

# How Israel Out-Foxed US Presidents

**From the Archive:** A century ago, the British-French Sykes-Picot deal carved up the Mideast, setting in motion conflicts made more complicated when Israel emerged and mastered American politics, as Morgan Strong described in 2010.

By Morgan Strong (Originally published May 31, 2010)

At the end of a news conference on April 13, 2010, President Barack Obama made the seemingly obvious point that the continuing Middle East conflict pitting Israel against its Arab neighbors will end up “costing us significantly in terms of both blood and treasure.”

Obama’s remark followed a similar statement in congressional testimony by Gen. David Petraeus on March 16, linking the unresolved Israeli-Palestinian conflict to the challenges that U.S. troops face in the region.

“The conflict foments anti-American sentiment, due to a perception of U.S. favoritism for Israel,” Petraeus said in prepared testimony. “Arab anger over the Palestinian question limits the strength and depth of U.S. partnerships with governments and peoples in the [region] and weakens the legitimacy of moderate regimes in the Arab world. Meanwhile, al-Qaeda and other militant groups exploit that anger to mobilize support.”

[Petraeus later tried to back away from this implicit criticism of Israel, fearing that it would hurt his political standing with his neoconservative allies. He began insisting that the analysis was only part of his written testimony, not his oral remarks.]

Yet, the truth behind the assessments from Obama and Petraeus is self-evident to anyone who has spent time observing the Middle East for the past six decades. Even the staunchly pro-Israeli Bush administration made similar observations.

In 2007 in Jerusalem, Secretary of State Condoleezza Rice termed the Israeli/Palestinian peace process of “strategic interest” to the United States and expressed empathy for the beleaguered Palestinian people. “The prolonged experience of deprivation and humiliation can radicalize even normal people,” Rice said, referring to acts of Palestinian violence.

But the statements by Obama and Petraeus aroused alarm among some Israeli supporters who reject any suggestion that Israel’s harsh treatment of Palestinians might be a factor in the anti-Americanism surging through the Islamic world.

After Petraeus's comment, the pro-Israeli Anti-Defamation League said linking the Palestinian plight and Muslim anger was "dangerous and counterproductive."

"Gen. Petraeus has simply erred in linking the challenges faced by the U.S. and coalition forces in the region to a solution of the Israeli-Arab conflict, and blaming extremist activities on the absence of peace and the perceived U.S. favoritism for Israel," ADL national director Abraham Foxman said.

However, the U.S. government's widespread (though often unstated) recognition of the truth behind the assessment in Petraeus's testimony has colored how the Obama administration has reacted to the intransigence of Israel's Likud government of Prime Minister Benjamin Netanyahu.

The U.S. government realizes how much it has done on Israel's behalf, even to the extent of making Americans the targets of Islamic terrorism such as the 9/11 attacks (as the 9/11 Commission discovered but played down) and sacrificing the lives of thousands of U.S. troops fighting in Middle East conflicts.

That was the backdrop in March 2009 for President Obama's outrage over the decision of the Netanyahu government to continue building Jewish housing in Arab East Jerusalem despite the fact that the move complicated U.S. peace initiatives and was announced as Vice President Joe Biden arrived to reaffirm American support for Israel.

However, another little-acknowledged truth about the U.S.-Israeli relationship is that Israeli leaders have frequently manipulated and misled American presidents out of a confidence that U.S. politicians deeply fear the political fallout from any public battle with Israel.

Given that history, few analysts who have followed the arc of U.S.-Israeli relations since Israel's founding in 1948 believe that the Israeli government is likely to retreat very much in its confrontation with President Obama. [Now, nearly seven years into Obama's presidency after Netanyahu's persistent obstruction of Palestinian peace talks and his steady expansion of Jewish settlements that assessment has proved out.]

