

Cruz Threatens to Nuke ISIS Targets

Exclusive: Republican presidential campaign rhetoric is red-hot regarding Islamic terrorism, with Sen. Cruz suggesting the use of nuclear weapons to see “if sand can glow in the dark,” a threat even more troubling than Donald Trump’s call to temporarily bar Muslims from entering the U.S., writes Robert Parry.

By Robert Parry

As Republican presidential candidates lined up to one-up each other about how they would fight Islamic terrorism, many mainstream pundits questioned the hysteria and took particular aim at billionaire Donald Trump for seeking a moratorium on admitting Muslims to the United States, but Trump’s proposal was far from the most outrageous.

Getting much less attention was a statement by Sen. Ted Cruz of Texas, who is considered by many a more likely GOP nominee than Trump. Cruz suggested that the United States should nuke the territory in Iraq and Syria controlled by Islamic State militants.

“I don’t know if sand can glow in the dark, but we’re going to find out,” Cruz told a Tea Party rally in Cedar Rapids, Iowa. In reference to Cruz’s comment, a New York Times editorial added, “whatever that means.” But the phrase “glow in the dark” popularly refers to the aftermath of a nuclear bomb detonation.

In other words, Cruz was making it clear to his audience that he would be prepared to drop a nuclear bomb on Islamic State targets. While the bombastic senator from Texas was probably engaging in hyperbole as he also vowed to “carpet bomb them into oblivion” the notion of a major candidate for President cavalierly suggesting a nuclear strike would normally be viewed as disqualifying, except perhaps in this election cycle.

While Cruz drew little attention for his “glow in the dark” remark, Trump came under intense criticism for his proposal to block the admission of Muslims into the United States until the nation’s leaders can “figure out what is going on” in the aftermath of the Dec. 2 terror attack by a Muslim husband-and-wife team in San Bernardino, California.

Across mainstream politics and media, Trump’s idea was decried as both “unprecedented” from a top candidate for President and a likely violation of the U.S. Constitution which respects freedom of religion and requires equal protection under the law.

Other Republican candidates, even the more “moderate” ones, also talked tough

about Muslims in what shaped up as a heated competition to outdo one another in appealing to the angry and frightened right-wing “base” of the GOP.

Former Florida Gov. Jeb Bush argued that the threat from Muslims was unique: “The idea that somehow there are radical elements in every religion is ridiculous. There are no radical Christians that are organizing to destroy Western civilization. There are no radical Buddhists that are doing this. This is radical Islamic terrorism.”

Bush’s comment failed to recognize that the institution of Christianity has been at the center of “Western civilization” since the latter days of the Roman Empire and that “Christian” nations have routinely plundered other civilizations all over the planet, including across the Islamic world both in Asia and Africa. [See Consortiumnews.com’s “Why Many Muslims Hate the West” and “Muslim Memories of West’s Imperialism.”]

Though inspired by a pacifist, Christianity has established a record as the most bloodthirsty religion in history, with its adherents conducting massacres and genocides in North America, South America, Asia, Africa, Europe and Australia every continent except Antarctica, which is largely uninhabited by humans. In many cases, European Christians justified the repression and extermination of non-Christians as the will of God, deeming indigenous people to be “heathens.”

The violence by Western nations against Muslims also is not something confined to history books and the distant past. In 2003, U.S. President George W. Bush and British Prime Minister Tony Blair led an unprovoked invasion of Iraq which killed hundreds of thousands of people and destroyed much of Iraq’s national infrastructure.

In other words, in the view of many Middle Easterners, the West continues to wage war against their civilization. However, none of that reality is reflected in the current U.S. political and media debate, even when a major Republican candidate raises the prospect of dropping the Bomb.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America’s Stolen Narrative*, either in print here or as an e-book (from Amazon and barnesandnoble.com). You also can order Robert Parry’s trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America’s Stolen Narrative*. For details on this offer, click here.

Obama's Credibility Crisis

Exclusive: Inside Official Washington's bubble, the Important People believe their "group think" is the envy of the world, but the truth is that their credibility has collapsed to such a degree that their propaganda can't even match up with the head-chopping videos of the Islamic State crazies, writes Robert Parry.

By Robert Parry

Like the old story of the little boy who cried wolf, the U.S. government is finding out that just when its credibility is most needed it doesn't have any. With all its "soft power" schemes of "perception management," funding "citizen bloggers" and sticking with "narratives" long after they've been discredited, the U.S. government is losing the propaganda battle against ISIS.

That was the conclusion of outside experts who examined the State Department's online campaigns to undercut ISIS, according to an article by The Washington Post's Greg Miller who wrote that the review "cast new doubt on the U.S. government's ability to serve as a credible voice against the terrorist group's propaganda."

In other words, even when the U.S. government competes with the creepy head-choppers of ISIS, the U.S. government comes in second. Of course, the State Department remains in denial about its collapse of credibility and typically won't release the details of the critical study.

Instead, Undersecretary of State for Public Diplomacy Richard Stengel insisted that the State Department's messaging operation "is trending upward," although acknowledging that his team is facing a tough adversary in ISIS and must "be equally creative and innovative." [For more on Stengel's falsehoods, see Consortiumnews.com's "Who's the Propagandist: US or RT?"]

But the U.S. government's problem is much deeper than its inability to counter ISIS propaganda. Increasingly, almost no one outside Official Washington believes what senior U.S. officials say about nearly anything and that loss of trust is exacerbating a wide range of dangers, from demagoguery on the 2016 campaign trail to terrorism recruitment in the Middle East and in the West.

President Barack Obama seems to want so desperately to be one of the elite inhabitants of Official Washington's bubble that he keeps pushing narratives that he knows aren't true, all the better to demonstrate that he belongs in the in-crowd. It has reached the point that he speaks out so many sides of his mouth

that no one can tell what his words actually mean.

Indeed, Obama arguably suffers from the worst “credibility gap” among the American people since Lyndon Johnson and Richard Nixon on the Vietnam War or at least since George W. Bush on the Iraq War. As eloquent as he can be, average folk in the U.S. and around the world tune him out.

White Rage

So, on the domestic side, when the President tells Americans that another trade deal this one with Asia is going to be good for them, does anyone outside the opinion pages of the elite newspapers and the big-shot think tanks believe him?

America now has a swelling underclass of formerly middle-class whites who know that they’ve been sold out as they face declining living standards and an unprecedented surge in dying rates. Yet, because they don’t trust Obama, these whites are easily convinced by demagogues that their plight stems from government programs designed to help blacks and other minorities.

This white rage has fueled the race-baiting and anti-immigrant campaigns of billionaire Donald Trump and other political outsiders in the Republican Party. Trump has soared to the top of the GOP presidential field because he says a few things that are true that rich people have bought up the political process and that trade deals have screwed the middle class giving him an aura of “authenticity” that then extends to his uglier comments.

Americans are so starving for a taste of honesty which they’re not getting from Obama or other members of the elite that they will believe a megalomaniacal huckster like Trump. After all, they know that what they get from Obama and his clique is manipulative spin, treating them like dummies to be tricked, not citizens of a Republic to be respected.

The hard truth is that the Great American Middle Class indeed has been sold out, often by fast-talking neo-liberals like President Bill Clinton who with the help of many centrists and conservatives pushed through trade deals and banking “reforms” that gussied up Wall Street while boarding up Main Street. The neo-liberals, working with Republicans, also promoted trade deals with Mexico and other low-wage countries that sent millions of U.S. jobs overseas.

From this experience, many Americans see “gub-mint” to blame for their plight, enticing them down the right-wing path that seeks to negate government power. What these Americans don’t grasp is that this Tea Party ideology is further selling them out to the corporatists and the speculators who will be put in an ever stronger position to gouge what’s left of the Middle Class.

In other words, at a time when Americans need their government to collectively represent their interests to provide for “the general Welfare” as the U.S. Constitution mandated they have no faith that the government is theirs or will protect their interests.

The Propaganda Imperative

A similar realization holds true with foreign policy. The U.S. government has so thoroughly bought into the concept of “perception management” and “strategic communications” blending psy-ops, propaganda and P.R. that the government has decoupled from facts. Information is just there to be exploited for geopolitical gain, usually to pin some offense on the latest “designated villain.”

We saw this in 2003 with the disinformation campaign about Iraq’s WMD, but it didn’t stop there. The U.S. government has used its control of important media levers to demonize a variety of world leaders who have gotten in the way of Official Washington’s desires. Meanwhile, equal or worse abuses by “our guys” are downplayed or ignored.

For instance, Libya’s secular dictator Muammar Gaddafi was mocked when he warned of Islamist terrorists rampaging in eastern Libya. Indeed, Gaddafi’s vow to fight them became the pretext used for a “regime change” operation under the “human rights” banner, “responsibility to protect.”

