

The Right's Tenth Amendment Myth

Exclusive: Millions of Americans have been deceived into a false understanding of what the Constitution's Framers intended because of a right-wing lie about the significance of the insignificant Tenth Amendment, reports Robert Parry.

By Robert Parry

A central part of the American Right's false Founding Narrative is that the Tenth Amendment trumps the Constitution's creation of a powerful central government that possesses a mandate to do what's necessary to provide for the country's "general Welfare." In *Right-Wing World*, the Tenth Amendment gives nearly all powers to the states.

Yet, the reality is that the Tenth Amendment is one of the most meaningless of all the amendments to the U.S. Constitution, except maybe the Eighteenth, which prohibited the sale of liquor and was subsequently repealed by the Twenty-first Amendment.

Indeed, the Tenth Amendment read in the context of the broad powers that the Federalist authors of the Constitution gave to the central government carries almost no weight at all. It says: "The powers not delegated to the United States by the Constitution, nor prohibited by the States, are reserved to the States respectively or to the people."

But the relevant point is that the Constitution granted nearly unlimited power to the U.S. Congress to enact legislation on behalf of "the general Welfare" within the context of republican governance, with the approval of the U.S. president, and with the sign-off of the U.S. Supreme Court.

This concept – embraced by James Madison, Alexander Hamilton, George Washington and other Framers – was to rely on the Constitution's intricate checks and balances to prevent government overreach, not to hamstring the people's elected representatives from doing what was necessary to build the nation both then and in the future.

This reality of what was done in Philadelphia in 1787 was not lost on either supporters or opponents of the Constitution. The so-called Anti-Federalists were shocked that the Federalists had, in effect, hijacked the Constitutional Convention away from its original goal of amending the Articles of Confederation, which made the states "sovereign" and "independent" and left the central government as merely a "firm league of friendship."

But General George Washington, in particular, despised the concept of states'

rights, since he had seen his Continental Army go without pay and supplies to nearly starve during the Revolutionary War. He was joined in this sentiment by his bright protégé Madison and his old wartime aide-de-camp Hamilton.

So, the Constitutional Convention tossed out the Articles of Confederation and proposed a new structure making “We the People of the United States” the nation’s new sovereign and relegating the states to an inferior status, what Madison called “subordinately useful.”

Angry People

I realize that this reality or my pointing it out makes some people angry. They want to believe that their hatred of the federal government matched what the Framers felt. And the Right has done a remarkable job in propagandizing a large segment of the U.S. population into believing this invented narrative.

Some right-wing believers even insist that any action by the U.S. government to provide for “the general Welfare” is “unconstitutional,” such as the Affordable Care Act which addressed what was an undeniable threat to “the general Welfare,” the fact that tens of millions of Americans were forced to live in fear of premature death because they could not afford health insurance.

But the Framers’ mandate to provide for “the general Welfare” was not some mistake or afterthought. It is included both in the famous Preamble and in Article One, Section Eight, which delineates the so-called “enumerated powers.” There, the Constitution states “That Congress shall have Power To provide for the common Defense and general Welfare of the United States,” with the only stated restriction that “all Duties, Imposts and Excises shall be uniform throughout the United States.”

Article One, Section Eight further grants Congress the power “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

Put together, as Alexander Hamilton and other Federalists noted, the Constitution empowered Congress to do what was needed to protect and build the new nation. As historian Jada Thacker wrote, “these clauses restated in the vernacular flatly announce that ‘Congress can make any law it feels is necessary to provide for whatever it considers the general welfare of the country.’”

And that was not just the view of the Federalists back then or some historian today. It was why the enemies of the Constitution fought so hard to block its ratification in 1788. For instance, New Yorker Robert Yates, who walked out of the convention in protest, wrote a month after the Constitution had been

completed:

“This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends. The government then, so far as it extends, is a complete one. It has the authority to make laws which will affect the lives, the liberty, and the property of every man in the United States; nor can the constitution or the laws of any state, in any way prevent or impede the full and complete execution of every power given.”

Madison, then a staunch Federalist, had favored giving even more power to Congress and making the states even more subordinate. “Madison wanted the federal assembly to have a veto over the state assemblies,” wrote David Wootton, author of *The Essential Federalist and Anti-Federalist Papers*. But Madison’s veto idea was jettisoned in favor of giving the federal courts the power to judge whether state laws violated the Constitution.

Fighting the Constitution

Despite these few concessions, the Constitution emerged from the secret meetings in Philadelphia as a stunning assertion of federal power. Anti-Federalists immediately recognized what had happened and rallied strong opposition to the new governing framework.

As dissidents from the Pennsylvania delegation wrote: “We dissent because the powers vested in Congress by this constitution, must necessarily annihilate and absorb the legislative, executive, and judicial powers of the several states, and produce from their ruins one consolidated government.” [See Consortiumnews.com’s [“The Right’s Inside-Out Constitution.”](#)]

The Constitution’s broad powers were particularly alarming to southern slaveholders because of the prospect that the North would eventually gain economic and political supremacy and push through anti-slavery legislation that would wipe out the South’s vast investment in human chattel and thus destroy the region’s plantation aristocracy.

Virginia’s Patrick Henry and George Mason made this argument most aggressively to Virginia’s ratifying convention, with Henry warning the Commonwealth’s slave owners that if they approved the new governing structure, “they’ll free your niggers!”

Faced with these alarms about federal powers, Madison agreed to propose some limiting amendments though he felt that a Bill of Rights was superfluous. Nevertheless, some of the first ten amendments did specifically restrict Congress’s power.

For instance, the First Amendment begins with the phrase “Congress shall make no law” while other amendments assert specific rights of citizens. The Tenth Amendment, however, simply states that powers not granted to the national government by the Constitution remain with the people and states.

Thus, the scope of the Tenth Amendment is entirely dependent on what preceded it, i.e., the nearly unlimited powers that the Constitution granted to the national government. In other words, if the Framers declared as they did that Congress could enact any law that it deemed necessary to promote “the general Welfare” and that federal law would be supreme, then the Tenth Amendment meant almost nothing since there were few powers left over for the states. It was a sop to the Anti-Federalists.

Still, the Constitution’s opponents especially slave owners in Virginia did not just surrender after ratification. Instead, they devised a clever strategy for preventing the possibility that Congress would wipe out their massive capital investment in slavery.

Behind the charismatic Thomas Jefferson, who was in Paris in 1787 and thus did not participate in the Constitutional Convention, the plantation aristocracy simply pretended that the Constitution didn’t mean what it said.

Jefferson’s Wordsmithing

Jefferson, one of Virginia’s biggest slaveholders and a masterful wordsmith, promulgated the absurd notion of “strict construction,” which meant that only specific powers mentioned in Article One, Section Eight could be exercised by Congress. Regarding domestic policy, that meant such relatively narrow powers as coining money, setting up post offices, establishing rules for nationalization, regulating interstate commerce, etc.

Jefferson’s “strict construction” was absurd because it ignored the obvious intent of the Framers and the need for the United States to act in ways that could not be specifically anticipated in 1787, a reality that confronted Jefferson himself after he was elected president in 1800.

Three years later, President Jefferson had the opportunity to buy the Louisiana Territories from France but there was no wording in Article One, Section Eight about expanding the size of the United States. Clearly, the Framers had enacted elastic phrasing for just such an eventuality but Jefferson had insisted on his crazy “strict construction” argument.

So, what did Jefferson do? He simply ignored his previous “principle” and implicitly accepted the Federalist interpretation of the Constitution, which they had principally authored. Congress approved the purchase of the Louisiana

Territories doubling the size of the United States and giving Jefferson what is regarded as his greatest accomplishment as president.

Though even Jefferson the inventor of “strict construction” chose to repudiate his own argument, this insidious notion has survived the past two centuries in the fetid swamps of Right-Wing World.

It was a factor in the South’s resistance to anti-slavery restrictions that preceded the Civil War and it has been touted in modern times by such right-wing luminaries as Supreme Court Justice Antonin Scalia as part of his self-serving “originalism,” i.e., whatever Scalia wants done must have been what the Framers wanted done.

The real history of the Constitution has little impact on these ideologues. They have simply found it useful to wrap themselves in the cloaks of the Framers even when that requires distorting what the actual Framers intended.

While there can be legitimate arguments about the proper size and scope of the federal government (or for that matter any government), the facts should be the facts and the history should be the history. The Right, however, has deceived millions of Americans into believing a false narrative about the U.S. Constitution and the nation’s Founding for the purpose of distorting the debate.

[For more on this history, see Consortiumnews.com’s [“The Right’s Dubious Claim to Madison”](#) and [“Thomas Jefferson: America’s Founding Sociopath.”](#)]

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his new book, *America’s Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, 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](#).

Will the Right’s Fake History Prevail?

Exclusive: Tea Partiers have convinced millions of Americans that they are standing with the Constitution’s Framers in a common disdain for a strong, activist federal government. That is false history but it is undergirding the expected Republican congressional victories on Tuesday, writes Robert Parry.

By Robert Parry

If most polls are correct and voters elect a Republican-controlled Congress on Tuesday, a principal reason is that many Americans have been sold on a false recounting of the nation's Founding Narrative. They have bought the Right's made-up storyline about the Constitution's Framers detesting a strong federal government and favoring states' rights.

This notion of the Framers as enemies of an activist national government is untrue but has become a popular meme as promoted through the vast right-wing media and accepted by the timid mainstream press, which is unwilling to fight for an accurate portrayal of what the Federalists who wrote the Constitution intended.

So, without much pushback from those who know better, the Tea Partiers, Libertarians and many Republicans have successfully walled off much of the U.S. population from the actual history, which would reveal the American Right to be arguably the opposite of true patriots in its disdain for the assertive national governance devised in 1787.

Plus, the Right's fake interpretation of the Constitution cannot be disentangled from the disgraceful history of slavery, segregation and today's renewed efforts to prevent black and brown Americans from voting.

Indeed, race has always been an intrinsic element in the American Right's history, which can be roughly divided into four eras: the pre-Confederate period from 1787 to 1860 when slave owners first opposed and then sought to constrain the Constitution, viewing it as a threat to slavery; the actual Confederacy from 1861 to 1865 when the South took up arms against the Constitution in defense of slavery; the post-Confederate era from 1866 to the 1960s when white racists violently thwarted constitutional protections for blacks; and the neo-Confederate era from 1969 to today when these racists jumped to the Republican Party in an attempt to extend white supremacy behind various code words and subterfuges.

It is true that the racist Right has often moved in tandem with the wealthy-elite Right, which has regarded the regulatory powers of the federal government as a threat to the ability of rich industrialists to operate corporations and to control the economy without regard to the larger public good.