### **Manipulating Eisenhower**

In the 1950s, President Dwight Eisenhower was a strong supporter of the fledgling Jewish state and had supplied Israel with advanced U.S. weaponry. Yet, despite Eisenhower's generosity and good intentions, Israel sided with the British and French in 1956 in a conspiracy against him. Israeli leaders joined a secret arrangement that involved Israel invading Egypt's Sinai, which then allowed France and Great Britain to introduce their own forces and reclaim control of the Suez Canal.

In reaction to the invasion, the Soviet Union threatened to intervene on the side of Egypt by sending ground troops. With Cold War tensions already stretched thin by the crises in Hungary and elsewhere, Eisenhower faced the possibility of a showdown between nuclear-armed adversaries. Eisenhower demanded that the Israeli-spearheaded invasion of the Sinai be stopped, and he brought financial and political pressures to bear on Great Britain and France.

A ceasefire soon was declared, and the British and French departed, but the Israelis dragged their heels. Eisenhower finally presented Israeli Prime Minister David Ben-Gurion with an ultimatum, a threat to cut off all U.S. aid. Finally, in March 1957, the Israelis withdrew. [For details, see *Eisenhower and Israel* by Isaac Alteras.]

Even as it backed down in the Sinai, Israel was involved in another monumental deception, a plan for building its own nuclear arsenal. In 1956, Israel had concluded an agreement with France to build a nuclear reactor in the Negev desert. Israel also signed a secret agreement with France to build an adjacent plutonium reprocessing plant.

Israel began constructing its nuclear plant in 1958. However, French President Charles de Gaulle was worried about nuclear weapons destabilizing the Middle East and insisted that Israel not develop a nuclear bomb from the plutonium processing plant. Prime Minister Ben-Gurion assured de Gaulle that the processing plant was for peaceful purposes only.

After John F. Kennedy became President, he also wrote to Ben-Gurion explicitly calling on Israel not to join the nuclear-weapons club, drawing another pledge from Ben-Gurion that Israel had no such intention. Nevertheless, Kennedy continued to press, forcing the Israelis to let U.S. scientists inspect the nuclear reactor at Dimona. But the Israelis first built a fake control room while bricking up and otherwise disguising parts of the building that housed the plutonium processing plant.

In return for allowing inspectors into Dimona, Ben-Gurion also demanded that the United States sell Hawk surface-to-air missiles to the Israeli military. Kennedy agreed to the sale as a show of good faith. Subsequently, however, the CIA got wind of the Dimona deception and leaked to the press that Israel was secretly building a nuclear bomb.

After Kennedy's assassination, President Lyndon Johnson also grew concerned over Israel's acquiring nuclear weapons. He asked then-Prime Minister Levi Eshkol to sign the Nuclear Non-Proliferation Treaty. Eshkol assured Johnson that Israel was studying the matter and would sign the treaty in due course. However, Israel has never signed the treaty and never has admitted that it developed nuclear

weapons. [For details, see *Israel and The Bomb* by Avner Cohen.]

### **Trapping Johnson**

As Israel grew more sophisticated and more confident in its dealings with U.S. presidents, it also sought to secure U.S. military assistance by exaggerating its vulnerability to Arab attacks. One such case occurred after the Egyptians closed off the Gulf of Aqaba to Israel in May 1967, denying the country its only access to the Red Sea. Israel threatened military action against Egypt if it did not re-open the Gulf.

Israel then asked President Johnson for military assistance in the event war broke out against the Egyptians. Johnson directed Richard Helms, the newly appointed head of the CIA to evaluate Israel's military capability in the event of war against the surrounding Arab states.

On May 26, 1967, Israeli Foreign Minister Abba Eban met with Johnson, Secretary of Defense Robert McNamara, and Helms. Eban presented a Mossad estimate of the capability of the Arab armies, claiming that Israel was seriously outgunned by the Arab armies which had been supplied with advanced Soviet weaponry. Israel believed that, owing to its special relationship with the United States, the Mossad intelligence assessment would be taken at face value.