That operation promoted by then-Secretary of State Hillary Clinton who gloated over Gaddafi’s murder (“We came, we saw, he died”) has transformed Libya into a land of anarchy with the Islamic State and other terror groups seizing ground and chopping off heads. But Clinton, like other architects of this disaster, won’t admit to a mistake.

Similarly, the Obama administration and the compliant mainstream U.S. media pushed a propaganda campaign against Syria’s secular leader Bashar al-Assad, blaming him for virtually all the violence that engulfed Syria despite the awareness of senior U.S. officials, including Vice President Joe Biden, about the key role played by Sunni jihadists and terror groups with the backing of Sunni-ruled Gulf states and Turkey.

So, when a lethal sarin gas attack struck a suburb of Damascus on Aug. 21, 2013, the Obama administration and key “human rights” groups blamed Assad’s forces although some U.S. intelligence analysts and independent observers quickly smelled a rat, the likelihood of a provocation sponsored by Al Qaeda operatives possibly aided by Turkish intelligence trying to induce the U.S. military to destroy Assad’s army and clear the way for a terrorist victory.

Though that “false flag” scenario became increasingly likely as the case against

Assad's forces essentially collapsed Obama and his administration have never corrected the record. They just left what now appears to be a false narrative on the record, so it can still be cited by neocon opinion leaders or "human rights" advocates and thus be used to mislead the American public.

Some people defend Obama for not admitting a mistake because to do so would undermine U.S. credibility, but I think the opposite holds true, that a frank admission that there was a misguided rush to judgment would be refreshing for Americans who are sick and tired of spin.

Similarly, there's the case of the July 17, 2014 shoot-down of Malaysia Airlines Flight 17 over eastern Ukraine, which the Obama administration pinned on ethnic Russian rebels and indirectly on Russian President Vladimir Putin. The case whipped up a frenzy of Russia-bashing across the West and thus became a valuable propaganda club.

But again, as U.S. intelligence analysts sifted through the evidence, some moved off in a different direction, blaming a rogue element of the Ukrainian government, according to a source briefed on these findings.

Yet, instead of either correcting the record or presenting evidence to buttress the initial judgment, the Obama administration has gone silent, refusing to make public any evidence that it possesses about the killing of 298 people. That has allowed the West's mainstream media and some supposedly "independent" bloggers to continue to push the Russia-did-it line.

Shifting Blame

More recently, the Obama administration has reacted to overwhelming evidence that some of its Mideast "allies" have been aiding and abetting the Islamic State, Al Qaeda and other violent jihadists by trying to shift the blame to the Syrian government and Russia.

In other words, we're told not to blame the Saudis and the Qataris for funding and arming these jihadists (despite admissions from Vice President Biden, former Secretary of State Clinton and the Defense Intelligence Agency). Nor should we notice that the Islamic State has been shipping its illicit oil into Turkey in large truck convoys through Turkish border crossings which also allow jihadist fighters to go back and forth.

The evidentiary record of Turkey's covert support for these radical jihadists is a long one, including many admissions from Turkish officials and reports from major Turkish media outlets. But we're told to ignore all that evidence and trust that Turkish President Recep Tayyip Erdogan is doing all he can to seal off his border and stop the terrorists.

Instead, though the Syrian and Russian governments have been delivering heavy blows to the jihadists, including Russia shaming the Obama administration into belatedly joining in the bombing of those ISIS oil convoys, we're supposed to believe that Damascus and Moscow are actually in cahoots with ISIS. This storyline amounts to the U.S. government's own crazy conspiracy theory.

We're also supposed to believe that the Saudis, the Qataris and the Turks are seriously engaged in the grand U.S. "coalition" Obama has boasted of its 65 members to fight ISIS, Al Qaeda and other terrorists. But these "allies" are mostly just going through the motions.

The overall impact of the U.S. government's years and even decades of public manipulation has been to "trifurcate" the American people into three groups: those who still believe the official line, those who are open to real evidence that goes against the official line, and those who believe in fact-free conspiracy theories positing that nothing from any official source can be true.

To say that such a division is not healthy for a democratic Republic is to state the obvious. Indeed, a democratic Republic cannot long survive if government officials insist on managing the people's perceptions through propaganda and disinformation. Nor can it long survive if a significant part of the population believes the craziest of conspiracy theories.

Yet, it seems that President Obama and other senior officials simply can't resist taking the easy route of deception to reach a compliant consensus, rather than engaging in the hard work of presenting clear evidence and engaging the American people in serious debate.

Or, perhaps Obama and his advisers are too deep into the lies and thus fear the consequences of admitting that many of their claims were false or misleading. That would be like Toto pulling the curtain away from the Wizard of Oz and the wizard immediately confessing. The instinct is to tell the populace to ignore that man behind the curtain.

The Impossible Speech

I have long advocated that Obama should go on television in the style of President Dwight Eisenhower's farewell address in 1961, sitting in the Oval Office, hands-folded, none of Obama's glitzy stage-craft, and simply level with the American people.

Before the speech, Obama could release the 28 pages from the congressional 9/11 report about Saudi support for the hijackers. He also could release other U.S. intelligence analyses on the role of the Saudis, Qataris and Turks in supporting Al Qaeda and ISIS. He could toss in what U.S. intelligence analysts have

concluded about the 2013 sarin gas attack in Syria and about the 2014 shoot-down of MH-17 in Ukraine.

To the degree that the U.S. government had misled the American people, the President could fess up. He could explain how he and other government officials were seduced by the siren song of the propagandists who promised to line up public opinion behind a policy with no muss or fuss. He could admit that such manipulation of U.S. citizens by the U.S. government is simply wrong.

Obama could explain that he now realizes that elitism in the pursuit of the people's subservience is incompatible with the principles of a Republic in which the citizens are the sovereigns of the nation. He could ask our forgiveness and recommit himself to the government transparency that he promised during the 2008 election. (While at it, he could pardon and apologize to the whistleblowers whom he has prosecuted and imprisoned.)

Having reestablished a foundation of trust and repudiating the past decades of deception he could explain what has to be done in Syria. Most significantly he could demand that Saudi Arabia, Qatar, Turkey and other countries helping ISIS and Al Qaeda shut down that assistance immediately or face severe financial and other consequences, "allies" or not.

Then, he could promise that after reasonable stability is restored to Syria the people of Syria would be allowed to decide who they want as their leaders. Right now, the key obstacle to a new power-sharing government in Syria is the West's insistence that Assad can't compete in future democratic elections. Yet, if President Obama is so sure that most Syrians hate Assad, nothing could demonstrate that better than Assad's resounding defeat at the polls. Why avoid that?

But it's become painfully obvious that Obama does not have it in him to give that speech or take such actions. It would require defying Official Washington's neocon-dominated insider community and "allies," such as Turkey, Saudi Arabia, Qatar and Israel. To appease those forces, he will continue to play word games and to spin propaganda narratives. He is too much of an elitist to inform and empower the American people.

Thus, the Obama administration's credibility gap won't be closed. Indeed, it will widen into a chasm, with Official Washington sitting on one side and the vast majority of humanity on the other. The undeserving winners will include the terrorists of ISIS and Al Qaeda. There will be many losers who deserve better.

[Update: Obama's Oval Office speech on Sunday night attempted to calm the fears of the American public and to defend his anti-ISIS strategy, but the President

offered no new information about how U.S. “allies” – such Saudi Arabia, Qatar and Turkey – have been implicated in the rise of Al Qaeda and ISIS.]

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How Republicans Shred the Republic

The anti-government ideology that drives today’s Republican Party claims to support the U.S. Constitution but is actually its antithesis. Rather than “We the People” providing for the “general Welfare,” the goal is to starve government and cede all power to the rich and ruthless, as Bill Moyers and Michael Winship explain.

By Bill Moyers and Michael Winship

For reasons hard to fathom, the Republicans seem to have made up their minds: they will divide, degrade and secede from the Union.

They will do so with bullying, lies and manipulation, a willingness to say anything, no matter how daft or wrong. They will do so by spending unheard of sums to buy elections with the happy assistance of big business and wealthy patrons for whom the joys of gross income inequality are a comfortable fact of life. By gerrymandering and denying the vote to as many of the poor, the elderly, struggling low-paid workers, and people of color as they can. And by appealing to the basest impulses of human nature: anger, fear and bigotry.

Turn on your TV or computer, pick up a paper or magazine and you can see and hear them baying at the moon. Donald Trump is just the most outrageous and bigmouthed of the frothing wolf pack of deniers and truth benders. As our friend and colleague [Tom Engelhardt of TomDispatch writes](#), “There’s nothing, no matter how jingoistic or xenophobic, extreme or warlike that can’t be expressed in public and with pride by a Republican presidential candidate.”