But the historical reality is that both the white supremacists and the anti-regulatory corporatists viewed the Constitution as a threat to their interests because of its creation of a powerful central government that was given a mandate to "promote the general Welfare." The Constitution was far from perfect and its authors did not always have the noblest of motives, but it created a structure that could reflect the popular will and be used for the nation's good.

The key Framers of the Constitution the likes of George Washington, James Madison (who then was a protégé of Washington) Alexander Hamilton and Gouverneur Morris (who wrote the famous Preamble) were what might be called “pragmatic nationalists” determined to do what was necessary to protect the nation’s fragile independence and to advance the country’s economic development.

In 1787, the Framers’ principal concern was that the existing government structure the Articles of Confederation was unworkable because it embraced a system of strong states, deemed “sovereign” and “independent,” and a weak central government called simply a “league of friendship” among the states.

The Constitution flipped that relationship, making federal law supreme and seeking to make the states “subordinately useful,” in Madison’s evocative phrase. Though the Constitution did make implicit concessions to slavery in order to persuade southern delegates to sign on, the shift toward federal dominance was immediately perceived as an eventual threat to slavery.

Fearing for Slavery

Key Anti-Federalists, such as Virginia’s Patrick Henry and George Mason, argued that over time the more industrial North would grow dominant and insist on the elimination of slavery. And, it was known that a number of key participants at the Constitutional Convention in Philadelphia, including Benjamin Franklin and Alexander Hamilton, were strongly opposed to slavery and that Washington was troubled by human bondage though a slaveholder himself.

So, Henry and Mason cited the threat to slavery as their hot-button argument against ratification. In 1788, Henry warned his fellow Virginians that if they approved the Constitution, it would put their massive capital investment in slaves in jeopardy. Imagining the possibility of a federal tax on slaveholding, Henry declared, “They’ll free your niggers!”

It is a testament to how we have whitewashed U.S. history on the evils of slavery that Patrick Henry is far better known for his declaration before the Revolution, “Give me liberty or give me death!” than his equally pithy warning, “They’ll free your niggers!”

Similarly, George Mason, Henry’s collaborator in trying to scare Virginia’s slaveholders into opposing the Constitution, is recalled as an instigator of the Bill of Rights, rather than as a defender of slavery. A key “freedom” that Henry and Mason fretted about was the “freedom” of plantation owners to possess other human beings as property.

As historians Andrew Burstein and Nancy Isenberg wrote in their 2010 book, *Madison and Jefferson*, Henry and Mason argued that “slavery, the source of

Virginia's tremendous wealth, lay politically unprotected." Besides the worry about how the federal government might tax slave-ownership, there was the fear that the President as commander in chief might "federalize" the state militias and emancipate the slaves.

Though the Anti-Federalists lost the struggle to block ratification, they soon shifted into a strategy of redefining the federal powers contained in the Constitution, with the goal of minimizing them and thus preventing a strong federal government from emerging as a threat to slavery.

In this early stage of the pre-Confederacy era, the worried slave owners turned to one of their own, Thomas Jefferson, the principal author of the Declaration of Independence and a charismatic politician who had been in France during the drafting and ratification of the Constitution and enactment of the Bill of Rights.

Though Jefferson had criticized the new governing document especially over its broad executive powers, he was not an outright opponent and thus was a perfect vehicle for seeking to limit the Constitution's reach. Even as Washington's Secretary of State, Jefferson began organizing against the formation of the new government as it was being designed by the Federalists, especially Washington's energetic Treasury Secretary Alexander Hamilton.

The Federalists, who were the principal Framers, understood the Constitution to grant the central government all necessary powers to "provide for the common Defense and general Welfare of the United States." However, Jefferson and his fellow Southern slaveholders were determined to limit those powers by reinterpreting what the Constitution allowed much more narrowly. [See Consortiumnews.com's "[The Right's Made-Up Constitution.](#)"]

Partisan Warfare

Through the 1790s, Jefferson and his Southern-based faction engaged in fierce partisan warfare against the Federalists, particularly Alexander Hamilton but also John Adams and implicitly George Washington. Jefferson opposed the Federalist program that sought to promote the country's development through everything from a national bank to a professional military to a system of roads and canals to support for manufacturing.

As Jefferson's faction gained strength, it also pulled in James Madison who, for reasons of political survival and personal finances, embraced the slave interests of his fellow Virginians. Madison essentially moved from under Washington's wing to under Jefferson's. Then, with Madison's acquiescence, Jefferson developed the extra-constitutional theories of state "nullification"

of federal law and even the principle of secession.

Historians Burstein and Isenberg wrote in *Madison and Jefferson* that these two important Founders must be understood as, first and foremost, politicians representing the interests of Virginia where the two men lived nearby each other on plantations worked by African-American slaves, Jefferson at Monticello and Madison at Montpelier.

“It is hard for most to think of Madison and Jefferson and admit that they were Virginians first, Americans second,” Burstein and Isenberg said. “But this fact seems beyond dispute. Virginians felt they had to act to protect the interests of the Old Dominion, or else, before long, they would become marginalized by a northern-dominated economy.

“Virginians who thought in terms of the profit to be reaped in land were often reluctant to invest in manufacturing enterprises. The real tragedy is that they chose to speculate in slaves rather than in textile factories and iron works. And so as Virginians tied their fortunes to the land, they failed to extricate themselves from a way of life that was limited in outlook and produced only resistance to economic development.”

Because of political mistakes by the Federalists and Jefferson’s success in portraying himself as an advocate of simple farmers (when he was really the avatar for the plantation owners), Jefferson and his Democratic-Republicans prevailed in the election of 1800, clearing the way for a more constrained interpretation of the Constitution and a 24-year Virginia Dynasty over the White House with Jefferson, Madison and James Monroe, all slaveholders.

By the time the Virginia Dynasty ended, slavery had spread to newer states to the west and was more deeply entrenched than ever before. Indeed, not only was Virginia’s agriculture tied to the institution of slavery but after the Constitution banned the importation of slaves in 1808, Virginia developed a new industry, the breeding of slaves for sale to new states in the west. Jefferson even wanted all the new states from the Louisiana Territories to be slave states. [For details on this history, see Consortiumnews.com’s [“The Right’s Dubious Claim to Madison”](#) and [“Thomas Jefferson: America’s Founding Sociopath.”](#)]

Toward Civil War

Thus, America’s course to the Civil War was set. Ironically the warnings of Patrick Henry and George Mason proved prescient as the growing industrial strength of the North gave momentum to a movement for abolishing slavery. When Abraham Lincoln, the presidential candidate for the new anti-slavery Republican Party, won the 1860 election, southern slave states seceded from the Union,

claiming they were defending the principle of states' rights but really they were protecting the economic interests of slave owners.

The South's bloody defeat in the Civil War finally ended slavery and the North sought for several years to "reconstruct" the South as a place that would respect the rights of freed slaves. But the traditional white power structure reasserted itself, employing violence against blacks and the so-called "carpetbaggers" from the North.

As white Southerners organized politically under the banner of the Democratic Party, which had defended slavery since its origins in Jefferson's plantation-based political faction, the North and the Republicans grew weary of trying to police the South. Soon, southern whites were pushing blacks into a form of crypto-slavery through a combination of Jim Crow laws, white supremacist ideology and Ku Klux Klan terror.

Thus, the century after the Civil War could be designated the post-Confederate era of the American Right. This restoration of the South's white power structure also coincided with the emergence of the North's Robber Barons the likes of Cornelius Vanderbilt, Andrew Carnegie, John D. Rockefeller and J.P. Morgan who amassed extraordinary wealth and used it to achieve political clout in favor of laissez-faire economics.

In that sense, the interests of the northern industrialists and the southern aristocracy dovetailed in a common opposition to any federal authority that might reflect the interests of the common man, either the white industrial workers of the North or the black sharecroppers of the South.

However, amid recurring financial calamities on Wall Street that drove many Americans into abject poverty and with the disgraceful treatment of African-Americans in the South, reform movements began to emerge in the early Twentieth Century, reviving the founding ideal that the federal government should "promote the general Welfare."

With the Great Depression of the 1930s, the grip of the aging Robber Barons and their descendants began to slip. Despite fierce opposition from the political Right, President Franklin Roosevelt enacted a series of reforms that increased regulation of the financial sector, protected the rights of unions and created programs to lift millions of Americans out of poverty.

After World War II, the federal government went even further, helping veterans get educated through the GI Bill, making mortgages affordable for new homes, connecting the nation through a system of modern highways, and investing in scientific research. Through these various reforms, the federal government not

only advanced the “general Welfare” but, in effect, invented the Great American Middle Class.

Civil Rights

As the nation’s prosperity surged, attention also turned to addressing the shame of racial segregation. The civil rights movement led by remarkable leaders such as Martin Luther King Jr. and eventually embraced by Democratic Presidents John Kennedy and Lyndon Johnson rallied popular support and the federal government finally moved against segregation across the South.

Yet, reflecting the old-time pro-slavery concerns of Patrick Henry and George Mason, southern white political leaders fumed at this latest intrusion by the federal government against the principle of “states’ rights,” i.e. the rights of the whites in southern states to treat “their coloreds” as they saw fit.

This white backlash to the federal activism against segregation became the energy driving the modern Republican Party, which abandoned its honorable legacy as the party that ended slavery. Instead, it became home for Americans who feared social change and resented policies that disproportionately helped racial minorities. The smartest right-wingers understood this reality.

On the need to keep blacks under white domination, urbane conservative William F. Buckley declared in 1957 that “the white community in the South is entitled to take such measures as are necessary to prevail, politically and culturally, in areas in which it does not predominate numerically.”

Sen. Barry Goldwater, R-Arizona, who wrote the influential manifesto *Conscience of a Conservative*, realized in 1961 that for Republicans to gain national power, they would have to pick off southern segregationists. Or as Goldwater put it, the Republican Party had to “go hunting where the ducks are.”

Then, there was Richard Nixon’s “southern strategy” of using coded language to appeal to southern whites and Ronald Reagan’s launching of his 1980 national presidential campaign with a states’ rights speech in Philadelphia, Mississippi, the notorious site of the murders of three civil rights workers. The two strands of historic conservatism, white supremacy and “small government” ideology, were again wound together.

In New York magazine, Frank Rich summed up this political history while noting how today’s right-wing revisionists have tried to reposition their heroes by saying they opposed the Civil Rights Act of 1964 simply out of high-minded “small-government principles.” But Rich wrote:

“The primacy of [Strom] Thurmond in the GOP’s racial realignment is the most

incriminating truth the right keeps trying to cover up. That's why the George W. Bush White House shoved the Mississippi senator Trent Lott out of his post as Senate majority leader in 2002 once news spread that Lott had told Thurmond's 100th-birthday gathering that America 'wouldn't have had all these problems' if the old Dixiecrat had been elected president in 1948.