However, Helms was asked to present the CIA estimate of the Arabs' military capabilities versus the Israeli army. The CIA's analysts concluded that Israel could "defend successfully against simultaneous Arab attacks on all fronts, or hold on any three fronts while mounting a successful major offensive on the fourth." [See "C.I.A. Analysis of the 1967 Arab Israeli War," Center for the Study of Intelligence.]

"We do not believe that the Israeli appreciation was a serious estimate of the sort they would submit to their own high officials," the CIA report said. "It is probably a gambit intended to influence the U.S. to provide military supplies, make more public commitments to Israel, to approve Israeli military initiatives, and put more pressure on Egyptian President Nasser." [See *A Look Over My Shoulder* by Richard Helms.]

The CIA report stated further that the Soviet Union would probably not interfere militarily on behalf of the Arab states and that Israel would defeat the combined Arab armies in a matter of days. As a consequence, Johnson refused to airlift special military supplies to Israel, or to promise public support for Israel if Israel went to war.

### **The Six-Day Success**

Despite Johnson's resistance, Israel launched an attack on its Arab neighbors on June 5, 1967, claiming that the conflict was provoked when Egyptian forces opened fire. (The CIA later concluded that it was Israel that had first fired upon Egyptian forces.)

On June 8, at the height of the conflict, which would become known as the Six-Day War, Israeli fighter/bombers attacked the USS Liberty, a lightly armed communications vessel sent on a mission to relay information on the course of the war to U.S. naval intelligence.

The attack killed 34 American sailors, and wounded 171 others. Israeli leaders have always claimed that they had mistaken the U.S. vessel for an enemy ship, but a number of U.S. officials, including Secretary of State Dean Rusk, believed the attack was deliberate, possibly to prevent the United States from learning about Israel's war plans. [See *As I Saw It* by Dean Rusk.]

However, in deference to Israel, the U.S. government did not aggressively pursue the matter of the Liberty attack and even issued misleading accounts in medal citations to crew members, leaving out the identity of the attackers.

Meanwhile, on land and in the air, Israel's powerful military advanced, shredding the Arab defenses. Soon, the conflict escalated into another potential showdown between nuclear-armed superpowers, the Soviet Union and the United States. On June 10, President Johnson received a "Hot Line" message from Soviet Premier Alexi Kosygin. The Kremlin warned of grave consequences if Israel continued its military campaign against Syria by entering and/or occupying that country.

Johnson dispatched the Sixth Fleet to the Mediterranean, in a move to convince the Soviets of American resolve. But a ceasefire was declared later the same day, with Israel ending up in control of Syria's Golan Heights, Egypt's Sinai, and Palestinian lands including Gaza and East Jerusalem.

But a wider war was averted. Johnson's suspicions about Israel's expansionist intent had kept the United States from making an even bigger commitment that might have led to the Soviets countering with an escalation of their own.

### **Nixon and Yom Kippur**

Israeli occupation of those additional Arab lands set the stage for a resumption of hostilities six years later, on Oct. 6, 1973, with the Yom Kippur War, which began with a surprise attack by Egypt against Israeli forces in the Sinai.

The offensive caught Israel off guard and Arab forces were close to overrunning Israel's outer defenses and entering the country. According to later accounts

based primarily on Israeli leaks, Prime Minister Golda Meir and her “kitchen cabinet” ordered the arming of 13 nuclear weapons, which were aimed at Egyptian and Syrian targets.

Israeli Ambassador to the United States Simha Dintz warned President Richard Nixon that very serious repercussions would occur if the United States did not immediately begin an airlift of military equipment and personnel to Israel. Fearing that the Soviet Union might intervene and that nuclear war was possible, the U.S. military raised its alert level to DEFCON-3. U.S. Airborne units in Italy were put on full alert, and military aid was rushed to Israel.