Like the pronouncement of the Ministry of Truth in Orwell’s *1984*, ignorance is strength, whether it’s casting paranoid fantasies about thousands of Muslims in New Jersey cheering 9/11, or warning about terrorists in refugees’ ragged

clothing and Mexican rapists slithering across the border.

Just 4½ years ago, Washington mainstays Thomas Mann and Norman Ornstein shocked the inside-the-Beltway establishment (especially the press, with its silent pact to speak no evil of wrongdoers lest they deny you an interview) when they published their book, *It's Even Worse than It Looks*.

The two esteemed political scientists wrote, "The Republican Party has become an insurgent outlier ideologically extreme; contemptuous of the inherited social and economic policy regime; scornful of compromise; unpersuaded by conventional understanding of facts, evidence and science; and dismissive of the legitimacy of its political opposition."

In the years since, an ugly situation has only gotten increasingly dire, with right-wing radicals whipped into a frenzy by a Republican establishment that thought it could use their rage, only to find it running amok and beyond their control.

In a recent interview with Francis Wilkinson of *Bloomberg View*, Norman Ornstein said, "The future still looks pretty grim." And Thomas Mann noted, "The burden is on the GOP because they are currently the major source of our political dysfunction. No happy talk about bipartisanship can obscure that reality. Unless other voices and movements arise within the Republican Party to changes its character and course, our dysfunctional politics will continue."

The fever is pandemic not only among the party's presidential candidates but throughout the House and Senate right down to our state governments. Witness erstwhile GOP presidential candidate and current Wisconsin Gov. Scott Walker cutting off food stamps for the hungry and possibly bankrupting food pantries in his state just in time for Christmas because many of those on the lowest rung of the ladder haven't yet found a job.

And here's multimillionaire Bruce Rauner winning the governorship of Illinois after spending some \$65 million, half of which came from himself and nine other individuals, families or the companies they control.

Now he's calling once again on his wealthy friends and allies around the country who, *The New York Times reports*, "are rallying behind Mr. Rauner's agenda: to cut spending and overhaul the state's pension system, impose term limits and weaken public employee unions" even though a majority of ordinary citizens in Illinois are opposed.

Meanwhile, with just a few weeks until they adjourn for the holidays, Republicans in the U.S. Congress will try to cram in as much pettiness and vituperation as they can before they head back to their states and districts, no

doubt to lead the home front in the fight against “the war on Christmas” launched this time every year by the Republicans’ propaganda arm (Fox News) and its shock troops on talk radio.

Congressional Republicans have vowed to free Wall Street from oversight and accountability and to prevent children fleeing the Syrian inferno from coming ashore on U.S. soil. And yes, they will once again be in full throat against gun control (despite the latest tragedy in San Bernardino, California).

They’re on constant attack against the science of climate change, with the latest salvo two House bills passed Dec. 1 that undermine Environmental Protection Agency rules (President Barack Obama will veto them). And believe it or not, once again they’ll try to scuttle Obamacare, as in Kentucky where the self-financed, wealthy Republican governor-elect has vowed to cut loose hundreds of thousands of people from health insurance.

Take a look at some of their other plans, including the riders congressional Republicans are contemplating for inclusion in the omnibus spending bill that must be passed by Dec. 11. The whole mess is a Bad Santa’s list of loopholes benefiting High Finance, tax cuts for the rich, and budget cuts for everyone else, even as they drive the nation deeper into debt and disrepair.

All of these sad examples are but symptoms of a deeper disease the corruption and debasement of society, government and politics. It is a disease that eats away at the root and heart of what democracy is all about.

Remember the opening phrase of the Preamble to the Constitution committing “We, the People” to the most remarkable compact of self-government ever for the good of all? The Republicans are shredding that vision as they make a bonfire of the hopes that inspired it and, in the process, reduce the United States to a third-rate, sorry excuse for a nation.

Why? For an analogy and an answer we have to go back to the slave-holding Democrats of the 1840s and 1850s who were prepared to destroy the Union if necessary to protect and expand the brutal system of human slavery on which their economy and way of life were built.

The extremism and polarization engendered made it impossible for politics peacefully to resolve the moral dilemma facing our country. If the Republicans and the first Republican president, Abraham Lincoln, had not championed and fought to preserve the Union and its government, the United States would have been no more.

Now it is the Republicans who are willing to wreck the country to maintain the gross inequality that divides us inequality which rewards the party leaders and

their donors, just as slavery rewarded white supremacists. They would tear the Republic apart, rip to pieces its already fragile social compact, and reap the whirlwind of a failed experiment in self-government.

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Global Angst over US Secrecy Fetish

With the reach of U.S. surveillance now global and with the U.S. military deployed all over the world anger at President Obama's unprecedented crackdown on whistleblowers who disclose the U.S. government's abuses and crimes has gone international, as this Norwegian opinion piece by Victor Wallis shows.

By Victor Wallis

The more extreme the crimes of state, the more the state seeks to shroud them in secrecy. The greater the secrecy and the accompanying lies, the more vital becomes the role of whistleblowers and the more vindictive becomes the state in its pursuit of them.

Whistleblowers are people who start out as loyal servants of the state. Their illusions about the state's supposed moral agenda and the wholeheartedness of their own patriotic commitment make them all the more shocked when they discover evidence of the state's wrongdoing.

Given the extreme concentration of weaponry (as well as surveillance capabilities) in the hands of the state, and given the disposition of the state to apply such resources even against nonviolent mass movements, the type of defection practiced by whistleblowers an option available to military and intelligence operatives at all levels is crucial to any eventual triumph of popular forces over the ruling class.

Whistleblowers thus not only embarrass the government, disrupt its policies, and (assuming adequate diffusion) educate the citizenry; they also are harbingers of a broader crumbling of the capitalist state and the order it defends. Acting largely in isolation and at great risk to themselves, they embody the conviction or at least the hope that basic decency has a more universal grounding than does

any possible scheme of oppression.

Whistleblowing's principal near-term function is educational. It demonstrates the undemocratic character of the regime whose secrets it lets out; it is thus an essential ingredient of investigative journalism. The documents it brings to light reach the public through those who practice such journalism, whom the government then threatens with prosecution unless they disclose their sources.

The novelty of Wikileaks is that it provided a new form of protection for the anonymity of sources. This, together with the facility of electronic transmission, has made the potential for disclosure greater than ever before. It accounts for the extraordinary fact that the U.S. government has been pursuing draconian charges against someone who not merely is only the recipient rather than the "leaker" of sensitive information, but someone who is not even a citizen or resident of the United States Julian Assange.

Disclosure is particularly embarrassing when it documents the fact that government officials have lied. The Director of Central Intelligence lied under oath to the U.S. Congress a felony for which he was never prosecuted when he denied that the National Security Agency monitors the communications of the entire U.S. population.

This lie was the culminating event in Edward Snowden's decision to blow the whistle. As we all know, of course, it is Snowden who was then criminalized by the government. This parallels the experience of John Kiriakou, who publicly confirmed, on the basis of his first-hand knowledge, that the CIA practiced torture by waterboarding. Kiriakou then became the only government official to be prosecuted and imprisoned in connection with CIA and military practices of torture.

The debate over whistleblowers reached tens of millions of viewers when the presidential candidates of the Democratic Party were asked (on Oct. 13) their views about Snowden. Hillary Clinton falsely asserted that he could have used established channels to transmit his disclosures of excessive surveillance, presumably at no risk to himself.

This claim is refuted by the experience of previous whistleblowers who had taken just that approach. One of them, Thomas Drake, retold his story two days later, at a news conference ignored by most of the corporate media ([video](#)), which was organized on behalf of yet another whistleblower, Jeffrey Sterling, who recently began a 42-month prison term on a conviction of "espionage."

What Sterling had done was report to the U.S. Senate Select Committee on Intelligence about a counterproductive CIA attempt (in 2000) to feed misleading

technological data to Iranian scientists. What he was prosecuted for was his subsequent conversations with *New York Times* journalist James Risen, although no evidence was available as to the content of those conversations, since Risen refused to testify.

Sterling's story is recounted in a letter from his wife, seeking presidential clemency from Obama. Sterling had been fired from the CIA in 2002 after filing a complaint against the agency for racial discrimination (an episode on which Risen wrote a news story). After Risen's book *State of War* (2006) came out, the FBI raided Sterling's home, but it was not until more than four years later under President Obama that he was arrested (2011).

The latest whistleblower, who documents the "normalization of assassination" via drone warfare, is wisely seeking to remain anonymous. The U.S. government will surely take all possible steps to track him down.

The work of whistleblowers, as well as their personal safety, is obviously an issue that cuts across national borders. Support for U.S. whistleblowers will need to be as global as the reach of the policies and the weapons that they expose.