"Lott, it soon became clear, had also lavished praise on [the Confederacy's president] Jefferson Davis and associated for decades with other far-right groups in thrall to the old Confederate cause. But the GOP elites didn't seem to mind until he committed the truly unpardonable sin of reminding America, if only for a moment, of the exact history his party most wanted and needed to suppress. Then he had to be shut down at once."

Unholy Alliance

This unholy alliance between the racists and the corporatists continues to this day with Republicans understanding that the votes of blacks, Hispanics, Asians and other minorities must be suppressed if the twin goals of the two principal elements of the Right are to control the future. That was the significance of the 2013 ruling by the Supreme Court's right-wing majority to gut the Voting Rights Act. [See Consortiumnews.com's "Supreme Court's War on Democracy."]

Only if the votes of whites can be proportionately enhanced and the votes of minorities minimized can the Republican Party overcome the country's demographic changes and retain government power that will both advance the interests of the racists and the free-marketeers.

That's why Republican-controlled statehouses engaged in aggressive gerrymandering of congressional districts in 2010 and tried to impose "ballot security" measures across the country in 2012 and 2014. The crudity of those efforts, clumsily justified as needed to prevent the virtually non-existent problem of in-person voter fraud, was embarrassing to watch.

As Frank Rich noted, "Everyone knows these laws are in response to the rise of Barack Obama. It is also no coincidence that many of them were conceived and promoted by the American Legal Exchange Council, an activist outfit funded by heavy-hitting right-wing donors like Charles and David Koch.

"In another coincidence that the GOP would like to flush down the memory hole, the Kochs' father, Fred, a founder of the radical John Birch Society in the fifties, was an advocate for the impeachment of Chief Justice Warren in the aftermath of *Brown [v. Board of Education]* Fred Koch wrote a screed of his own accusing communists of inspiring the civil-rights movement."

Blaming the Democratic Party for ending segregation and coyly invited by

opportunistic Republicans like Nixon and Reagan to switch party allegiances racist whites signed up with the Republican Party in droves. Thus, the Democratic Party, which since the days of Jefferson had been the party of slavery and segregation, lost its southern base, ceding it to the new Republican Party.

A Flip of Allegiance

This flip in the allegiance of America's white supremacists from Democrat to Republican also put them in the same political structure as the anti-regulatory business interests which had dominated the Republican Party from the days of the Robber Barons. These two groups again found themselves sharing a common interest, the desire to constrain the federal government's commitment to providing for "the general Welfare."

To the corporate Republicans this meant slashing taxes, eliminating regulations and paring back social programs for the poor or in Ayn Rand vernacular the moochers. To the racist Republicans this meant giving the states greater leeway to suppress the votes of minorities and gutting programs that were seen as especially benefiting black and brown Americans, such as food stamps and health-care reform.

Thus, in today's neo-Confederate era, the American Right is coalescing around two parallel ideological motives: continued racial resentment (against black and brown people getting welfare to the presence of a black family in the White House) and resistance to government regulations (from efforts to control Wall Street excesses to restrictions on global-warming emissions).

Though the white racist element of this coalition might typically be expected to proudly adopt the Stars and Bars of the Old Confederacy as its symbol, the modern Right is too media-savvy to get boxed into that distasteful imagery of slavery.

So, instead the Right has opted for a rebranding as Revolutionary War-era patriots calling themselves Tea Partiers, donning tri-corner hats and waving yellow banners with a coiled snake declaring "don't tread on me." Instead of overtly defending the Confederacy, the Right proclaims its commitment to the Founding Principles found in the Constitution.

But this sly transformation required the Right to rewrite the Founding Narrative, to blot out the initial interpretation of the Constitution by the Federalists who, after all, were the ones who primarily crafted the document, and to pretend that Jefferson's revisionist view representing the pre-Confederate position of the southern plantation owners was the original one.

[For more, see Consortiumnews.com's ["The Right's Made-Up Constitution."](#)]

Now this doctored history accepted by millions of Americans as true has become the driving force for what many pundits predict will be a "wave election" for the Republicans and the Right.

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Big Media Has Betrayed the People

For years, Americans relied on the mainstream U.S. news media for information; some folks were even convinced the MSM was "liberal." But the current reality is that the major papers have become mouthpieces for the national security state while amassing a sorry record of deception, writes Greg Maybury.

By Greg Maybury

In his farewell address to the American people in 1961, President Dwight Eisenhower delivered what turned out to be his most memorable public utterance, famously warning Americans about the perils of the growing "[military-industrial complex](#)." He went on to say: "Only an alert and knowledgeable citizenry can compel the proper meshing of the industrial and military machinery of defense with our peaceful methods and goals so that security and liberty may prosper together."

Although it was the "military-industrial" bit that most folks remember, it was the "alert and knowledgeable" part that also needed to resonate. Unfortunately, instead of an "alert and knowledgeable citizenry," which Ike suggested was the only bulwark against the continued growth, power and influence of this monster within, much of the American citizenry remained oblivious to it all. They either fell asleep at the democratic wheel or chose to remain ignorant of the already disturbing implications of the military-industrial complex's encroaching reach into every aspect of the American demos and polity.

When the torch was passed to the new generation as John F. Kennedy declared in his Inaugural Address just days after Ike's warning – the “good life” beckoned. Few, it seemed, wished to rock the boat. More than a half century after Eisenhower's warning and nearly 15 years into what some like to call the New American Century, the growth of this “military-industrial complex” has far exceeded anything even the Old Warhorse could have imagined. Yet despite this, most Americans are still asleep at the wheel. There seems little evidence that is likely to change anytime soon.

And here we should ponder at least one of the main reasons why this is so.

For those folks who retain any faith or confidence that the mainstream or corporate media is providing us with all the insight we need to make sense of the world and the driving forces behind the big trends and developments, a reality check of the first order is in order. What was once called the Fourth Estate, a public institution of journalism intended to check on the powerful, has become a Fifth Column against democracy, a means for the Power Elites in business, finance and politics to manage the people, not a way for the people to keep tabs on the powerful.

The big fix is in on behalf of the Agenda Benders of the National Security State. The game is rigged. And it is decidedly not in favor of equality, democracy, freedom, life, liberty and the pursuit of happiness of the majority; nor is it for that matter, designed to nurture “an alert and knowledgeable citizenry.”

The fundamental principles of journalism sound hunky-dory in theory. But when the rubber hits the road these standards are all too quickly deep-sixed in favor of more prosaic and less lofty goals. Professionalism becomes careerism. The “public interest” becomes “private gain.” But finally much of the public is figuring this game out.

The extraordinary growth of the independent and alternative media underscores this premise and surely points to more people looking for news, viewpoints and opinions outside the MSM. The “marketplace of ideas” isn't just expanding; the monopoly is breaking down and whole new niches are opening up.

This is of course a welcome development although no one should underestimate the residual power of the MSM and the difficulty of producing truly independent journalism. Although there are promising signs the MSM's readership is waning, there remain many folks implacably wedded to their daily fix of “*impropaganda*” from the establishment newsmakers and the “*opinionocracy*” whose positioning statement might well read: “*Here is the news we choose, to give you all today.*”

The Great Malaise

Yet, as long as we are not relying on the MSM for our daily dose of context and perspective, examples underscoring the broader trend abound everywhere we care to look. Writer [Ulson Gunnar](#) reported in an article at the [New Eastern Outlook](#) website that [Vladimir Putin's recent address](#) to the Valdai Discussion Club was wide ranging and well worth reading.

But it is Gunnar's article that's pertinent here. After applauding Putin's willingness to point to Washington's hypocrisy in key foreign policy areas and noting the seemingly irreversible loss of "respect and legitimacy once commanded" by the U.S. in the international arena, Gunnar then cites the MSM's "utter failure to hold accountable, poor policy driven by corrupt, criminal special interests" as one of the main reasons:

"Leaving it to Putin to point out the sorry state of American foreign policy grants Russia the respect and legitimacy the US would have otherwise held onto were it capable of putting its own house in order. The inability of America's media to serve public interests is a symptom of America's greater malaise." [My Emphasis]

But the reality is even worse than that. The major U.S. media has not simply failed to hold U.S. officials accountable for their destructive arrogance. The MSM chose to mock Putin for his undeniably accurate remarks. For instance, *The Washington Post* published [an editorial](#) entitled (in print editions), "Putinoia on full display," which said, about Putin's Valdai remarks, "out poured a poisonous mix of lies, conspiracy theories, thinly veiled threats of further aggression and, above all, seething resentment toward the United States."

The *Post* editors then cited examples of Putin's "Putinoia" such as his statements that the United States had "declared itself the winner of the Cold War" and promoted a "unipolar world [that] is simply a means of justifying dictatorship over people and countries." Other examples of Putin's madness, according to the *Post*, included his observations that Washington's interventions have created chaos around the world and that the overthrow of Ukraine's elected President Viktor Yanukovich was a "coup d'etat." In other words, Putin made observations that were either obviously true or certainly arguably true but the *Post* insisted on its own reality, one that grossly misleads its readers and implicitly sets the boundaries of MSM-approved debate.

For another exemplary case study of this MSM phenomenon of distortion and deception, we might look at the recently released ["Kill the Messenger,"](#) a film treatment of the life and times of investigative journalist Gary Webb. Webb attempted in 1996 to shed light on the CIA's connections to, and knowledge of,

cocaine distribution by the CIA-backed Nicaraguan Contras and their associates, and the consequent crack epidemic that spread across America throughout the 1980s.

Ultimately Webb's career was destroyed by a concerted, relentless character assassination and disinformation campaign by the Big Three of the U.S. print media *The Los Angeles Times*, *The Washington Post*, and *The New York Times*, each one of which variously, yet ruthlessly distorted, and then refuted, Webb's claims, setting up straw men and then knocking them down. Several years later, in 2004, his career and marriage over, and financially destitute, Webb pulled the pin by committing suicide.

If Webb's fate had resulted from a rare manifestation of an unholy mix of journalistic *nonfeasance*, *misfeasance* and *malfeasance* in the history of reportage and public opinion-making, we might be tempted to view this case as an aberration. But sadly it is not. It is part of a pattern of covering up criminal nonfeasance, misfeasance and malfeasance at the highest levels of the U.S. government, especially in matters of "national security" or in Eisenhower's phrase, the "military-industrial complex."

In the Webb case, his destruction also camouflaged the MSM's own venality and incompetence, since the same Big Three newspapers had missed or disparaged reports of Contra-cocaine trafficking when the crimes were occurring in the 1980s (and when the American people needed to be informed of what the Reagan administration was doing and not doing). It is notable that it was not one but *three* of the so-called newspapers of record in established MSM circles that led the attack against a fellow journalist.

