Deputy Attorney General Rod Rosenstein offered to wear a wire when he was around Trump in order to gather evidence against him. (Rosenstein

denies the allegation.) McCabe said that Justice Department officials believed at the

time that Trump may have obstructed justice by firing Comey, and they worried that Trump was somehow under the influence of the Russian government. In the end, nothing came of the plan. Regardless of one’s feelings toward President Trump and his

policies, what McCabe is describing is nothing less than a coup attempt. It’s something that happens in weak or nascent democracies, following interference by the CIA perhaps. It

should never happen here.

Trump has long had an antagonistic relationship with the FBI, the CIA and other elements of the intelligence community. Indeed, in early 2017, when news of the FISA warrants and the private intelligence Steele dossier began to leak out, Trump began to tweet his disgust at news of impending investigations of him, his campaign, and his business dealings.

The "Intelligence" briefing on so-called "Russian hacking" was delayed until Friday, perhaps more time needed to build a case. Very strange!

– Donald J. Trump (@realDonaldTrump) January 4, 2017

Senate Minority Leader Chuck Schumer responded almost immediately, saying “(The president) is being really dumb to do this.” “This” was to take on the intelligence agencies, the so-called Deep State, in public. A few days later, Schumer went on MSNBC to sharpen his warning to Trump, saying, “Let me tell you, you take on the intelligence community—they have six ways from Sunday at getting back at you.”

But Trump was right. The intelligence community—the FBI, CIA, the NSA and other three-letter agencies—are too powerful, too entrenched and too well-funded. And they have far too little oversight. They’re a threat to our democracy, not the saviors of it. That is why it pains me to see Democrats lining up behind them to attack Trump.

Presidents Come and Go

I was a member of that “Deep State” throughout my 15 years

at the CIA. I can tell you from first-hand experience that the CIA doesn't care who the president is. Neither does the FBI. Senior CIA and FBI officers are there for decades, while presidents come and go. They know that they can outwait any president they don't like. At the very least, at the CIA, they could make administrative decisions that would hamstring a president: Perhaps they don't carry out that risky operation. Maybe they don't target that well-placed source. Maybe they ignore the president's orders knowing that in four years or eight years he or she will just go away.

Even worse, these same organizations—the FBI and the CIA—are the ones that have sought to undermine our democracy over the years. Don't forget programs like COINTELPRO, the FBI's operation to force Martin Luther King Jr. to commit suicide; the infiltration of peace groups; the CIA's efforts to control the media with Operation Mockingbird; the CIA's illegal spying on American citizens; the CIA hacking into the computers of the Senate Intelligence Committee; and the Agency's extrajudicial assassination program; to name a few.

McCabe's almost offhanded comments on "60 Minutes," that the FBI actively considered deposing a sitting president should be cause for alarm. Set partisan politics aside for a moment. We're talking about *deposing a sitting president*. We're talking about *wearing a wire* to catch a sitting president saying something because you're angry that he fired your boss. Even the idea of it is unprecedented in American history.

The FBI is perfectly free to investigate collusion. That's what they ought to be doing. But they ought not plot the

overthrow of a president, no matter how quirky and offensive he may be. That's anti-democratic and illegal and it harkens back to the bad old days of the FBI under J. Edgar Hoover and the CIA before the reforms of the [Church Committee](#).

We have a way to depose presidents. They're called "elections." The FBI should familiarize itself with them.

John Kiriakou is a former CIA counterterrorism officer and a former senior investigator with the Senate Foreign Relations Committee. John became the sixth whistleblower indicted by the Obama administration under the Espionage Act—a law designed to punish spies. He served 23 months in prison as a result of his attempts to oppose the Bush administration's torture program.

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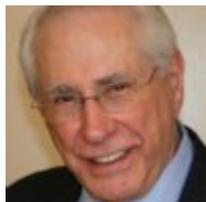
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How to Legalize Cannabis Throughout US

The process that ended Prohibition provides a template, writes former Senator Mike Gravel.

By Senator Mike Gravel

Special to Consortium News



In the interest of full disclosure, I have been on the board of Cannabis Sativa, Inc., for five years, including four years as CEO. I presently serve as CEO of THC Pharmaceuticals, Inc. My earlier professional life included being speaker of the Alaska House of Representatives and two terms representing Alaska in the U.S. Senate. These combined experiences equip me to address some of the problems caused by the U.S. anti-drug campaign.