Victor Wallis is managing editor of the journal Socialism and Democracy. [This is the original text of a column (written on Oct. 20) posted on the Norwegian website radikalportal.no.]

The Issue of Anti-Abortion Terrorism

There have long been double standards when using the word "terrorism," with acts by political or ideological allies spared the label while it is ladled over the actions of an adversary, a dilemma that has reappeared in the attack on a Planned Parenthood clinic in Colorado, writes ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

The lethal armed attack by a troublesome drifter against a Planned Parenthood clinic in Colorado Springs brings to mind two insufficiently recognized patterns about political violence and specifically terrorism, and how such violence tends to get treated in public debate and public policy.

One concerns the politicization and inconsistency with which such violence is or is not actively countered and not just verbally condemned, and often with which the T-word is applied at all. The inconsistency spans not only international

differences that have been the basis for arguments over whether certain armed groups should be considered terrorists or freedom fighters, but also domestic political differences, including political differences in the United States.

Although an investigation still in its early stages presumably will tell us more about the perpetrator in Colorado Springs, the incident clearly was an anti-abortion statement and more specifically a statement against Planned Parenthood, which anti-abortion activists recently have made their prime target.

According to a law enforcement official connected with the investigation, the gunman used the phrase “no more baby parts” to explain his attack, which was “definitely politically motivated.” The handling of the abortion issue and of violence associated with it has been for some time a prime illustration of the politicized and inconsistent treatment of terrorism.

The historian Philip Jenkins has documented how, during earlier waves of violence against clinics and health care professionals associated with abortion, the labeling of, and action against, this violence was heavily influenced by what political party or ideology was dominant. Jenkins notes that in the 1980s and early 1990s, the FBI did not even include such violence in its statistics on domestic terrorism, even though it fit the Bureau’s own definition of terrorism, and did not become involved in investigating it.

Jenkins writes, “Anti-abortion ‘terrorism’ only became such when a new political party took power in 1993.”

Now we are getting a replay of politically determined reactions to anti-abortion violence. President Barack Obama’s statement immediately after the shooting maintained agnosticism about motives and merely cited the incident as a reminder of the need for better gun control. Democratic presidential contenders issued statements supporting Planned Parenthood. Others pointed to the obvious connection between inflammatory rhetoric and the likelihood of an individual with violent inclinations acting on that rhetoric.

As for the Republican presidential candidates, in the words of the *Washington Post*’s coverage over the weekend, a Republican field that “for much of the year has been full-throated in its denunciations of Planned Parenthood” was “nearly silent” in the first day after the shooting. Candidates emerged from their silence only when having to respond to questions on Sunday interview shows.

Carly Fiorina, whose own accusations against Planned Parenthood have included rhetoric about “butchering babies for body parts,” tried to deflect the issue by saying, “This is so typical of the left to immediately begin demonizing a messenger because they don’t agree with the message.”

The other pattern, applicable to both domestic and international terrorism, is the tendency to think of terrorism as a product of a specific group that combines in one package the ideology, the agenda, the organization, the know-how, and the operational initiative needed to yield terrorist attacks, when in fact these ingredients more often are in separate pieces.

Very often the initiative and execution of a terrorist attack come from a violence-inclined actor inspired and inflamed by someone else who provided an agenda and an ideology. The Colorado Springs incident, with the caveat that with further investigation we may still learn more, certainly appears to illustrate how this process repeatedly has worked with domestic terrorism.

In international terrorism, the pattern was displayed with Al Qaeda, often and incorrectly perceived as a kind of monolithic Terrorism International when in fact it became more of an ideology and radical brand name adopted and invoked by an assortment of actors who took the operational initiative to conduct attacks far and wide.

Something similar is now the case with ISIS, even though ISIS at the center has a far more substantial presence on the ground than Al Qaeda ever did. The attacks in Paris fall into this pattern. ISIS in the Middle East was a highly relevant inspiration, brand name, and cause with the capacity to inflame, but after more than two weeks of investigation, it still appears that the operational initiative and know-how, such as it was, for the attacks came from a radical gang based in Belgium.

Juan Cole, writing in *The Nation*, provides a useful guide for thinking about this aspect of ISIS. He describes the problem of an inhumane ISIS enclave in Syria and Iraq as a "quite separate challenge" from the problem of disaffected and radicalized youth in Muslim districts in Europe. Each of the two challenges needs its own set of policy responses, despite the connections between the two.

There are major and obvious differences between the corresponding challenges of each sort in domestic and international terrorism. What is most needed to reduce radicalism in a French *banlieue* is not what is most needed to reduce violence at abortion clinics in the United States. And what is most needed to control the destabilizing effects on the region of a so-called caliphate is not what is required to reduce inflammatory rhetoric in U.S. political campaigns.

In each case, however, we are dealing with separate but related entities that interact in a way that produces violent results. The separation between the trigger men and the idea men (and women) is not as great as apologists for the anti-Planned Parenthood rhetoric would like us to believe. Nor is the separation as little as implied by the belief that smashing with force someone's mini-state

in the Middle East will cure Islamist terrorism in the West.

Paul R. Pillar, in his 28 years at the Central Intelligence Agency, rose to be one of the agency's top analysts. He is now a visiting professor at Georgetown University for security studies. (This article first appeared as [a blog post](#) at The National Interest's Web site. Reprinted with author's permission.)

CIA Whistleblower Kiriakou Honored

CIA officer John Kiriakou, the first U.S. official to confirm that waterboarding was used to torture "war on terror" detainees, then faced a retaliatory prosecution and 30 months in prison. Recognizing his sacrifice, the literary group PEN gave Kiriakou its First Amendment Award, observed ex-CIA analyst Ray McGovern.

By Ray McGovern

Editor's Note: On Nov. 16, PEN Center USA, the West Coast branch of PEN International, gave former CIA officer John Kiriakou its First Amendment Award for his role in exposing waterboarding as torture used during President George W. Bush's "war on terror." Kiriakou then faced retaliation which led to a 30-month prison term for revealing classified information.

PEN International, a human rights and literary arts organization that promotes the written word and freedom of expression, asked former CIA analyst Ray McGovern to write an essay describing Kiriakou's contribution and sacrifice. McGovern wrote:

John Kiriakou was just a name in the news until early 2012 when I got a call from Jesselyn Radack, mutual friend, whistleblower and intrepid attorney, who suggested I have lunch with him. John had been arrested in January and charged with unauthorized disclosure of classified information. Over lunch I learned how John had transitioned from highly decorated CIA officer to target of a government vendetta.

John, you see, had refused to be trained in how to torture. Even worse, he had the temerity to confirm publicly that our government was implementing a White House-approved program of torture techniques that turned out to be virtually identical to those listed in the Gestapo *Handbuch*.

Those of you who have seen the documentary *Silenced* already know of the key role Jesselyn Radack has been playing in defending whistleblowers like John Kiriakou.

What? This is the first you have heard of *Silenced*? Well, there's a subject for another discussion. Suffice it to note here that the powers-that-be in the distribution business simply chickened out, as they so often do.

Silenced chronicles behavior by faux lawyers at the Department of Justice that is anything but just or lawful. But, hey, who, in this day and age, wants to take on a notoriously vindictive DOJ? And so, with supreme irony, *Silenced* has been silenced.

The documentary shows in a poignant way how, after Jesselyn Radack's own ordeal at the hands of DOJ where she had been an adviser on legal ethics, she decided to devote the rest of her professional life to defending other whistle blowers. John Kiriakou and NSA whistleblower Thomas Drake are also featured all three playing their own roles.

The film presents an extraordinary example of how personal involvement with innocent suffering with injustice suffered first hand or by others can move the heart and the will so deeply that experience becomes catalyst for solidarity and action.

And healing. This came second nature to the community that immediately enfolded the Kiriakou family and helped John's wife Heather and their three young children 2, 7, and 9 at the time survive the ordeal of two years with dad stuck in prison. There were lots of us many no strangers to jail or prison for whistleblowing or nonviolent resistance and Code Pink, as usual, stepped up to share leadership.

Making an Example of John

At CIA's urging, DOJ was coming after John Kiriakou big time. And Heather, herself a widely respected CIA analyst, was let go. In effect, government retaliation created a situation of "two-less" replacing the "twofer" that had been serving with such distinction and integrity at CIA.

When John went to prison, I could identify albeit in a very small way with what it means to be away from wife and children for what seems like forever. Decades ago I had spent three months alone in the Soviet Union, away from my wife and three small children. I ached; I missed the hugs so much that I dreamed of finding a way to send my arms home in the diplomatic pouch.

It's harder still, of course, for wives. It always is. It was challenging enough for my wife to cope with our three children all of them under ten for three months. The mind boggles at what it must have been like for Heather with three still younger children.