Taking into account the extraordinary significance of Webb's reportage, along with the fact it is now generally accepted he largely got his story right, his own personal and professional odyssey is a savage, wholly justifiable indictment on all things MSM in the Home of the Brave. Yet insofar as we can gather, none of them has openly or unequivocally acknowledged its complicity in covering up the details of Webb's revelations and/or for what they did in destroying his career, his family and ultimately his life. No one has been held to account, and no one has forthrightly apologized.

The fact that at least one of these papers the redoubtable *Washington Post* is still trying to defend the indefensible is surely another nail in the coffin of the *ancien régime* of the corporate-controlled media, information and news industry. It seems though the *Post* may only be rubbing salt into its own wounds, as any number of more independent media folk seem determined to set the record straight on Webb's behalf.

Weapons of Mass Disinformation

As for the rest of the MSM cohorts who jumped onto the Big Three's "Get Gary Webb" bandwagon, it would appear they are letting sleeping dogs lie in the wake of the film's release. It's unknown if they are doing this to preserve whatever integrity they might have left over their own attacks on Webb and/or failure to undertake their own investigations, or whether it is because they really don't care one way or another. Webb may just have been collateral damage an "expendable" in the perennial War on Truth in mainstream media circles.

If Watergate was a high-water mark in investigative reportage and political news coverage in the U.S. and by some accounts there are compelling reasons after all these years to view this assessment with some skepticism then the Webb affair would have to qualify as a suitable case study at the other end of the spectrum.

As significant as the destruction of Gary Webb was in its implications for a free, fair and fearless mainstream press in America, this MSM behavior has now become the norm, not the exception. (Indeed, President George W. Bush was able to mislead the American people into the disastrous Iraq War with the MSM especially the *Washington Post* and the *New York Times* aiding and abetting his WMD deceptions of the American people).

With this in mind, we can hardly expect that we are going to get the kind of news and information we need to remain "alert and knowledgeable" from the MSM in an age when being so has possibly never been more important in homo sap's sorry-ass history on the Big Blue Ball. There are now so many examples of that Unholy Trinity's nonfeasance, misfeasance and malfeasance in journalistic reportage that it's a challenge to list them all, from Vietnam to the Iran-Contra Scandal; from the first Gulf War to the Balkans War; from Iraq's WMDs to the War on Terror. And these only skim the surface. If these bastions of fair and fearless reportage are the newspapers of record, the record is patchy indeed. Tragically so.

Moreover, there can be no better example of the double standards that prevail in U.S. politics and in its relationship with the Fourth Estate than Obama's 2013 honoring of Ben Bradlee the iconic *Washington Post* editor who famously presided over the paper's coverage of the Watergate scandal, the outcome of which was the downfall of an American president with a *Presidential* Medal of Freedom.

But the real irony is that Obama the president who has done more to curtail and then criminalize the activities of investigative journalists, leakers and whistle-blowers in ways that even Richard Nixon might never have contemplated extolled Bradlee's determination to ensure Americans are not denied the truth about what their increasingly secretive and subversive government does.

Obama's own home-grown hypocrisy in these matters is itself something to behold. We should recall this was a president whose government he promised would be truly accountable and more transparent than previous ones.

In an article in OpEdNews recently, contributor Sherwood Ross takes the President to task for his stance against investigative reporters in particular. Among other examples, Ross cites the case of James Risen, whose book State of War looks like it could land Risen in jail in the foreseeable future for refusing to betray a source. Briefly the case which has become something of a *cause celebre* in the mainstream and alternative media circles involves the Justice Department under first the Bush administration and now under Obama seeking to force Risen to reveal a key source for the book, which the journalist has refused to do.

To an investigative journalist revealing the identity of sources that provide information on condition of anonymity is akin to a priest revealing someone's confession in a sermon from the pulpit at Sunday Mass; to refuse to do so is an article of faith of the profession. But Risen's courage in reporting important facts about the national security state and resisting government pressure to surrender his source (and thus make other sources much less likely to talk) is now the exception in the MSM, not the rule. Many such stories simply go unwritten. Career-wise, that's a lot safer.

There is also the reality that as resources for real reporting continue to decline spending on public relations and other manipulation of the public continues to soar. The highly sophisticated multi-billion dollar lobbying and public relations industries in America are almost entirely employed on the dime of the Powers that Be (industry bodies, political parties, think tanks, Super PACs, sundry foundations, corporations and institutions etc.) Unless the ordinary news consumers go out of their way to seek out reliable sources of information, they don't hazard a chance in Hades of ever getting anything resembling credible, untainted insight into the zeitgeist, so as to be able to maintain whatever might remain of their "alert and knowledgeable" status.

Yet, the MSM still commands attention from many folks. Why in this day and age of accessible and independent-minded news sources is a mystery inside a conundrum. Perhaps it's simply because of the MSM's size and inertia, living off its past reputation for supplying "responsible" news. Maybe people are too busy in their frantic lives or too afraid of being deemed "outside the mainstream," so they stick with what's considered traditional and safe.

But it's no longer possible for anyone who truly wants to be an "alert and knowledgeable" citizen to ignore the establishment media's lengthening reputation as one collective Weapon of Mass Disinformation.

Greg Maybury is a freelance writer based in Perth, Western Australia.

Powerful Lobbies v. Public Interest

Some American lobbies are so powerful that U.S. politicians cringe in fear, knowing that standing up for the broader national interest would be career-threatening, a reality most notable on issues of Israel and guns, as Lawrence Davidson explains.

By Lawrence Davidson

The problem of special interests or lobbies was one of the foremost concerns of the Founding Fathers of the United States. In their day these pressure groups were called factions.

James Madison, who is considered the architect of the U.S. Constitution, devoted the entire tenth Federalist Paper (1787) to the problem. He defined a faction as “a number of citizens, whether amounting to a majority or a minority actuated by some common interest, adverse to the aggregate interests of the community,” and believed that within the context of liberal republicanism, they could never be eliminated.

However, Madison did feel they could be controlled. To this end he sought to create representative bodies with high numbers of delegates and a wide diversity of interests in the hope that they would counterbalance each other.

When George Washington delivered his famous Farewell Address in 1796, he too noted the problem. Washington warned of “combinations and associations” which attempt to “direct, control, counteract and awe the regular deliberation and action of the constituted authorities” and thereby substitute their own desires for the “delegated will of the nation.”

As Washington’s continued concern implied, James Madison’s approach to controlling special interests or factions never proved adequate.

Lobbification

Today, the problem is still with us and is worse than ever. That is why in April 2011 I coined the word “lobbification” to describe the corruptive process that bends politicians to the will of special interests that is, to the will of lobbies. The vehicle that makes this process possible is, of course, money, usually in the form of campaign contributions to a politician.

If the politician defies the lobby making the offer (a rare event but not unheard of), that special interest will throw its support to the defiant politician's electoral opponent. The result is that most politicians are in lockstep with the demands of multiple powerful special interests.

James Madison believed that this corruptive process is a consequence of human nature – self-interest in action. Perhaps that is so, but the results are no less debilitating. So Pavlovian are the responses created by lobbification that, today, politicians in this state of mind cannot tell the difference between the parochial interests of those powerful factions to which they are indebted and the actual national or local interests of their country or community.

Two Examples

Here are two recent examples of the power of lobbification. On July 18, acting in response to the urgings of the Zionist lobby, the U.S. Senate unanimously voted to support Israel's ongoing attack on the Gaza Strip. This from a Congress known for its inability to agree on just about any legislation important to its own country!

The senators voted their support even though the Israeli action was of the same character as the German attacks on London during the Blitz and the Allied destruction of the German city of Dresden toward the end of World War II. In other words, the Israelis were engaged in a large-scale operation targeting a civilian population. That is a war crime and cannot be justified as an act of self-defense. Yet the U.S. Senate, to a person, publicly supported this criminal behavior.

It might be noted here that there were serious divisions of opinion about Israeli behavior among the American public – that is, the Senate's constituency. But the senators seemed immune from the popular debate and responded as if they represented the Zionist lobby, not the American public.

On the domestic front, meaningful regulatory gun legislation, be it national or local, appears to be politically impossible because of the influence of the National Rifle Association (NRA). This is so despite a proliferation of gun-related deaths and injuries in our homes, on our streets, and in our schools.

The arguments of NRA supporters usually imply that regulation of firearms would be the death knell of hunting, of target shooting, and of gun collecting, and even the ability to act in self-defense. Yet rational and reasonable gun regulation is not the same as prohibition, and to act as if they are the same is, in my opinion, a paranoid point of view.

Then there is the Second Amendment argument that allows many supporters of the

NRA to fantasize that they are enrolled in a “well regulated militia” without which the U.S. cannot remain a free society. Free from what? From the authoritarian potential of the state with its immensely better armed police and military branches? This is just naive. If the government wants to act in a dictatorial fashion, armed members of the NRA will not be able to stop it.

In truth, rational control of firearms does not threaten our freedom. It makes us freer by enhancing our safety from the growing plague of gun violence that NRA lobbying presently forces most of our politicians to ignore or deny.

Here it is important to note that the National Rifle Association leadership often fails to accurately represent its own membership, much less that of the general public. A 2013 Pew survey found that 74 percent of NRA members supported universal background checks for private gun sales (as did 94 percent of the general American public). Nonetheless, at the urging of the NRA the Senate voted against this requirement in the same year.

As with the Zionist lobby and public concern over its particularistic foreign policy, many senators are immune from the popular debate on gun control and respond as if they represent the NRA lobby and not the American public.

Need for Regulation

Madison was right in one regard: regulation of the power of factions/special interests/lobbies to influence politicians and policies is an absolute necessity. However, here we run up against a real Catch-22 dilemma. That regulatory legislation, and other related efforts such as campaign finance reform, must come from the same politicians who are financially bound to special interests.

Like those with a strong addiction, these politicians seem unable to free themselves from the monkey on their back.

If there is a way out of this dilemma it must come from the general public. The long-standing dissatisfaction with politicians, especially on the national level, must be channeled into a popular campaign to free the legislators and policy makers from the influence of narrow interests.

Think of this as an effort to clear away an historical obstacle to good governance. If this does not happen, the foreign policies that have promoted so much anti-American hostility worldwide, and the domestic policy that has allowed the indiscriminate murder of so many innocent citizens, will continue and indeed grow worse.

Lawrence Davidson is a history professor at West Chester University in

Pennsylvania. He is the author of *Foreign Policy Inc.: Privatizing America's National Interest*; *America's Palestine: Popular and Official Perceptions from Balfour to Israeli Statehood*; and *Islamic Fundamentalism*.