Faced with a well-supplied Israeli counteroffensive and possible nuclear annihilation, the Arab forces fell back. The war ended on Oct. 26, 1973, but the United States had again been pushed to the brink of a possible superpower confrontation due to the unresolved Israeli-Arab conflict.

### **Nuclear ‘Ambiguity’**

On Sept. 22, 1979, after some clouds unexpectedly broke over the South Indian Ocean, a U.S. intelligence satellite detected two bright flashes of light that were quickly interpreted as evidence of a nuclear test. The explosion was apparently one of several nuclear tests that Israel had undertaken in collaboration with the white-supremacist government of South Africa. But President Jimmy Carter at the start of his reelection bid didn’t want a showdown with Israel, especially on a point as sensitive as its secret nuclear work with the pariah government in Pretoria.

So, after news of the nuclear test leaked a month later, the Carter administration followed Israel’s longstanding policy of “ambiguity” about the existence of its nuclear arsenal, a charade dating back to Richard Nixon’s presidency with the United States pretending not to know for sure that Israel possessed nuclear bombs.

The Carter administration quickly claimed that there was “no confirmation” of a nuclear test, and a panel was set up to conclude that the flashes were “probably not from a nuclear explosion.” However, as investigative reporter Seymour Hersh and various nuclear experts later concluded, the flashes were most certainly an explosion of a low-yield nuclear weapon. [For details, see Hersh’s *Samson Option*.]

### **Getting Carter**

Despite Carter’s helpful cover-up of the Israeli-South African nuclear test, he was still viewed with disdain by Israel’s hard-line Likud leadership. Indeed, he arguably was the target of Israel’s most audacious intervention in U.S.

politics.

Prime Minister Menachem Begin was furious at Carter over the 1978 Camp David accords in which the U.S. President pushed the Israelis into returning the Sinai to the Egyptians in exchange for a peace agreement. The next year, Carter failed to protect the Shah of Iran, an important Israeli regional ally who was forced from power by Islamic militants. Then, when Carter acceded to demands from the Shah's supporters to admit him to New York for cancer treatment, Iranian radicals seized the U.S. Embassy in Tehran and held 52 Americans hostage.

In 1980, as Carter focused on his reelection campaign, Begin saw both dangers and opportunities. High-ranking Israeli diplomat/spy David Kimche described Begin's thinking in the 1991 book, *The Last Option*, recounting how Begin feared that Carter might force Israel to withdraw from the West Bank and accept a Palestinian state if he won a second term.

"Begin was being set up for diplomatic slaughter by the master butchers in Washington," Kimche wrote. "They had, moreover, the apparent blessing of the two presidents, Carter and [Egyptian President Anwar] Sadat, for this bizarre and clumsy attempt at collusion designed to force Israel to abandon her refusal to withdraw from territories occupied in 1967, including Jerusalem, and to agree to the establishment of a Palestinian state."

Begin's alarm was driven by the prospect of Carter being freed from the pressure of having to face another election, according to Kimche.

"Unbeknownst to the Israeli negotiators, the Egyptians held an ace up their sleeves, and they were waiting to play it," Kimche wrote. "The card was President Carter's tacit agreement that after the American presidential elections in November 1980, when Carter expected to be re-elected for a second term, he would be free to compel Israel to accept a settlement of the Palestinian problem on his and Egyptian terms, without having to fear the backlash of the American Jewish lobby."

So, by spring 1980, Begin had privately sided with Carter's Republican rival, Ronald Reagan, a reality that Carter soon realized. Questioned by congressional investigators in 1992 regarding allegations about Israel conspiring with Republicans in 1980 to help unseat him, Carter said he knew by April 1980 that "Israel cast their lot with Reagan," according to notes found among the unpublished documents in the files of a House task force that looked into the so-called October Surprise case.