And in the midst of all this, with zero warning, Heather's mother had a fatal heart attack. She had been an anchor against the wind for Heather and also a large part of her grandchildren's lives. With our own three daughters, I have witnessed first-hand the sanctity of the unique bond between mother and daughter. Maybe only a woman can fully understand the depth of the challenge Heather faced with the sudden death of her treasured soul mate and with no husband nearby to lean on.

The "Dark Side"

John Kiriakou had become CIA's Enemy No. 1 because he was the first insider to disclose that his former colleagues had been suborned into implementing a program of torture. Alarm bells had sounded at CIA: What if some of John's former colleagues retrieved their consciences and followed his example? This could not be allowed to happen. Swift retribution was indicated.

The broader question, of course, is why had it been so easy to get CIA operatives to walk on Dick Cheney's "Dark Side." The context, of course, is 9/11. We keep hearing: "AFTER 9/11 EVERYTHING CHANGED." Really? Everything? Did torture somehow slip out of the moral category it had long inhabited together with rape and slavery the category ethicists call "intrinsic evil?"

No way, said John Kiriakou. And thus began a cruel duel between two unequal adversaries: an exceedingly ruthless, vindictive government and a CIA professional determined not to violate his conscience.

What happened not only to many of John's colleagues but also to Americans at large parallels what happened to Germans after their "9/11," the burning of the Parliament building in Berlin on Feb. 27, 1933. Be afraid, they were told, be very afraid. It worked. With what a young German lawyer (later a writer with the pen-name Sebastian Haffner) living in Berlin at the time called "sheepish submissiveness," Germans acquiesced in the most draconian, one might say "Patriot Act"-type, violations of their own Constitution. Haffner wrote:

"The sequence of events ... is wholly within the normal range of psychology, and it helps to explain the inexplicable. The only thing that is missing is what in animals is called 'breeding.' This, a solid inner kernel that cannot be shaken by external pressures and forces, something noble and steely, a reserve of pride, principle, and dignity to be drawn on in the hour of trial."

Missing? Missing in many; anchored in Greek marble in John Kiriakou.

In exposing torture, John found himself in the company of other officials with integrity and guts like Gen. John Kimmons, head of U.S. Army Intelligence. On the very day (Sept. 6, 2006) that President George W. Bush publicly disclosed

and bragged about the supposed effectiveness of what he called “an alternative set of procedures” for interrogation (then given the euphemism “enhanced interrogation techniques”), Kimmons arranged his own press conference at the Pentagon and said:

“I am absolutely convinced [that] no good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the last five years, hard years, tells us that.”

Actually, Kimmons could have gone back 70 years not just five. It turns out that “enhanced interrogation techniques” is a literal translation of the Gestapo *Handbuch's* “Verschaerfte Vernehmung.” And most of those Nazi “techniques” are the same ones blessed by the Bush-Cheney administration (with just a few further enhancements).

The award from PEN seems all the more appropriate inasmuch as John is now a writer and speaker of truth as well as a consultant on films and TV shows. And as many of us know only too well, he has his work cut out for him, whether writing about intelligence, torture, or how our prisons must be humanized.

The Challenge

Polling shows that most Americans continue to support brutal methods of interrogation, even in the wake of the Senate Intelligence Committee report made public last December that, using CIA's own cables, disproved claims that torture “worked.” Trouble is, Americans don't read Senate reports; they watch TV and movies. That's how they “know” torture works. Think Fox TV's series “24.” Think Columbia Pictures' “Zero Dark Thirty.”

“Jack Bauer, the hero of “24,” breaks captives' fingers to elicit information that “keeps us safe.” And Americans applaud. Worse still, interrogators are misled and corrupted. Lt. Col. Diane Beaver, a military lawyer at Guantanamo, told British author Philippe Sands that Bauer “gave people lots of ideas. We saw ‘24’ on cable ... It was hugely popular.”

Sands wrote, “She [Beaver] believed the series contributed to an environment in which those in Guantanamo were encouraged to see themselves as being on the frontline and to go further than they otherwise might.” Sands added that “24” also made it more difficult for those who objected to the abuse to stop it.

In fact, “24” was making torture appear so effective and even glamorous that U.S. military officials appealed to the creators of the show to tone down the torture scenes and give less play to the fiction that torture is “effective.”

Some psychological research has shown that fiction is as effective as non-

fiction at deeply moving people even when they know that what they are being moved by is a fictional account. People tend to be “transported” by a good story providing “truths” that appear just as powerful (or even more so) as those we encounter in the real world.

‘Zero Dark Thirty’

Which brings us to “Zero Dark Thirty.” And this, I believe, would be of particular interest to PEN. How in the world will John Kiriakou be able to open minds to the reality that the issue of morality aside torture does not “work,” when so many have actually seen it “work” watching “Zero Dark Thirty,” as well as “24?”

True, John Kiriakou has an abundance of experience and credibility. But what are these, stacked up against seeing torture work “with your own eyes?” John can cite the following facts until he is blue in the face, but the odds remain high against him.

On Dec. 21, 2012, two days after “Zero Dark Thirty” premiered, CIA’s acting director took the unusual step of formally addressing agency employees with these words:

“[T]he film takes significant artistic license, while portraying itself as being historically accurate. ... [It] creates the strong impression that the enhanced interrogation techniques that were part of our former detention and interrogation program were the key to finding Bin Laden. That impression is false. ... I want you to remember that ‘Zero Dark Thirty’ is not a documentary.”

Sen. John McCain, who was tortured as a POW in North Vietnam, said the film left him sick “because it’s wrong.”

Historian Karen J. Greenberg, Director of Fordham University Law School’s Center for National Security, wrote this about the film’s director: “Bigelow has bought in, hook, line, and sinker, to the ethos of the Bush administration and its apologists.” Greenberg called the film “the perfect piece of propaganda, with all the appeal that naked brutality, fear, and revenge can bring.”

And Peter Maass of *The Atlantic* wrote that the film “represents a troubling new frontier of government-embedded filmmaking.” And Maass, too, is right.

Looking Forward

I’m not sure John Kiriakou would qualify for PEN Center USA’s specific program for “Emerging Voices,” but I am sure that, just the same, this year’s First Amendment Awardee is a very important emerging voice both as writer and as a

consultant on films and TV shows. Of this we can also be sure; nothing John gets involved in will glorify torture or otherwise bend to prevailing winds of dishonesty.

With the support of Heather and many others, he has already bucked a powerful system arrayed against him. John Kiriakou will give no quarter in his passion for spreading truth around, no matter how many additional systemic hurdles he may be required to surmount.

Besides, he has “backing.” If you don’t believe me, download *Silenced*.

Ray McGovern was a CIA analyst for 27 years from the administration of John F. Kennedy to that of George H. W. Bush. He is co-founder of Veteran Intelligence Professionals for Sanity (VIPS), which welcomed John Kiriakou into membership from federal prison.

Obama’s Gitmo Failure

As President Obama approaches his final year in office, he has yet to fulfill one of his earliest promises, closing the Guantanamo Bay prison. It remains a grievance used by terror groups as a recruiting tool, but the prison has other legal and political problems, writes Marjorie Cohn at TeleSUR.

By Marjorie Cohn

President Barack Obama has yet to fulfill the promise he made in his Jan. 22, 2009 executive order to shutter Guantanamo “no later than one year from the date of this order.” Any individuals remaining there at the time of closure, Obama wrote, “shall be returned to their home country, released, transferred to a third country, or transferred to another United States detention facility in a manner consistent with law and the national security and foreign policy interests of the United States.”

However, after threatening to veto the final draft of the annual National Defense Authorization Act (NDAA) partly because it forbids the transfer of Guantanamo detainees to the United States and tightens barriers to sending them to other countries, Obama caved. A White House spokesperson said Obama would sign the legislation, which passed overwhelmingly in the House and Senate. Sen. Bernie Sanders, I-Vermont, was one of three senators to vote against the bill.

Nearly seven years after Obama’s promise, 112 men remain at Guantanamo, half of whom have been cleared for release. Obama has released 54 prisoners and is

reviewing the cases of others still being held.

In March 2011, Obama designated 46 men to remain in indefinite detention without trial, but promised periodic review of their cases. Arbitrary detention violates the International Covenant on Civil and Political Rights, a treaty the United States has ratified, making it part of U.S. law under the Supremacy Clause of the U.S. Constitution.

The periodic reviews didn't start until November 2013, spurred by hunger strikes at the prison. The reviews continue to be conducted. As a result of those reviews, 14 additional men were cleared for release and five of them have been released.

In April 2013, Obama said, "I think it is critical for us to understand that Guantanamo is not necessary to keep America safe. . . . It hurts us in terms of our international standing. . . . It is a recruitment tool for extremists. It needs to be closed." Yet it remains open.