Citizenfour's Escape to Freedom in Russia

Exclusive: An international community of resistance has formed against pervasive spying by the U.S. National Security Agency with key enclaves in Moscow (with NSA whistleblower Edward Snowden) and in London (with WikiLeaks' Julian Assange), way stations visited by ex-CIA analyst Ray McGovern.

By Ray McGovern

In early September in Russia, National Security Agency whistleblower Edward Snowden told me about a documentary entitled "Citizenfour," named after the alias he used when he asked filmmaker Laura Poitras to help him warn Americans about how deeply the NSA had carved away their freedoms.

When we spoke, Snowden seemed more accustomed to his current reality, i.e., still being alive albeit far from home, than he did in October 2013 when I met with him along with fellow whistleblowers Tom Drake, Coleen Rowley and Jesselyn Radack, as we presented him with the Sam Adams Award for Integrity in Intelligence.

A year ago, the four of us spent a long, relaxing evening with Snowden and sensed his lingering wonderment at the irony-suffused skein of events that landed him in Russia, out of reach from the U.S. government's long arm of "justice."

Six days before we gave Snowden the award, former NSA and CIA director Michael Hayden and House Intelligence Committee chair Mike Rogers had openly expressed their view that Snowden deserved to be on the "list," meaning the "capture or kill" list that could have made Snowden the target of a drone strike. When I asked him if he were aware of that recent indignity, he nodded yes with a winsome wince of incredulity.

This September, there was no drone of Damocles hanging over the relaxed lunch that the two of us shared. There were, rather, happier things to discuss. For example, I asked if he were aware that one of his co-workers in Hawaii had volunteered to Andy Greenberg of Forbes Magazine that Snowden was admired by his

peers as a man of principle, as well as a highly gifted geek.

The co-worker told Greenberg: "NSA is full of smart people, but Ed ... was in a class of his own. I've never seen anything like it. ... He was given virtually unlimited access to NSA data [because] he could do things nobody else could."

Equally important, the former colleague pointed out that Snowden kept on his desk a copy of the U. S. Constitution to cite when arguing with co-workers against NSA activities that he thought might be in violation of America's founding document. Greenberg's source conceded that he or she had slowly come to understand that Snowden was trying to do the right thing and that this was very much in character, adding, "I won't call him a hero, but he's sure as hell no traitor."

Snowden spoke of his former co-workers with respect and affection, noting that most of them had family responsibilities, mortgages, etc. burdens he lacked. He told me he was very aware that these realities would make it immeasurably more difficult for them to blow the whistle on NSA's counter-Constitutional activities, even if they were to decide they should. "But somebody had to do it," said Snowden in a decidedly non-heroic tone, "So I guess that would be me."

Following the intelligence world's axiom of "need-to-know," Snowden had been careful to protect his family and Lindsay Mills, his girlfriend, by telling no one of his plans. I found myself thinking long and hard at how difficult that must have been to simply get out of Dodge without a word to those you love.

Perhaps he felt Mills would eventually understand when he explained why it was absolutely necessary in order to achieve his mission and have some chance of staying alive and out of prison. But, not having discussed with her his plans, how could he be sure of that?

And so, learning recently of the interim "happy-ending" arrival of Mills in Russia was like a shot in the arm for me. I thought to myself, it is possible to do the right thing, survive and not end up having to live the life of a hermit. Equally important, that reality is now out there for the world to see. What an encouragement to future whistleblowers and to current ones, as well, for that matter.

Snowden was delighted when I told him that Bill Binney, the long-time and highly respected former NSA technical director, had just accepted the Sam Adams Award, which will be presented in 2015. It was Snowden's own revelations that finally freed up Binney and other courageous NSA alumni to let the American public know what they had been trying, through official channels, to tell the overly timid representatives in Washington.

Seeing 'Citizenfour'

Snowden was happy to tell me about the documentary, "Citizenfour," explaining that during his sessions in Hong Kong with Laura Poitras, Glenn Greenwald, and *The Guardian's* Ewen MacAskill, Poitras seemed to have the camera always rolling during the eight days they shared in Hong Kong including during the grand escape from the hotel. With a broad smile, Snowden said, "Ray, when people see my makeshift disguise, well, it is going to be really hard to argue that this thing was pre-planned!"

All I have seen so far is the trailer, but I have tickets for a showing Friday night when "Citizenfour" opens in Washington and other cities. With Snowden, I figured I could wait to witness the grand escape until I saw the film itself, so I avoided asking him for additional detail. Like: "Don't spoil it for me, Ed."

I was encouraged to read, in one of the movie reviews, that the documentary does allude to the key role played by Julian Assange and WikiLeaks in enabling Snowden's escape. I had long since concluded that WikiLeaks's role and that of Sarah Harrison, in particular, was *the sine qua non* for success. I hope "Citizenfour" gives this key part of the story the prominence it deserves.

I feel it is an equal honor to spend time with Julian Assange in the Ecuadorian embassy whenever I'm in London. In early September, Assange was a welcoming host and we had a long chat over dinner while I was en route to Russia via London and Berlin. (I had been invited to present at the U.S.-Russia Forum in Moscow later last month and stayed there an extra day in order to visit with Snowden.)

I had been unaware of "Citizenfour" before visiting Assange. The film came up spontaneously when I volunteered to him that the safe extrication of Snowden from Hong Kong sits atop my gratitude list of the many things he has accomplished. That drew a very broad smile and some words about the world's most powerful country and intelligence service, "and we still got him out!"

Assange shared how important it was not only to rescue Snowden himself but, in so doing, to provide for potential whistleblowers some real-life proof that it is possible to do the right thing and avoid spending decades in prison where WikiLeaks' most famous source Chelsea Manning now sits. This was among the main reasons why WikiLeaks cashed in so many chips in its successful effort to bring Snowden to safety. It was surely not because Assange expected Snowden to share reportable information with WikiLeaks. He gave none.

Assange was in good spirits and hoping for some break in the Kafkaesque situation in which he has found himself for several years now (receiving asylum in Ecuador's Embassy to avoid arrest in Great Britain and extradition to Sweden

for questioning regarding alleged sexual offenses).

A Stop in Berlin

I also planned to spend a few days in Berlin to coincide with the NATO summit in Wales (Sept. 4-5). On Aug. 30, the Veteran Intelligence Professionals for Sanity sent a Memorandum to German Chancellor Angela Merkel, warning her about the dubious "intelligence" adduced to blame Russia for the troubles in Ukraine. Our memo had some resonance in German and other European media, but I was saddened to find the media in the UK and Germany as co-opted and Putin-bashing as the U.S. media.

It was 25 years after the fall of the Berlin Wall. What I said in my various talks and interviews on NATO's reneging on its promise to Soviet leader Mikhail Gorbachev not to move NATO one inch eastward, once Germany was reunited, seemed to come as a major revelation to most listeners.

"Really?" was the predominant reaction when I explained that 25 years ago there was a unique, realistic chance for a Europe "whole and free" (in words then used by President George H. W. Bush and Gorbachev) from Portugal to the Urals. Instead, even after the collapse of the Soviet Union in 1991, Russia was excluded. NATO crept steadily east toward Russia's border.

And last February, the U.S. and EU orchestrated a coup d'État in Kiev to foster Ukraine's "European aspirations" to cast its lot with the West and dislodge itself from Russia's sphere of influence. [See Consortiumnews.com's "The Whys Behind the Ukraine Crisis."]

The squandering of a historic chance for lasting peace in Europe remains atop the list of severe disappointments encountered during my professional life. The fact that, to this day, so few seem aware of what happened, and who was and is to blame, is also a major frustration.

In Berlin, consolation and affirmation came in renewing friendships there and getting to know others many of them expatriates. First and foremost among the latter is Sarah Harrison, the main figure in executing WikiLeaks's plan to get Snowden out of Hong Kong and onward to Latin American via Moscow, where his planned journey has so far stalled.

Because the U.S. Justice Department charged Snowden with espionage and the U.S. State Department revoked his passport, his stay in Moscow ended up being quite a long one. But Harrison stayed on for as long as seemed necessary to accompany and support Snowden, as well as to be able to testify to the fact that the Russians were not using anything like "enhanced interrogation techniques" on him.

I had last seen Harrison in Moscow at the Sam Adams Award presentation to Snowden; it was great to have a chance to chat with her over a long lunch.

Flying home from Moscow, having had lunch there with Edward Snowden, lunch in Berlin with Sarah Harrison, and dinner with Julian Assange in that little piece of Ecuadorian territory in London, what came first to mind was Polonius's advice to Laertes: "Those friends thou hast, and their adoption tried, grapple them to thy soul with hoops of steel."

But then, above the din of the jet engines, came a more familiar and more insistent voice. It was that of Jane Fahey, my Irish grandmother, who for some reason seemed 33,000 feet closer than usual: "Show me your company, and I'll tell you who you are!" she would say, often very often. I think my grandmother would be as pleased with my "company" as I am and as grateful.

Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. Co-founder of Veteran Intelligence Professionals for Sanity (VIPS), he served as an Army infantry/intelligence officer and then as a CIA analyst from the administration of John Kennedy to that of George H. W. Bush. He is also co-founder of Sam Associates for Integrity in Intelligence.

Neocon Sabotage of Iran-Nuke Deal

Congressional neocons are determined to sink negotiations to constrain but not end Iran's nuclear program all the better to get on with bombing Iran at the heart of their agenda. They are now disguising their sabotage as a constitutional argument, as ex-CIA analyst Paul R. Pillar explains.

By Paul R. Pillar

[David Sanger's article](#) in the *New York Times* about how the Obama administration is seeking a nuclear accord with Iran that would not require any early votes in Congress has garnered a lot of attention. Naturally, the administration in response has offered assurances that Congress has a role to play and no one is trying to shove it out of the picture. Just as naturally, opponents of the administration accuse it of such shoving.

We all know what's going on and what's at stake here. The more of a role Congress does play in the immediate aftermath of signing a deal, the greater the chance that elements opposed to anyone reaching any agreement with Iran on

anything will be able to torpedo the deal.

This is reflected in the substantial record Congress has already compiled, as cataloged by Navid Hassibi's review of that record, of past attempts that would impede the negotiations. It also is reflected in the fact that some of those quickest to complain about a supposed offense to Congressional prerogatives on this matter are those who have been most determined all along to sabotage any agreement with Iran.

So for anyone who realizes the advantages of having a deal to restrict Iran's nuclear program versus not having a deal, the less Congressional involvement right now the better.

A major caveat to this conclusion is that any lack of confidence on the part of the Iranians in the staying power of a deal in which the United States fulfills its part of the bargain only through executive action may also make it harder to complete the negotiations. If the Iranians believe all they are getting in the way of sanctions relief is tentative and reversible, in an accord that can be undone by Congress or a later president, they understandably will be reluctant to offer anything other than tentative and reversible things in return.