Carter traced the Israeli opposition to his reelection to a "lingering concern [among] Jewish leaders that I was too friendly with Arabs." [For details, see

Robert Parry's [Secrecy & Privilege.](#)]

### **Doing What Was Necessary**

Begin was an Israeli leader committed to do whatever he felt necessary to advance Israeli security interests and the dream of a Greater Israel with Jews controlling the ancient Biblical lands. Before Israel's independence in 1948, he had led a Zionist terrorist group, and he founded the right-wing Likud Party in 1973 with the goal of "changing the facts on the ground" by placing Jewish settlements in Palestinian areas.

Begin's anger over the Sinai deal and his fear of Carter's reelection set the stage for secret collaboration between Begin and the Republicans, according to another former Israeli intelligence official, Ari Ben-Menashe.

"Begin loathed Carter for the peace agreement forced upon him at Camp David," Ben-Menashe wrote in his 1992 memoir, *Profits of War*. "As Begin saw it, the agreement took away Sinai from Israel, did not create a comprehensive peace, and left the Palestinian issue hanging on Israel's back."

Ben-Menashe, an Iranian-born Jew who had immigrated to Israel as a teen-ager, became part of a secret Israeli program to reestablish its Iranian intelligence network that had been decimated by the Islamic revolution. Ben-Menashe wrote that Begin authorized shipments to Iran of small arms and some military spare parts, via South Africa, as early as September 1979 and continued them despite Iran's seizure of the U.S. hostages in November 1979.

Extensive evidence also exists that Begin's preference for Reagan led the Israelis to join in a covert operation with Republicans to contact Iranian leaders behind Carter's back, interfering with the President's efforts to free the 52 American hostages before the November 1980 elections.

That evidence includes statements from senior Iranian officials, international arms dealers, intelligence operatives (including Ben-Menashe), and Middle East political figures (including a cryptic confirmation from Begin's successor Yitzhak Shamir). But the truth about the October Surprise case remains in dispute to this day. [For the latest details, see Robert Parry's [America's Stolen Narrative.](#)]

It is clear that after Reagan defeated Carter, and the U.S. hostages were released immediately upon Reagan being sworn in on Jan. 20, 1981, Israeli-brokered weapons shipments flowed to Iran with the secret blessing of the new Republican administration.

### **Dealing with Reagan**



The Israel Lobby had grown exponentially since its start in the Eisenhower years. Israel's influential supporters were now positioned to use every political device imaginable to lobby Congress and to get the White House to acquiesce to whatever Israel felt it needed.

President Reagan also credentialed into the Executive Branch a new group of pro-Israeli American officials the likes of Elliott Abrams, Richard Perle, Michael Ledeen and Jeane Kirkpatrick who became known as the neocons.

Yet, despite Reagan's pro-Israel policies, the new U.S. President wasn't immune from more Israeli deceptions and additional pressures. Indeed, whether because of the alleged collusion with Reagan during the 1980 campaign or because Israel sensed its greater clout within his administration, Begin demonstrated a new level of audacity.

In 1981, Israel recruited Jonathan Pollard, an American Navy intelligence analyst, as a spy to acquire American intelligence satellite photos. Eventually, Pollard purloined massive amounts of intelligence information, some of which was reportedly turned over to Soviet intelligence by Israel to win favors from Moscow.

Prime Minister Begin sensed, too, that the time was ripe to gain the upper hand on other Arab enemies. He turned his attention to Lebanon, where the Palestine Liberation Organization was based. When U.S. intelligence warned Reagan that Israel was massing troops along the border with Lebanon, Reagan sent a cable to Begin urging him not to invade. But Begin ignored Reagan's plea and invaded Lebanon the following day, on June 6, 1982. [See Time, Aug. 16, 1982.]

As the offensive progressed, Reagan sought a cessation of hostilities between Israel and the PLO, but Israel was intent on killing as many PLO fighters as possible. Periodic U.S.-brokered ceasefires failed as Israel used the slightest provocation to resume fighting, supposedly in self-defense.