One of the transfer restrictions required the Secretary of Defense to notify Congress 30 days before a transfer that it would be good for national security. But to avoid being personally responsible if a detainee were to become a terrorist, former Defense Secretary Chuck Hagel hesitated to allow transfers.

Obama is reportedly preparing a plan to speed up transfers of half the remaining Guantanamo prisoners to their home countries or other willing nations. The plan will also set forth new security protocols to prevent detainees from returning to terrorist activities once released.

Military experts are conducting surveys of prisons in the United States for possible transfer of detainees. They include the military prison at Ft. Leavenworth, Kansas; the Naval Consolidated Brig in Charleston, South Carolina; and the U.S. Supermax prison in Florence, Colorado.

In spite of the NDAA, Obama has the power to close Guantanamo. Former White House counsel Gregory Craig and Cliff Sloan, former special envoy for Guantanamo closure, maintain, "the president does not need Congress's authorization to act." They wrote in the Washington Post, "Under Article II of the Constitution, the president has exclusive authority to determine the facilities in which military detainees are held. . . . The determination on where to hold detainees is a tactical judgment at the very core of the president's role as commander in chief."

According to Craig and Sloan, "Congress's purported ban on funding any movement of detainees from Guantanamo Bay to the United States restricts where 'law-of-war' detainees can be held and prevents the president from discharging his

constitutionally assigned function of making tactical military decisions. Accordingly, it violates the separation of powers.”

Lt. Col. David Frakt, who has represented Guantanamo detainees before the military commissions and in federal habeas corpus proceedings, concurs. “When the Obama administration really wants to transfer a detainee, they are quite capable of doing so,” Frakt wrote in JURIST. He said Obama should direct his Attorney General to inform the D.C. Circuit Court of Appeals that the Department of Justice no longer considers the cleared detainees to be detainable.

Col. Morris Davis, former Chief Prosecutor for the Terrorism Trials at Guantanamo, personally charged Osama bin Laden’s driver Salim Hamdan, Australian David Hicks, and Canadian teen Omar Khadr. All three were convicted and have been released from Guantanamo.

“There is something fundamentally wrong with a system where not being charged with a war crime keeps you locked away indefinitely and a war crime conviction is your ticket home,” Davis wrote to Obama.

Of the 780 men held at Guantanamo since 2002, only eight were tried and convicted of war crimes. Of those, just three remain at Guantanamo.

Many of the detainees reported being assaulted, prolonged shackling, sexual abuse, and threats with dogs. Australian lawyer Richard Bourke, who has represented several Guantanamo detainees, charged they have been subjected to “good old-fashioned torture.” Detainees who engage in hunger strikes are subjected to force-feeding, a practice the UN Human Rights Council has called torture or cruel, inhuman or degrading treatment. At least seven men have died at the prison camp.

The United States has illegally occupied GuantÁinamo since 1903, after Cuba’s war of independence against Spain. Cuba was forced to include the Platt Amendment in the Cuban constitution. The amendment granted the United States the right to intervene in Cuba as a prerequisite for the withdrawal of U.S. troops from the rest of Cuba. That provision provided the basis for the 1903 Agreement on Coaling and Naval Stations, which gave the United States the right to use GuantÁinamo Bay “exclusively as coaling or naval stations, and for no other purpose.”

President Franklin D. Roosevelt signed a new treaty with Cuba in 1934 that allows the United States to remain in GuantÁinamo Bay until the U.S. abandons it or until both Cuba and the United States agree to modify their arrangement. According to that treaty, “the stipulations of [the 1903] agreement with regard to the naval station of GuantÁinamo shall continue in effect.”

That means Guantánamo Bay can be used for nothing but coaling or naval stations. Article III of the 1934 treaty also says that Cuba leases Guantánamo Bay to the United States “for coaling and naval stations.” Nowhere in either treaty did Cuba give the U.S. the right to utilize Guantánamo Bay as a prison camp.

Former Cuban President Fidel Castro has long maintained that Guantanamo is part of Cuba and that the U.S. illegally occupies it. One of Cuban President Raul Castro’s requirements for normalization of relations with the United States is the return of Guantanamo to Cuba.

If there is probable cause to believe a detainee committed a crime, he should be sent to the United States for trial in federal court. The remaining detainees should be returned to their countries of origin or third countries if that is not feasible. After shuttering the prison camp, Obama should return Guantanamo Bay to Cuba, its rightful owner.

Marjorie Cohn is a professor at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and deputy secretary general of the International Association of Democratic Lawyers. Her most recent book is [Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues](#). See [Marjorie’s blog](#). [This [article](#) was originally published by teleSUR.

Obama’s Double-Standard on Leaks

Though President Obama touts America as a nation of laws and evenhanded justice, there is a blatant double-standard regarding how people are punished for national security breaches whistleblowers are harshly punished but the well-connected get a pass, writes John Hanrahan.

By John Hanrahan

There he goes again. In recently proclaiming Hillary Clinton free of any national security breach, even as the FBI was continuing its investigation of her use of a potentially risky private email server for official business while she was Secretary of State, President Barack Obama continued his disturbing pattern of rendering his personal verdict ahead of legal proceedings in high-profile cases involving classified government information.

From Private Chelsea Manning to General David Petraeus to Edward Snowden and now to Hillary Clinton, the President has sounded off with his opinions on guilt or innocence, and on any alleged damage to national security, in advance of either

a trial, or an indictment, or completion of an investigation.

Short version: whistleblowers Manning and Snowden clearly guilty; former high government officials Petraeus and Clinton, no problem.

In April 2011, two years before court martial proceedings began and almost two years before Manning acknowledged being a source for hundreds of thousands of classified documents released by Wikileaks, Obama proclaimed Manning guilty. The materials Manning provided to Wikileaks exposed diplomatic secrets and U.S. military abuses in Iraq and Afghanistan, including showing greater numbers of civilian casualties than admitted publicly by U.S. officials.

Among the most shocking was the classified "collateral murder video" that showed U.S. military personnel in an Apache helicopter in a Baghdad suburb indiscriminately firing on and killing more than a dozen people, including rescuers and two Reuters employees, and wounding others, including two children.

Likewise, exiled whistleblower Edward Snowden was excoriated in absentia by Obama in January 2014 for providing to journalist Glenn Greenwald, filmmaker Laura Poitras and others a trove of frightening National Security Agency documents. The documents showed that the Big Brother State had indeed arrived via the NSA's worldwide, dragnet surveillance and data collection programs.

Petraeus received Obama's no-harm-no-foul verdict in November 2012, while Clinton won the president's thumbs-up during a *60 Minutes* appearance by the President that was broadcast this past Oct. 11.

In his public pronouncements, a double standard has been applied by the President to powerful former governmental figures caught up in investigations regarding classified information. In Obama's eyes, neither Petraeus nor Clinton did anything wrong: Not Petraeus in providing extremely highly secretive documents to his mistress Paula Broadwell; nor Clinton, in using her personal email server to conduct official business while she was Secretary of State, a server that might have contained classified information and that critics contend could have been easily penetrated by hackers, including unfriendly foreign governments.

And in both the Petraeus and Clinton cases, Obama stated his views publicly in an early stage of an investigation, sending a message that would certainly give pause to FBI investigators and federal prosecutors trying to build a case involving either of those two powerful former government officials.

It's worth revisiting some of what Obama said about these various national security investigations, and the possible impact his statements had or might have on subsequent events in these cases:

Chelsea Manning

On April 21, 2011, Obama was confronted, and recorded, at a political fundraiser by a Manning supporter who wanted to know why Manning was being prosecuted on such serious charges. Manning, said Obama, was “irresponsible, risked the lives of service members and did a lot of damage. He broke the law.”

Remember, this was two years before Manning went to trial and almost two years before Manning acknowledged being the source for documents released by Wikileaks. Nothing had been proved against Manning in any legal forum.

Obama also made further comments that have a delightful irony about them, given the subsequent investigation of Petraeus, as well as the disclosure that former CIA Director Leon Panetta had provided classified information to the makers of the torture-justifying movie, “Zero Dark Thirty.”

Said Obama: “If I was to release stuff, information that I’m not authorized to release, I’m breaking the law. We’re a nation of laws. We don’t individually make our own decisions about how the laws operate.”

To those of us who attended sessions of Manning’s 2013 court-martial, with the defense hamstrung by adverse national security rulings and barred by espionage law from mounting a public-interest defense, the verdict was not surprising. But the draconian 35-year sentence meted out by military judge Colonel Denise Lind was a shocker even in the context of the sham that is “military justice.”

Human nature, being what it is, would suggest that when the top military boss, the commander-in-chief, publicly pronounces the defendant guilty in advance of trial, some attention is certainly paid further down the chain of command to not only winning a conviction, but imposing a stiff sentence as well.