This is why the assertion that has routinely accompanied past efforts to slap more sanctions on Iran during negotiations, that this supposedly would increase U.S. bargaining power, is fallacious (and if it really did increase, why wouldn't any president want to have the added power?) Instead, the effect would be to make negotiations more difficult by increasing Iranian doubts about the administration's ability to fulfill U.S. commitments.

Probably the best way to deal with all this is to rely, as Hassibi suggests, on the combination of a couple of years of compliance with an agreement and confirmation of its terms in a United Nations Security Council resolution to make the saboteurs' task harder.

None of this appears to be really about high constitutional principles concerning the relative powers of branches of the U.S. government. It is about whether the United States is going to seize or to blow the best opportunity to preclude an Iranian nuclear weapon and to do it in a way that will have other benefits for U.S. interests in the Middle East. There are, nonetheless, some more principled things to say about the role of Congress on different types of national security matters.

Consider the issue of the Iranian negotiations alongside another subject on which relative powers of the legislative and executive branches have received considerable attention: the use of military force. One legislator whose stance

is worth looking at is Sen. Tim Kaine, D-Virginia. Kaine has taken a responsible position regarding the Iran negotiations, opposing any Congressional interference with them in the form of new sanctions. He also has become quite an activist in asserting a Congressional prerogative to approve or disapprove the use of military force.

In fact, he has broken openly with the president of his own party by arguing that the current use of force in Syria and Iraq should have first obtained Congressional authorization. Kaine's positions should be emulated, and here's why.

There is good reason that the Constitution placed the power to declare war with the people's representatives in Congress. It is a major and potentially highly costly departure. Expending blood and treasure in warfare is one of the riskiest and most consequential things the nation can do. As has been demonstrated painfully and recently, going to war has a way of dragging the nation into even costlier and longer-lasting commitments.

An agreement of the sort being negotiated with Iran is none of those things. The agreement would impose no new costs on the nation; in fact, it would involve reducing the cost that sanctions inflict on the United States. It does not create, as warfare does, any new exceptions to normal peacetime relations with other states; instead, it would be a move toward restoring normality. It does not, as do some other matters that are appropriately codified in treaties subject to Senate confirmation, impose any new legal obligations on U.S. persons; instead it is a step toward reducing the costly and cumbersome restrictions on U.S. business that the sanctions involve.

It does not mark a departure in national goals and objectives, because it is an almost unanimously shared objective that Iran not acquire a nuclear weapon. The issue instead is what is the best way of executing policy to achieve that objective; that is part of what the Executive Branch is supposed to do.

Recognition of that last point is reflected in the laws about sanctions that give the president waiver authority and thus the flexibility needed to achieve the objectives that the sanctions were supposed to be all about. Those were laws that the U.S. Congress enacted. That is why it is ridiculous for Rep. Ileana Ros-Lehtinen, R-Florida, one of the most consistently Iranophobic hardliners in Congress, to say, as she does in a "dear colleague" letter she is circulating, that the President is "circumventing" Congress by making use of waiver authority that is written into sanctions legislation that she sponsored.

There is a time and place for Congress to assert itself, and different times and places for it to defer to the Executive Branch in execution of its proper

functions.

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.)

James Risen's Painful Truths

President Obama promised a "transparent" administration but the American people didn't know the transparency would go only one way, letting the government look at the people while blocking the public's view of the government, a reality described in James Risen's new book, reviewed by Norman Solomon.

By Norman Solomon

No single review or interview can do justice to *Pay Any Price* the new book by James Risen that is the antithesis of what routinely passes for journalism about the "war on terror." Instead of evasive tunnel vision, the book offers big-picture acuity: focusing on realities that are pervasive and vastly destructive.

Published this week, *Pay Any Price* throws down an urgent gauntlet. We should pick it up. After 13 years of militarized zealotry and fear-mongering in the name of fighting terrorism, the book – subtitled "Greed, Power, and Endless War" – zeros in on immense horrors being perpetrated in the name of national security.

As an investigative reporter for the *New York Times*, Risen has been battling dominant power structures for a long time. His new book is an instant landmark in the best of post-9/11 journalism. It's also a wise response to repressive moves against him by the Bush and Obama administrations.

For more than six years – under threat of jail – Risen has refused to comply with subpoenas demanding that he identify sources for his reporting on a stupid and dangerous CIA operation. (For details, see "[The Government War Against Reporter James Risen](#)," which I co-wrote with Marcy Wheeler for *The Nation*.)

A brief afterword in his new book summarizes Risen's struggles with the Bush and Obama Justice Departments. He also provides a blunt account of his long-running conflicts with the *Times* hierarchy, which delayed some of his reporting for years – or spiked it outright – under intense White House pressure.

Self-censorship and internalization of official worldviews continue to plague the Washington press corps. In sharp contrast, Risen's stubborn independence enables *Pay Any Price* to combine rigorous reporting with rare candor.

Here are a few quotes from the book:

– “Obama performed a neat political trick: he took the national security state that had grown to such enormous size under Bush and made it his own. In the process, Obama normalized the post-9/11 measures that Bush had implemented on a haphazard, emergency basis. Obama's great achievement – or great sin – was to make the national security state permanent.”

– “In fact, as trillions of dollars have poured into the nation's new homeland security-industrial complex, the corporate leaders at its vanguard can rightly be considered the true winners of the war on terror.”

– “There is an entire class of wealthy company owners, corporate executives, and investors who have gotten rich by enabling the American government to turn to the dark side. But they have done so quietly. The new quiet oligarchs just keep making money. They are the beneficiaries of one of the largest transfers of wealth from public to private hands in American history.”

– “The United States is now relearning an ancient lesson, dating back to the Roman Empire. Brutalizing an enemy only serves to brutalize the army ordered to do it. Torture corrodes the mind of the torturer.”

– “Of all the abuses America has suffered at the hands of the government in its endless war on terror, possibly the worst has been the war on truth. On the one hand, the executive branch has vastly expanded what it wants to know: something of a vast gathering of previously private truths. On the other hand, it has ruined lives to stop the public from gaining any insight into its dark arts, waging a war on truth. It all began at the NSA.”

Fittingly, the book closes with a powerful chapter about the government's extreme actions against whistleblowers. After all, whistleblowing and independent journalism are dire threats to the secrecy and deception that fuel the “war on terror.”

Now, James Risen is in the national spotlight at a time when the U.S. government is launching yet another spiral of carnage for perpetual war. As a profound book, *Pay Any Price* has arrived with enormous potential to serve as a catalyst for deeper understanding and stronger opposition to abhorrent policies.

Norman Solomon, a journalist with ExposeFacts.org, is executive director of the Institute for Public Accuracy and co-founder of RootsAction.org. His books include *War Made Easy: How Presidents and Pundits Keep Spinning Us to Death*.

The War Responsibility of Congress

Looking nervously toward the November elections, members of Congress ducked the issue of authorizing U.S. military attacks on targets in Iraq and Syria, but that evasion of responsibility is not what the Founders had in mind, writes the Independent Institute's Ivan Eland.

By Ivan Eland

President Barack Obama's claim that he doesn't need congressional authorization for his current war in Iraq and Syria is troubling. The country's Founders would pass out upon hearing his claim that the post-9/11 congressional approval of force in 2001 against the perpetrators of those attacks and their abettors and the congressional resolution approving George W. Bush's invasion of Saddam Hussein's Iraq in 2003 give him the current authority for a very different war against very different people.

However, Obama is not the first president to believe that he has the rather imperial authority for war by executive fiat. Up until 1950, for major conflicts, presidents followed the nation's Founders' intent in the U.S. Constitution to obtain a declaration of war from Congress.

For the Korean War, however, Harry Truman, really the first imperial president, decided that this vital constitutional requirement was optional. Unfortunately, as I note in my new book, *Recarving Rushmore: Ranking the Presidents on Peace, Prosperity, and Liberty*, once a bad precedent is set, meaning that the chief executive gets away with an unconstitutional act, future presidents will cite it in carrying out their own questionable actions.

Over American history, that process has thus resulted in an expansion of presidential power much past what the Founders had envisioned when they wrote their constitutional blueprint. Thinking of the powerful European monarchs of the day, who took their countries to war on a whim and let the costs in blood and treasure fall to their unfortunate citizens, the Founders wanted an executive with severely restricted powers.

Congress was to be the dominant branch of government, and the Executive's role merely was to narrowly execute and enforce laws passed by that body. Even the

president's commander-in-chief role, much abused by modern chief executives, was to be restricted narrowly to commanding the U.S. military in battle.

In fact, contrary to the conventional belief in Washington and among the American public, the Constitution gives most of the powers in defense and foreign affairs to the Congress, not to the president. The erroneous notion that the chief executive is the "sole organ of American foreign policy," derives from the non-binding part of a Supreme Court decision in the 1930s (that is, fairly recently).

In the Constitution, the Founders signaled their intent for Congress to approve even minor uses of force by the United States. The document says that Congress will issue letters of marque and reprisal. At the time, letters of marque were issued to private ship captains to raid an enemy nation's commerce.

So it is curious from his past behavior that Obama, a constitutional lawyer, believes that if he avoids putting "combat troops" on the ground, defining this narrowly to exclude Special Forces hunting terrorists and American military trainers of local forces, and limits his attacks to air strikes, it's not a real war that would require congressional approval.

Obama's criterion seems to be that if no Americans would be killed, it's not a "war" that the Congress needs to bother with authorizing. Yet aircraft can get shot down or malfunction and pilots can be captured or killed. Also, the people being bombed would probably call it a war, and so the people's representatives in Congress might want to comment on whether the United States should be in a state of hostilities with them.

The people's representatives don't always make the right decision, as they didn't in President James Madison's pointless War of 1812, James Polk's war of aggression against the weaker Mexico to steal its land, William McKinley's colonial Spanish-American War, or Woodrow Wilson's ruining of the Twentieth Century by American entry into World War I, but they should at least get to vote, as the nation's Founders intended and the Constitution states.

Ivan Eland is Director of the Center on Peace & Liberty at The Independent Institute. Dr. Eland has spent 15 years working for Congress on national security issues, including stints as an investigator for the House Foreign Affairs Committee and Principal Defense Analyst at the Congressional Budget Office. His books include Partitioning for Peace: An Exit Strategy for Iraq The Empire Has No Clothes: U.S. Foreign Policy Exposed, and Putting "Defense" Back into U.S. Defense Policy.

An Imperial Death Grip on Democracy

Official Washington controlled by a lethal mix of politics, ideology, media and money has an imperial death grip on what's left of the American democratic republic, a hold so suffocating that it's hard to envision any move to escape. But some citizens keep on trying, writes Greg Maybury.