"When PLO sniper fire is followed by fourteen hours of Israeli bombardment that is stretching the definition of defensive action too far," complained Reagan, who kept the picture of a horribly burned Lebanese child on his desk in the Oval Office as a reminder of the tragedy of Lebanon.

The American public nightly witnessed the Israeli bombardment of Beirut on television news broadcasts. The pictures of dead, mutilated children caught in the Israeli artillery barrages, were particularly wrenching. Repulsed by the carnage, the U.S. public decidedly favored forcing Israel to stop.

When Reagan warned Israel of possible sanctions if its forces continued to indiscriminately attack Beirut, Israel launched a major offensive against West

Beirut the next day. In the United States, Israeli supporters demanded a meeting with Reagan to press Israel's case. Though Reagan declined the meeting, one was set up for 40 leaders of various Jewish organizations with Vice President George H.W. Bush, Defense Secretary Caspar Weinberger and Secretary of State George Shultz.

Reagan wrote once again to Begin, reminding him that Israel was allowed to use American weapons only for defensive purposes. He appealed to Begin's humanitarianism to stop the bombardment.

The next day, in a meeting with Israeli supporters from the United States, Begin fumed that he would not be instructed by an American president or any other U.S. official. "Nobody is going to bring Israel to her knees. You must have forgotten that Jews do not kneel but to God," Begin said. "Nobody is going to preach to us humanitarianism."

### **More Tragedy**

Begin's government also used the tragedy in Lebanon as an opportunity to provide special favors for its American backers.

In *From Beirut to Jerusalem*, New York Times correspondent Thomas L. Friedman wrote that the Israeli Army conducted tours of the battlefield for influential U.S. donors. On one occasion, women from Hadassah were taken to the hills surrounding Beirut and were invited to look down on the city as Israeli artillery put on a display for them. The artillery began an enormous barrage, with shells landing throughout the densely populated city. The shells struck and destroyed apartments, shops, homes and shacks in the squalid refugee camps of the Palestinians.

A ceasefire was finally agreed upon by Israel and the PLO, requiring Yasser Arafat and all PLO fighters to leave Lebanon. The Palestinians were assured, as part of the agreement brokered by the United States, that their wives and children living in Lebanese refugee camps would be safe from harm. The PLO then left Lebanon by ship in August 1982, moving the PLO headquarters to Tunisia.

On Sept. 16, Israel's Christian militia allies, with Israeli military support, entered the Sabra and Shatila refugee camps, and conducted a three-day campaign of rape and murder. Most of the dead with estimates varying from Israel's count of 400 to a Palestinian estimate of nearly 1,000 were women and children.

American Marines, who had been dispatched to Lebanon as peacekeepers to oversee the PLO evacuation but then had departed, hastily returned after the Sabra and Shatila massacres. They were housed in a large warehouse complex near Beirut's airport.

Over the next year, American forces found themselves drawn into the worsening Lebanese civil war. A key moment occurred on Sept. 18, 1983, when Reagan's national security adviser Robert McFarlane, who was considered a staunch supporter of Israel, ordered U.S. warships to bombard Muslim targets inside Lebanon.

As Gen. Colin Powell, then a top aide to Defense Secretary Weinberger, wrote in his memoir, "When the shells started falling on the Shiites, they assumed the American 'referee' had taken sides." [See Powell's *My American Journey*.]

Muslim attacks on the Marines in Beirut soon escalated. On Oct. 23, 1983, two Shiite Muslims drove explosives-laden trucks into two buildings in Beirut, one housing French forces and the other the Marines. The blasts killed 241 Americans and 58 French.

Over the ensuing weeks, American forces continued to suffer losses in skirmishes with Muslim militiamen near the Beirut airport and American civilians also became targets for execution and hostage-taking. On Feb. 7, 1984, Reagan announced that the Marines would be redeployed from Lebanon. Within a couple of weeks, the last of the Marines had departed Lebanon, having suffered a total of 268 killed.