In that context, the President’s pre-trial comments amounted to exerting undue command influence, as Manning supporters and even some in the mainstream press pointed out at the time. NBC News chief Pentagon correspondent Jim Miklaszewski wrote this:

“The Uniform Code of Military Justice prohibits ‘Command Influence,’ in which a superior officer up the chain of command says or does something that could influence any decisions by a military judge or jury in a criminal case. As commander in chief, there’s no one higher up the chain than the president.”

In receiving that unconscionable 35-year prison term from Judge Lind, Manning may indeed be paying the price for Obama’s pre-trial comments.

General Petraeus

On Nov. 9, 2012, just three days after Obama was reelected, Petraeus resigned as CIA director as the news broke of his affair with Paula Broadwell. A mere five days after that, with the FBI's investigation still in an early phase, Obama, in his first post-election news conference, all but exonerated Petraeus, saying:

"I have no evidence, from what I have seen at this point, that classified information was exposed." He also said that he had seen nothing "that in any way would have had a negative impact on our national security."

Obama then poured it on, reminding the American public that this four-star general is a unique man who deserves being left alone because of all of his service on our behalf.

"We are safer because of the work that Dave Petraeus has done," Obama said. "And my main hope right now is, is that he and his family are able to move on and this ends up being a single side note on what has otherwise been an extraordinary career."

Obama may or may not have known that just the previous month (October 2012) Petraeus had lied to the FBI that he had not provided any classified information to Broadwell (who co-authored a biography of Petraeus). He had also signed a statement upon leaving the CIA that he had no classified material in his possession, another lie.

When the FBI raided Petraeus's home in April 2013, agents confiscated from an unlocked desk drawer eight notebooks that contained what the *New York Times* described as "handwritten classified notes about official meetings, war strategy, intelligence capabilities and the names of covert officers." Petraeus himself described material in some of the so-called "black books" as being "highly classified."

Petraeus subsequently admitted providing the classified notebooks to Broadwell and worked out a sweetheart plea deal under which he was not charged with a felony or covering up by lying to the FBI, but instead was allowed to plead guilty to a minor misdemeanor count of unauthorized removal and retention of classified material.

For that, in marked contrast to two convicted CIA whistleblowers, John Kiriakou and Jeffrey Sterling, who received prison sentences of 30 months and 42 months, respectively, Petraeus was given no prison time. His slap-on-the-wrist "punishment": two years probation and a \$100,000 fine.

In addition to having a compliant Justice Department to thank, Petraeus can certainly give a tip of his general's hat to a president, who made his views clear early on: Namely, you do not send a world-famous general to jail for an

offense that would likely land any less heralded soldier in federal prison for many years.

In any event, present and future high-ranking government officials should take note: There is now an apparent “mistress exception” loophole in all those laws and regulations relating to the leaking of classified materials.

Edward Snowden

In a Jan. 17, 2014 speech touting what he described as his plans to reform U.S. surveillance practices, President Obama said that the “Snowden disclosures” had the effect of “revealing methods to our adversaries that could impact our operations in ways that we may not fully understand for years to come.”

“Given the fact of an open investigation, I’m not going to dwell on Mr. Snowden’s actions or his motivations,” Obama said. “Our nation’s defense depends in part on the fidelity of those entrusted with our nation’s secrets. If any individual who objects to government policy can take it in their own hands to publicly disclose classified information, then we will not be able to keep our people safe, or conduct foreign policy.”

Five days after Snowden revealed himself as the whistleblower source for the NSA documents, the Justice Department filed a criminal complaint against him, charging him with theft and, more seriously, with two espionage charges: “unauthorized communication of national defense information” and “willful communication of classified communications intelligence information to an unauthorized person.”

In the event Snowden someday faces a trial, you can bet that some variation of Obama’s words, that Snowden’s disclosures had revealed “methods to our adversaries that could impact our operations in ways that we may not fully understand for years to come”, will be part of the prosecutor’s arsenal of charges. Just as was the case in the Chelsea Manning, Jeffrey Sterling and John Kiriakou prosecutions, whistleblowing equates to endangerment to us all.

Hillary Clinton

In an appearance on CBS’s *60 Minutes* that was broadcast on Oct. 11, 2015, Obama said that Hillary Clinton’s use of a private email server is “not a situation in which America’s national security was endangered.” While he opined that Clinton’s use of the non-governmental server was a “mistake,” Obama added: “I don’t think it posed a national security problem.”

How can the President be so sure in the initial stages of an investigation that Manning is guilty and Petraeus and Clinton have done nothing to endanger

national security? That Snowden and Manning, though, did endanger national security, but Clinton's problematic private server, there for the possible picking by friendly or unfriendly nations or terrorist factions, did not?

This gratuitous support for Clinton, coming smack in the middle of the FBI investigation, sends a message down the civilian chain of command: Move on. Nothing to see here. An FBI agent or Justice Department prosecutor might just want to think twice about whether it's a great career-enhancing move to keep pursuing the Clinton email matter when the President sends such a message out to the world.

(As if the pressure weren't already enough, knowing that the woman you're investigating could very likely be elected president next year.)

Even people who believe that Clinton did nothing wrong, who feel that this is just another Republican-influenced vendetta to sabotage her presidential campaign, should be concerned that a president would interject himself thusly into an ongoing investigation.

Two days after the *60 Minutes* broadcast, White House press secretary Josh Earnest issued one of those statements intended for that segment of the American public that just fell off the turnip truck: The President's comment on *60 Minutes* was "based on what we publicly know" and "certainly was not an attempt, in any way, to undermine the importance or independence of the ongoing FBI investigation."

A president who taught constitutional law at the University of Chicago Law School has to know that casting such public judgments with the weight of the presidency behind them, guilty for whistleblowers who perform a true public service, exceptions for high-ranking government officials because a double standard applies, further erodes the already crumbling rule of law in this fearful post-9/11 era.

John Hanrahan, currently on the editorial board of ExposeFacts, is a former executive director of The Fund for Investigative Journalism and reporter for "The Washington Post," "The Washington Star," UPI and other news organizations. He also has extensive experience as a legal investigator. Hanrahan is the author of "Government by Contract" and co-author of *Lost Frontier: The Marketing of Alaska*. He wrote extensively for NiemanWatchdog.org, a project of the Nieman Foundation for Journalism at Harvard University. [This work is licensed under a Creative Commons Attribution-ShareAlike 3.0 License.]

How Technology Kills Democracy

In shutting down whistleblowing and investigative journalism on national security issues, the U.S. government can use its technology to determine who is speaking to whom and then use that metadata as evidence of leaks, a chilling new reality that endangers democracy, writes Norman Solomon.

By Norman Solomon

Of all the excuses ladled out for the Obama administration's shredding of the Fourth Amendment while assaulting press freedom and prosecuting "national security" whistleblowers, none is more pernicious than the claim that technology is responsible.

At first glance, the explanation might seem to make sense. After all, the capacities of digital tech have become truly awesome. It's easy to finger "technology" as the driver of government policies, as if the president at the wheel has little choice but to follow the technological routes that have opened up for Big Brother.

Now comes *New York Times* reporter Charlie Savage, telling listeners and viewers of a *Democracy Now* [interview](#) that the surveillance state is largely a matter of technology: "It's just the way it is in the 21st century."

That's a great way to depoliticize a crucial subject – downplaying the major dynamics of the political economy, anti-democratic power and top-down choices – letting leaders off the hook, as if sophistication calls for understanding that government is to be regulated by high-tech forces rather than the other way around.

In effect, the message is that – if you don't like mass surveillance and draconian measures to intimidate whistleblowers as well as journalists – your beef is really with technology, and good luck with pushing back against *that*. Get it? The fault, dear citizen, is not in our political stars but in digital tech.

When Amy Goodman asked Savage about the Obama administration's record-high prosecutions of whistleblowers under the Espionage Act, he summed up this way:

"Because of technology, it's impossible to hide who's in contact with whom anymore, and cases are viable to investigate now that weren't before. That's not something Obama did or Bush did. It's just the way it is in the 21st century, and investigative journalism is still grappling with the implications of that."

A more astute and candid assessment of such matters can be found in “Through the Looking-Glass,” where Lewis Carroll wrote this dialogue:

“When I use a word,” Humpty Dumpty said, “it means just what I choose it to mean – neither more nor less.”

“The question is,” Alice replied, “whether you can make words mean so many different things.”

“The question is,” Humpty Dumpty responded, “which is to be master – that’s all.”

The surveillance state is not the default setting of digital technology. The surveillance state is a failure and suppressor of democracy. A surveillance state or a democratic system – which is to be master? [For a real-life example of how this technological prowess was used to punish a whistleblower, see [the case of former CIA officer Jeffrey Sterling](#).]