By Greg Maybury

Andrew Bacevich, a former U.S. military officer and now a professor at Boston University, has measured the U.S. government against British historian Correlli Barnett's observation that "war is the great auditor of institutions" and noted that since 9/11 America "has undergone such an audit and found to be wanting."

A military man whose tours of duty included Vietnam and Europe, Bacevich has for years presented sharper, more cogent insights into America's place in the geopolitical firmament than most of the pundits we see trotted out on CNN, ABC and FOX News and their ilk. But this prolific author, political scientist, and professor of history and international relations is little known to most Americans, perhaps because he had the audacity to judge the Iraq War a "catastrophic failure" well before others were prepared to do so.

Bacevich's critical assessment of how U.S. institutions responded to the post-9/11 crises is contained in an article that he published in 2008. But his insights can be found in any of his books, including *Washington Rules: America's Pathway to Permanent War* and *Breach of Trust: How Americans Failed Their Soldiers and their Country*, to name two.

What makes Bacevich's insights even more compelling and indeed poignant is that his own son, a U.S. Army officer, was killed in 2007 by an improvised explosive device (IED) in Iraq. In an article in the Washington Post in May of that same year tellingly titled "I lost my son to a war I opposed; we were both doing our duty" he asked himself the following: "What exactly is a father's duty when his son is sent into harm's way?" He provided this response: "As my son was doing his utmost to be a good soldier, I strove to be a good citizen."

Bacevich, of course, is far from alone in being a good citizen by daring to critique his country's foreign policy misadventures. In a 2004 book of essays, *Dismantling the Empire: America's Last Best Hope*, the late Chalmers Johnson also provided in a similar vein a sobering and persuasive argument for America drawing back from the imperialist ambitions that have long characterized its foreign and national security policies.

Whether it's in his published works or his numerous magazine and newspaper articles, Johnson left little doubt as to what he saw was driving this geopolitical obsessive-compulsive disorder the profits of waging war. To preserve any lasting vestige of itself as a democratic republic, the empire as it stands must be dismantled, Johnson warned. He summed it up this way:

"We are on the brink of losing our democracy for the sake of keeping our empire. Once a nation starts down that path, the dynamics that apply to all empires come into play isolation, overstretch, the uniting of global and local forces opposed to imperialism, and in the end, bankruptcy."

Johnson, who passed away in 2010, basically said that if America is to *sustain* itself as a viable nation economically, socially and politically, and *preserve* whatever integrity, standing and influence it currently enjoys among nation states as a truly global leader in the conduct and management of world affairs, it must attend to three fundamental issues.

Firstly, the U.S. needs to dismantle the Central Intelligence Agency (CIA) completely, an organization which he views as being both incompetent and dangerous, not only to America's own security but global security.

Secondly, he proposed the curtailment of any further expansion of U.S. global military presence along with the progressive dismantlement of the existing infrastructure. (This itself is an interesting proposal given that my own country Australia has recently signed up to a new agreement with the U.S. to *increase* its military presence here in Australia's north.)

Thirdly, he emphasized America's urgent need to scale back and then eradicate the *intertwined* military, industrial, security and economic foundations that have both driven and underpinned the growth of U.S. empire for far too long.

If these actions are not taken, Johnson argued in his introduction, the "long-standing reliance on imperialism and militarism in our relations with other countries and the vast, potentially ruinous global empire of bases that goes with it," will lead to "a likely collapse similar to that of the former Soviet Union." Although Johnson rightly observed that this outcome is not inevitable, he noted pessimistically "it may be unavoidable given the hubris and arrogance of our national leadership."

The World is Never Enough

For anyone following recent events from outside the realms of the corporate media's reach the proxy "cold war" with Russia over the Ukraine along with the provocative saber rattling over the downing of MH17, Israel's genocidal incursions into the Gaza Strip, the deteriorating situations in Iraq and Syria

and the rise of ISIS, just to name a few of the volatile global ructions to which America is a party to or has some vital stake in these conclusions should be obvious. The hubris is palpable, and hubris is always the precursor to imperial decline.

Moreover, if we accept Johnson's proposition that America's unerring desire to impose political and economic dominion over the rest of the world is driven largely by economic (read that: *energy*) imperatives, then the irony herein is that in doing so, the U.S. may end up bankrupting itself, must also be blindingly obvious.

For all President Barack Obama's 2008 election promises to bring America back from the brink of imperial overreach and to dampen its global hegemonic ambitions by relying more on the wielding of soft power than hard power, America's place in the world order is even more precarious now than it ever was.

The current malaise is not all attributable to the Obama administration to be sure. Although his election rhetoric indicated otherwise, as with many presidents who take over the White House, they have to deal with the accumulative baggage left behind by their immediate (and not so immediate) predecessors. This is to say, Obama was locked into pursuing what neoconservative historian Max Boot billed as the "Doctrine of the Big Enchilada."

But a lot of it is the present administration's cross to bear and has been for some time. In fact, it seems that not a week goes by where this contention does not become even more apparent. At best Obama seems to be trying to be all things to all people whilst placating the neoconservative hawks in his administration and in the broader Beltway.

Yet after now almost six years of Obama as president, the imagined scenario of imperial collapse becomes all too plausibly *undeniable*. For those who might scoff at this suggestion, it is important to remember that there were indeed plenty of folk who did actually predict the collapse of the Soviet Union and the Eastern Bloc: that is, well and truly *after* it all went pear shaped!

As for the likes of Johnson and Bacevich and their fervent hope America will pull back from the strategic brinkmanship it has been engaging in, it seems unlikely to happen anytime soon. This becomes even more evident when one reads author F. William Engdahl's *Full Spectrum Dominance Totalitarian Democracy in the New World Order*, published in 2010. Engdahl delivers an unsettling account of the evolution of U.S. global military strategy since the Fall of the Wall and especially that which has prevailed since 9/11.

Put simply, the term “full spectrum dominance” denotes America’s plan to advance its long-term goal of *total military control* of every nook and cranny of the Big Blue Ball and beyond: this includes land, sea, air, inner/outer space, and even cyberspace. In essence, full spectrum dominance is the *very opposite* of what Johnson had in mind.

Yet clearly the Agenda Benders in the National Security State and other stakeholders not just eager to maintain the *status quo* but relentlessly and recklessly pursue its expansion appear not to have received Johnson’s “memo.” Or for that matter, Andrew Bacevich’s either, someone else who has had a word or two about “full spectrum dominance” and its implications.

And if anyone is on the lookout for a prime example of the blowback of this “World is Not Enough” tendency to dominate the globe militarily in the name of freedom, democracy, liberty and the filthy lucre, then a brief recap of America’s recidivist history of “regime rehab” since the CIA instigated overthrow of Prime Minister Mohammad Mossadegh in Iran back in 1953 should provide a salutary lesson in why the U.S.’s hitherto relatively untarnished reputation as the global go-to “good guy” is taking a trashing at present.

Folks may be finally waking up and smelling the rodent. Whilst this may be a good sign and certainly not before time, it may be too little too late.

By the end of November 2008, after eight years of the Bush administration it was not hard for Americans and non-Americans alike to buy into the singular promise of “Yes We Can” and “Change We Can Believe In” message that Obama brought to campaign.

â€‹America was on the ropes economically and financially, and some would say spiritually and morally. It had overreached itself militarily and geopolitically in ways not seen since the Vietnam era. Clearly even many die-hard Republicans had had enough of the Bushmeister’s regime, which apart from anything else had done much to diminish America’s reputation for world leadership and all but cut the power on its moral beacon.

America certainly used up most if not all the political and moral capital it accrued as a result of the 9/11 disaster, the worst attacks on American soil since Pearl Harbor in 1941, a squandering of goodwill for which no one has yet to be called to account. That 9/11 accrued the degree of capital it did is remarkable in hindsight, especially given the extraordinary and catastrophic defense, security and intelligence failures on the day itself and leading into it. All this, along with the fact that the powers-that-be had to be dragged kicking and screaming to an investigation into what actually happened and how such a failure transpired.

Even after the monumental shell-game regarding Iraq's mythical weapons of mass destruction, along with its alleged links to al-Qaeda and support of terrorism, and the revelations of the execrable treatment of Abu Ghraib prisoners (to name a few of the memorable outcomes from America's overarching response to 9/11), America continued to dine out on the sympathetic support that sprang from that historically tragic event.

That the belated revelation the numerous pretexts for war in Iraq were bogus failed to dent the image that America had carefully crafted in the wake of 9/11 possibly best exemplified by the plaintive wail, "Why do they hate us?" is also illuminating. And the very fact that there are still so many disturbing, outstanding questions regarding the 9/11 attacks, including the government's redaction of evidence on alleged Saudi financing of al-Qaeda, leaves many Americans and non-Americans alike wondering, "where to from here?"

An Empire of Graveyards

Where indeed? In addition to Johnson's recommendations, here's a few more. America needs to pull back from its unstinting support of Israel. It should counterbalance the excessive influence the Israel lobby has on both the domestic political scene and its foreign and national security policies. And above all, it should clip the wings of the Zionistas in the U.S., and cut off the funding of their counterparts in Israel.

Overall, it needs to reflect long and hard on its compulsion for meddling in the so-called Greater Middle East, and we need no further evidence in support of this given the current circumstances in Syria and Iraq. All this of course is about as likely to happen as the suggestions made by Johnson and Bacevich, but we press on regardless.

The U.S. should also stop meddling in Europe, and begin by reassessing its support of the Ukraine regime instead of pointing the finger at Russia for its perceived aggression in the east of that country. A rapprochement with Russia should be the order of the day, but instead we get old school Cold War belligerence that we many thought was well past its use-by-date.

The hypocrisy demonstrated by the West over Russia's policies in respect of the Ukraine (and the Crimea) is breathtaking, and an example of geopolitical double standards of the first order. [See Consortiumnews.com's "America's Staggering Hypocrisy" and "The Only Standards Are Double Standards."]

The West could do worse than look in its own historical backyard and see the mess it has created therein in similar scenarios for what it has truly represented. And it will need to go back a long ways in order to do this!It's

all very well to label Vladimir Putin “dangerous” as some folk have done, but he has ample reason not to trust the West in general and the U.S. in particular.

Despite its promise not to expand NATO after the collapse of the former Soviet Union, America and its NATO allies have consistently tested Russia’s patience by not abiding by this agreement in a way that America herself would never have tolerated had the “boots on the ground” been on the other foot.

Whilst a discussion for another time, Putin knows what the West did in the lead up to and aftermath of the USSR’s collapse. Which is to say, for anyone wanting to get a real handle on “Comrade Putinski’s” neo-Bolshie “up yours” ‘tude towards the Americans, two words will do here: Project Hammer!