One of the great domestic political tragedies since the last century is the war on drugs initiated by President Richard Nixon, part of which placed cannabis (marijuana) on the list of Schedule 1 drugs under the Controlled Substances Act of 1970.

Nixon, seeking to shore up his position opposing cannabis, appointed Raymond Shafer, the recently retired governor of Pennsylvania, to head a commission to study the negative effects of marijuana on the American populace. Nixon was incensed when the Shafer Commission's 1972 report showed no negative effects from the use of marijuana on society and called for it to be decriminalized.

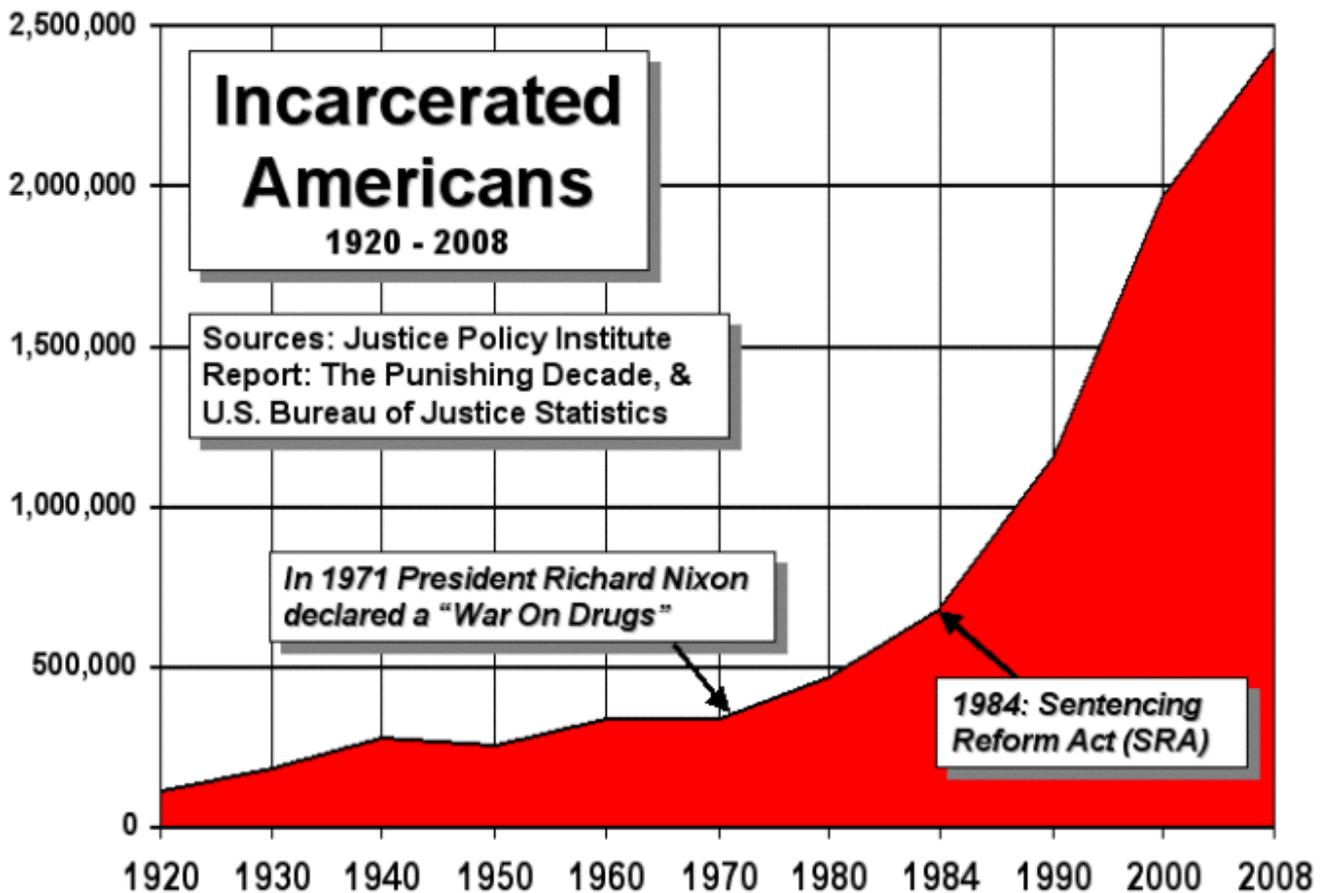
The report was promptly shelved; and Nixon, supported by his religious backers, executed his plan of drug prohibition, interdiction and punishment without the slightest medical or legal rationale, to punish young Americans protesting his continuation of the Vietnam War.