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Obama’s Criminal Drone War

President Obama has relied on the lethal drone program as a “low cost” way to eliminate “terrorists,” but the project has institutionalized an imprecise strategy of human slaughter that violates international law and creates more enemies, writes Marjorie Cohn at Truthdig.

By Marjorie Cohn

A new whistleblower has joined the ranks of Edward Snowden, Chelsea Manning, John Kiriakou and other courageous individuals. The unnamed person, who chose to remain anonymous because of the Obama administration’s vigorous prosecution of whistleblowers, is a member of the intelligence community.

In the belief that the American public has the right to know about the “fundamentally” and “morally” flawed U.S. drone program, this source provided [The Intercept](#) with a treasure trove of secret military documents and slides that shine a critical light on the country’s killer drone program. These files confirm that the Obama administration’s policy and practice of assassination using armed drones and other methods violate the law.

The documents reveal the “kill chain” that decides who will be targeted. As the source said, “This outrageous explosion of watchlisting, of monitoring people and racking and stacking them on lists, assigning them numbers, assigning them ‘baseball cards,’ assigning them death sentences, without notice, on a worldwide battlefield, it was, from the very first instance, wrong.”

These secret documents demonstrate that the administration kills innumerable civilians due to its reliance on “signals intelligence” in undeclared war zones, following cell phones or computers that may or may not be carried by suspected terrorists. The documents show that more than half the intelligence used to locate potential targets in Somalia and Yemen was based on this method.

“It isn’t a surefire method,” the source observed. “You’re relying on the fact that you do have all these powerful machines, capable of collecting extraordinary amounts of data and intelligence,” which can cause those involved to think they possess “godlike powers.”

“It’s stunning the number of instances when selectors are misattributed to certain people,” the source noted, characterizing a missile fired at a target in a group of people as a “leap of faith.”

The Obama administration has never provided accurate civilian casualty counts. In fact, CIA director and former counterterrorism adviser John Brennan falsely claimed in 2011 that no civilians had been killed in drone strikes in nearly a year. In actuality, many people who are not the intended targets of the strikes are killed.

“The Drone Papers” tell us the administration labels unidentified persons who are killed in a drone attack “enemies killed in action,” unless there is evidence posthumously proving them innocent. That “is insane,” the source said. “But [the intelligence community has] made ourselves comfortable with that.” The source added, “They made the numbers themselves so they can get away with writing off most of the kills as legitimate.”

The administration’s practice of minimizing the civilian casualties is “exaggerating at best, if not outright lies,” according to the source.

Since the U.S. is involved in armed conflict in Iraq and Afghanistan, international humanitarian law, namely, the Geneva Conventions, must be applied to assess the legality of targeted killing. The Geneva Conventions provide that only combatants may be targeted.

From January 2012 to February 2013, a campaign dubbed Operation Haymaker was carried out in the Afghan provinces of Kunar and Nuristan. According to “The Drone Papers,” during a five-month period almost 90 percent of the people killed

in airstrikes were not the intended targets. This campaign paralleled an increase in drone attacks and civilian casualties throughout Afghanistan. What's more, the campaign did not significantly degrade al-Qaida's operations there.

The U.S. is violating the right to life enshrined in the International Covenant on Civil and Political Rights. Because the U.S. ratified this treaty, it constitutes binding domestic law under the Supremacy Clause of the Constitution, which states, "Treaties shall be the supreme law of the land."

Under international humanitarian law, an "armed conflict" requires the existence of organized armed groups engaged in fighting of certain intensity. The groups must have a command structure, be governed by rules, provide military training and have organized acquisition of weapons, as well as communications infrastructure.

Legal scholars, including University of Cambridge professor Christine Gray, have concluded that "the 'war against Al-Qaeda' does not meet the threshold of intensity of a non-international armed conflict, and Al-Qaeda does not meet the threshold of an organized armed group."

The U.S. is not involved in "armed conflict" in Pakistan, Yemen and Somalia. Thus, the law enforcement model must be applied to assess the legality of actions in those countries. This model limits the use of lethal force to situations where there is an imminent threat to life and nonlethal measures would be inadequate.

In 2013, as President Obama gave a speech at the National Defense University, the administration released a fact sheet that said the target must pose a "continuing, imminent threat to US persons" before lethal force may be used. But Obama has waived the imminence requirement in Pakistan.

Although a spokesperson for the National Security Council told The Intercept that "those guidelines remain in effect today," "The Drone Papers" state that the target need only present "a threat to US interest or personnel." This is a far cry from an imminence requirement. And once the president signs off on a target, U.S. forces have 60 days to execute the strike. A 60-day period flies in the face of the imminence mandate for the use of lethal force off the battlefield.

Philip Alston, United Nations special rapporteur on extrajudicial, summary or arbitrary executions, affirms that a targeted killing is lawful only if required to protect life and no other means, such as capture or nonlethal incapacitation, is available to protect life.

Besides being illegal, Obama's preference for killing instead of apprehension

prevents the administration from gathering crucial intelligence. Obama stated in 2013, "America does not take strikes when we have the ability to capture individual terrorists; our preference is always to detain, interrogate, and prosecute."

But Michael Flynn, former head of the Defense Intelligence Agency, told The Intercept, "We don't capture people anymore."

Slides provided by "The Drone Papers" source cite a 2013 study by the Pentagon's Intelligence, Surveillance, and Reconnaissance Task Force that said "kill operations significantly reduce the intelligence available from detainees and captured material." The task force recommended capture and interrogation rather than killing in drone strikes.

The American public is largely unaware of the high number of civilian casualties from drone strikes. A study conducted by American University professor Jeff Bachman concluded that both The New York Times and The Washington Post "substantially underrepresented the number of civilians killed in drone strikes in Pakistan and Yemen, failed to correct the public record when evidence emerged that their reporting was wrong and ignored the importance of international law."

Gregory McNeal, an expert on national security and drones at Pepperdine School of Law, wrote that in Afghanistan and Iraq, "when collateral damage [civilian casualties] did occur, 70 percent of the time it was attributable to failed, that is, mistaken, identification."

"Anyone caught in the vicinity is guilty by association," "The Drone Papers" source notes. If "a drone attack kills more than one person, there is no guarantee that those persons deserved their fate. So it's a phenomenal gamble."

Drones are Obama's weapon of choice because they don't result in U.S. casualties.

"It is the politically advantageous thing to do, low cost, no U.S. casualties, gives the appearance of toughness," according to former Director of National Intelligence Dennis Blair. "It plays well domestically, and it is unpopular only in other countries. Any damage it does to the national interest only shows up over the long term."

Part of the damage, as Flynn pointed out, is that drones make the fallen into martyrs. They create "a new reason to fight us even harder," he said.

The United Nations charter's mandate for peaceful resolution of disputes and prohibition of military force except in self-defense is not a pipe dream. A study by the Rand Corp. concluded that between 1968 and 2006, 43 percent of

incidents involving terrorist groups ended by a “peaceful political resolution with their government,” 40 percent “were penetrated and eliminated by local police and intelligence agencies,” and only 7 percent were ended by the use of military force.

Nevertheless, The Wall Street Journal reported that the military plans to increase drone flights by 50 percent by 2019.

In describing how the special operations community views the prospective targets for assassination by drone, “The Drone Papers” source said, “They have no rights. They have no dignity. They have no humanity to themselves. They’re just a ‘selector’ to an analyst. You eventually get to a point in the target’s life cycle that you are following them, you don’t even refer to them by their actual name.” This results in “dehumanizing the people before you’ve even encountered the moral question of ‘is this a legitimate kill or not?’ ”

The American Civil Liberties Union has filed three lawsuits seeking information about the government’s use of lethal drones. Rep. Keith Ellison, co-chair of the Congressional Progressive Caucus, is calling for increased transparency and congressional oversight of the drone program.

“The report makes it clear,” Ellison noted, that “the U.S. drone program operates on highly questionable legal ground and offends our principles of justice.”

Drone pilots operate thousands of miles from their targets. But many of them suffer from post-traumatic stress disorder. Some are refusing to fly the drones. In September, the Air Force Times ran a historic ad, paid for by 54 U.S. veterans and vets’ organizations, urging Air Force drone operators and other military personnel to refuse orders to fly drone surveillance and attack missions.

“The Drone Papers” source implores us to take action to stop this travesty. “We’re allowing this to happen,” the source said. “And by ‘we,’ I mean every American citizen who has access to this information now, but continues to do nothing about it.”

The newly released documents are a clarion call to us all to demand that our government stop the killing. It is illegal, it is immoral, and it makes us more vulnerable to terrorism.

Marjorie Cohn is a professor at Thomas Jefferson School of Law, a former president of the National Lawyers Guild, and deputy secretary general of the International Association of Democratic Lawyers. Her most recent book is *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*. See Marjorie’s blog

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