By way of taking this discussion full circle, if indeed war is the “great auditor of institutions,” then we can only conclude from that that *permanent* war the very type America seems determined to engage in going forward will be the “great auditor” of *empire*. The downside is that such is the monumental faith, hope and trust we have placed in it over such a long period *that* empire’s decline and fall almost certainly will mean the decline and fall of the rest of us.

For this reason alone, I hope I am proven dead wrong, or dead before proven right. Not that that will be of much comfort to those left behind who will have to bear the brunt of the inevitable, albeit uncertain, but doubtless ugly, outcome.

It’s a somewhat overworked cliché to label Afghanistan the Graveyard of Empires, but whether true or trite, either way America, the current occupying imperial power, could already be well on the road to becoming an Empire of Graveyards!

Greg Maybury is a freelance writer based in Perth, Western Australia.

A Murder Mystery at Guantanamo Bay

Exclusive: America’s plunge into the “dark side” last decade created a hidden history of shocking brutality, including torture and homicides, that the U.S. government would prefer to keep secret, even though many of the perpetrators are out of office, writes ex-CIA analyst Ray McGovern.

By Ray McGovern

There's more of a mystery to how three Guantanamo detainees died on June 10, 2006, than I realized when I described their deaths as suicides in a recent article about force-feeding methods at the notorious U.S. prison. Some very experienced investigators who have examined the evidence suspect the three were victims of homicides amid the torture regime employed by President George W. Bush's underlings.

Scott Horton, whose upcoming book *Lords of Secrecy* contains new insights into the Bush/Cheney/Rumsfeld/Tenet go-ahead on torture and other abuses, has supplied me with additional detail highly suggestive of foul play by CIA interrogators.

Horton noted that the three prisoners were scheduled to be released and repatriated and that key details about the U.S. government's suicide claims have been disproved. For instance, the first reports said the inmates had hanged themselves with linens in their jail cells, but medical records, which the government sought to suppress, indicate otherwise.

The records "reveal that the three died not from strangulation (as would be the case in a hanging) but from asphyxiation resulting from having cloth stuffed down their throats, precisely the same kind of cloth, it turns out, that was used by a similar interrogation team around the same time at the Charleston Brig, and which has been labeled by a University of California study as 'dryboarding,'" Horton wrote in an email.

Horton also cited testimony from camp guards on duty that night, saying "the three had been removed from their cells and transported to a secret facility known to the camp guards as 'Camp No,' which was later revealed by the Associated Press to have been a facility used by the CIA for prisoner interrogation and treatment known as 'Penny Lane.' They were removed from that facility to the camp clinic and an alarm issued shortly thereafter.

"Penny Lane was being used by an interrogation unit of the CIA up until approximately the time of the deaths, and it was, strictly speaking, a CIA facility. Under the terms of a Special-Access Program (SAP), neither the camp commander nor the commander of Joint Task Force, Guantanamo were to have any knowledge of this program and what went on in connection with it. The program reported to Secretary of Defense Donald Rumsfeld personally, as well as to an official at the White House's National Security Council.

"Moreover, one of the three, Al-Zahrani, did not, as claimed, die in his cell, several hours later he was in the base hospital, still alive. An eyewitness statement of this, by an attending guard, was published by Harper's in its June 2014 issue. The most amazing fact to emerge from this account was the

description of a guard wrapping his hands with cloth to support the suicide claim, while no CPR revival measures were taken, although Al-Zahrani was alive and struggling to live.”

Horton added: “It is still not 100-percent clear exactly how the three died and who was present at the time. However, it is abundantly clear that the Government’s claims concerning their deaths are false, fabricated to cover up what actually transpired, and that the deaths relate directly to an intelligence operation at Guantanamo likely using a technique that is tantamount to torture.

“The Government’s decisions to shut down this program in the fall of 2006 and pull the CIA from Gitmo followed closely on the heels of this tragic episode. Defense Secretary Rumsfeld resigned in November 2006. The Government continues its feverish attempt to cover up what actually happened.”

The Long-Delayed Torture Report

Yet, whatever happened whether the three choked themselves in a desperate protest of their mistreatment and indefinite detention (the vast majority of inmates cleared for release have remained incarcerated for years afterwards) or whether they were silenced by having cloth shoved down their throats the mystery adds to the necessity of releasing the long-delayed Senate report on torture.

When we last checked in on the status of that secret report, its declassification was snagged in a dispute between CIA Director John Brennan, who was part of Director George Tenet’s inner circle during Bush’s “war on terror” and thus has a lot to lose by the report’s release, and Sen. Dianne Feinstein, chair of the Senate Intelligence Committee, who has objected to the number of redactions and deletions demanded by Brennan.

Meanwhile, President Barack Obama has declared that he wants as much released as possible but is unwilling to overrule Brennan. The behavior of this dysfunctional *mÃ©nage a trois* has, in effect, sabotaged the release of the Senate Intelligence Committee’s report for well over a year.

The interminable delays can be more readily understood, once you realize that the Senate report, if it is halfway honest, must include evidence on CIA-sponsored homicide as well as torture, which might put Obama back on the spot regarding his pious assertions that “no one is above the law.” He has shown no appetite to discharge his duty if it risks getting crosswise with his spies.

Obama, Brennan and Feinstein appear to be waiting until after the November elections, so as not to stir up any political ire from the voters before they go to the polls. After the election, Congress is expected to return for a lame-duck session with the question of how much of the torture report, if any, gets

released depending on whether the Republicans carry the House and Senate, as many prognosticators predict.

A Republican victory likely would strengthen Brennan's hand in keeping more of the torture report secret since it focuses on actions of the Bush-43 administration. Assuming that Obama won't intervene and overrule Brennan which the President has been loath to do Feinstein's chief option would be to seek a majority vote of the Senate, something that is easier said than done these days and likely to be harder if Republicans know, post-election, that they will control the Senate come January.

Feinstein also could go rogue, reject many of Brennan's redactions and put out the report in a way that she considers appropriate. Such a move could have profound ramifications for future executive-congressional relations.

There is, of course, another possible explanation for the hold-up over releasing the report: That none of the trio really wants the truth about torture told. If that's the case, the senior senator from California who vows that she wants as much of the report out as possible and the president who promised maximum "transparency" are giving hypocrisy a bad name.

It Was Still Worse at the CIA Gitmo Annex

Meanwhile, the human rights catastrophe at Guantanamo Bay, Cuba, persists. As I reported Wednesday, a court proceeding presided over by Judge Gladys Kessler in Washington D.C.'s District Court heard evidence from the London-based human rights organization Reprieve seeking to obtain more humane treatment for a client, Abu Wa'el Dhiab, 43.

Dhiab has been detained in Guantanamo without charge or trial for over 12 years. Approved for release five years ago, he remains there, prompting him to protest with hunger strikes to which the prison authorities responded with some 1,300 "forcible cell extractions" as well as forced feedings through nasal-gastric tubes.

The grotesque court testimony brought to mind the period in spring 2006 when torture and forced feedings were rampant not only at the CIA annex at Guantanamo but also at CIA "black sites" in several countries abroad. The treatment of the various detainees not only shocked the world because of the U.S. waiver of legal rights for the inmates, but because of torture or "enhanced interrogation techniques."

In that context on Wednesday, I repeated a few paragraphs from an article that I wrote in January 2008 about three "suicides" that occurred on June 10, 2006, less than a month before President Bush (at a press conference on July 6, 2006)

publicly admitted the existence of CIA black sites and advertised the merits of what he called “an alternative set of procedures” for interrogation.

I reminded readers that three “suicides” on June 10, 2006 had “incurred the wrath of then Guantanamo commander, Rear Adm. Harry B. Harris, Jr., who announced that the suicides were ‘not an act of desperation, but an act of asymmetrical warfare against us.’ In a similar spirit, Colleen Graffy, deputy assistant secretary of state for public diplomacy, told the BBC that the suicides ‘certainly (are) a good PR move to draw attention.’”

The reactions of Harris and Graffy, I thought, were indictment enough of the unconscionably coarse attitude of senior U.S. government representatives regarding human life. But now there is the possibility that they were only spouting a cover story for even a worse scenario, a triple homicide about which they may well have been kept in the dark.

More than six years ago, when I wrote that earlier article, I had scarcely gotten accustomed to the thought that my former colleagues had let themselves be suborned by Bush, Cheney and CIA Director George Tenet into torturing detainees. True, there already were rumors of CIA homicides circulating, and the Army abuses at Abu Ghraib had been exposed.

But I was having trouble wrapping my mind around the notion that the CIA had been given official sanction to murder. And inured as I am now to such indignities, I still shudder at the prospect that President Obama will, a year or two from now, explain it all with a nonchalant riff on his earlier “We tortured some folks” – substituting “killed” for “tortured.”

I am in debt for clarification regarding the possibility of a triple homicide on June 10, 2006 to two friends who, oddly, bear the same name (1) Scott Horton of antiwar.org, and (2) Scott Horton, an attorney, regular Harpers columnist, and author the excellent, soon to be published *Lords of Secrecy*” (Nation Books) which has a good deal to say about U.S.-sponsored torture and homicide. (I have seen it in draft.)

Lastly, since context is essential, let me add a couple of additional points. In his memoir *At the Center of the Storm*, CIA Director Tenet, who was in charge of the CIA torturers and “contractors” during the worst of it, admitted to having some concern over the possibility that he and his accomplices might eventually be held accountable.

In a Feb. 8, 2008 [article](#), I referred to a section in Tenet’s book in which he stressed “the importance of being able to detain unilaterally al-Qaeda operatives around the world.” His worries shone through the following words:

"We were asking for and we would be given as many authorities as CIA ever had. Things could blow up. People, me among them, could end up spending some of the worst days of our lives justifying before congressional overseers our new freedom to act." (*At the Center of the Storm*, p 178)

Tenet need not have worried. So far he has been shielded from accountability by a timid Congress as well as by yet another White House able to arrogate unprecedented power to itself and to shield those it wishes to protect.

Unless some outside *deus ex machina* cuts into the *mÃ©nage a trois* keeping the torture report secret, they and their Establishment successors are likely to marathon-dance into the future, hoping that with a compliant media the matter can remain forever moot or, at least, mute.

Adding insult to injury Feinstein has invited Tenet, along with two other former torture-tainted CIA directors, to help Brennan "review" the Senate Committee's CIA torture report. Besides Tenet, the courtesy has been extended to CIA Directors Michael Hayden and Porter Goss as well as former deputy directors Michael Morell and John McLaughlin.

Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. He was an Army infantry/intelligence officer before serving for 27 years as a CIA analyst, and is now on the Steering Group of Veteran Intelligence Professionals for Sanity (VIPS).