A Failed 'War'

The war on drugs has not ended drug use or trafficking. Instead it has ravaged the lives of untold Americans and bloated our prison system. It has fostered massive illegality over the decades.

But in 1996 the citizens of California passed Proposition 215 authorizing the use of cannabis for medical purposes, finally breaching the barriers of ignorance and prejudice about cannabis.

Other states followed California's lead, some via a grassroots initiative process and others by the vote of courageous legislatures. This state-by-state development of the cannabis industry has created inconsistencies that are further complicated by the illegality that the federal government casts over the industry. This is most obvious where the cannabis industry is denied the banking services vital to any economic enterprise for fear of federal prosecution.



On a recent visit to Sacramento to express my support for public banking, which would offer a solution, I met with Fiona Ma, California's newly elected state treasurer. She invited me to discuss various concepts using public banking and the state's private banking system. She asked me to critique a recent study addressing cannabis banking and public banking.

My experience with the cannabis industry and my knowledge of the Constitution led me to set aside the industry's banking problems at this time and focus on the fundamental problem – the federal government's war on drugs. The plan I propose to finally end it is based upon a strong precedent.

The federal government's prohibitions of alcohol and of cannabis have both been abject failures, severely damaging

American society. The prohibition of alcohol lasted 13 years, while the prohibition of cannabis has endured a little more than six decades.

The process that ended alcohol prohibition is the template for the way we can now end the prohibition of cannabis – with a constitutional amendment. Since prohibition of alcohol was put in place by the 18th Amendment, it required an amendment to repeal it. This had never been done before – repealing one amendment with another amendment.

Section of Article V

There was another first. The nation was in a hurry to repeal prohibition, so to ratify their repeal of the 18th Amendment it chose a never-before used section of Article V:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several states, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several states, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.

The section “... by Conventions in three fourths thereof ...” of Article V, above, was used for the first time to repeal the 18th Amendment, which was enacted on Jan. 16, 1919, by a two-thirds majority of both Houses of Congress and “... the Legislatures of three fourths of the several states.”

The Amendment to prohibit the sale of alcohol went into effect on Jan. 17, 1920. During the 1920s Americans increasingly came to see Prohibition as unenforceable.

In 1932 Franklin Roosevelt, as a presidential candidate, called for the repeal of Prohibition. On Feb. 20, 1933, two-thirds of both Houses of Congress voted to repeal the 18th Amendment, including the repeal of certain elements of the Volstead Act, which enabled federal enforcement. However, rather than submit the resolution to three-fourths of the state legislatures, it was submitted to ratifying conventions in three-fourths of the states, a process noted in Article V: "... by Conventions in three fourths thereof ..."

This process had never been used before or since and substantially shortened the time for ratification to a little more than eight months when ratified by the requisite number of state conventions on Dec. 5, 1933.

In 1932 the country had 48 states. Therefore, after two-thirds of the Congress voted for the resolution, it took three-fourths, or 35 state conventions, to ratify the 21st Amendment.

With today's 50 states, it would require 38 states — three-fourths — to ratify the two-thirds resolution enacted by the Congress to repeal the designation of cannabis as a Schedule 1 drug.

Since 33 states have legalized some form of cannabis and additional states are looking at legalization, it is highly likely that five more states would join an effort to remove cannabis from Schedule 1 of the Controlled Substances Act of 1970.

I believe an amendment to repeal the war on drugs could easily secure the two-thirds vote in the House. However, if blocked by the majority leader in the Senate or if Vice President Mike Pence refused to sign the resolution, another section of Article V could be used: "... on the Application of the Legislatures of two thirds of the several states ..."

A national campaign initiated by the political leadership of California and the cannabis industry would already be securing agreements of three-fourths (38 states) to ratify the resolution. A simultaneous effort could approach the same 33 states (two-thirds) to approve the resolution.

California legislators and its officials, having led the nation in 1996 with Proposition 215, can now lead the nation in securing the ratification of an amendment to remove cannabis from Schedule 1. I am convinced that the ratification of an Amendment can be secured within a year.

Mike Gravel, an author and businessman, served in the U.S. Senate from 1969 through 1981. In 1972, at the request of Dan Ellsberg, he read the "Pentagon Papers" into the Congressional Record during a subcommittee hearing that he chaired.