However, the hostage-taking of Americans continued, ironically creating an opportunity for Israel to intercede again through its contacts in Iran to seek the help of Ayatollah Ruhollah Khomeini's regime in getting the Lebanese Shiite militants to release captured Americans.

Israeli arms dealers and neocon Americans, such as Michael Ledeen, were used as middlemen for the secret arms-for-hostages deals, which Reagan approved and McFarlane oversaw. However, the arms deliveries via Israel failed to reduce the overall number of Americans held hostage in Lebanon and were eventually exposed in November 1986, becoming Reagan's worst scandal, the Iran-Contra Affair.

### **Noriega and Harari**

Though Israel's government had created some headaches for Reagan, it also provided some help, allowing its arms dealers and intelligence operatives to assist some of Reagan's favorite covert operations, particularly in Central America where the U.S. Congress had objected to military assistance going to human rights violators, like the Guatemalan military, and to the Nicaraguan Contra rebels.

As Vice President, George H.W. Bush met with Panamanian dictator Manuel Noriega and considered him a compliant partner. Noriega subsequently funneled financial and other help to Reagan's beloved Contras and once even volunteered to arrange

the assassinations of leaders of the Sandinista government in Nicaragua.

One of Noriega's top operatives was Michael Harari, who had led Israeli assassination teams and who had served as the Israeli Mossad station chief in Mexico. In Panama, Harari became a key intermediary for Israeli contributions to the Contras, supplying them with arms and training, while Noriega handed over cash.

But Noriega and Harari were conducting other business in the region, allegedly working as middlemen and money launderers for the lucrative smuggling of cocaine into the United States. When that information surfaced in the U.S. news media and Noriega became notorious as an unstable thug George H.W. Bush as President found himself under enormous political pressure in 1989 to remove Noriega from power.

So, Bush prepared to invade Panama in December 1989. However, the Israeli government was concerned about the possible capture of Harari, whom U.S. prosecutors regarded as Noriega's top co-conspirator but who also was someone possessing sensitive information about Israeli clandestine activities.

Six hours before U.S. troops were to invade Panama, Harari was warned of the impending attack, an alert that enabled him to flee and may have compromised the safety of American paratroopers and Special Forces units preparing to begin the assault, units that took surprisingly heavy casualties.

Tipped off by Israeli intelligence agents, Harari was whisked away by an Israeli embassy car, flying a diplomatic flag, with diplomatic license plates to ensure he would not be stopped and held, according to an interview that I had in January 1990 with Col. Edward Herrera Hassen, commander of Panama Defense Forces.

Harari soon was on his way back to Israel, where the government has since rebuffed U.S. requests that Harari be extradited to the United States to stand trial in connection with the Noriega case. For his part, Noriega was captured and brought to the United States where he was convicted of eight drug and racketeering charges. [Hariri died on Sept. 21, 2014, in Tel Aviv at the age of 87.]

### **The Lobby**

The one constant in Israel's endless maneuverings both with and against the U.S. government has been the effectiveness of the Israel Lobby and its many allies to fend off sustained criticism of Israel, sometimes by smearing critics as anti-Semitic or by mounting aggressive cover-ups when investigations threatened to expose ugly secrets.

Given this long record of success, U.S. presidents and other politicians have demonstrated a declining capacity to press Israel into making concessions, the way Eisenhower, Kennedy and Carter tried to do. For instance, when President Bill Clinton first met with Netanyahu in 1996, Clinton was surprised to find himself getting a lecture from Israel's Likud prime minister. "Who the f\*\*k does he think he is? Who's the superpower here?" a peeved Clinton was quoted as saying. [See *The Much Too Promised Land*, by Aaron Miller, an aide to Clinton.]

Joe Lockhart, then White House spokesman, told Clayton Swisher, author of *The Truth About Camp David*, that Netanyahu was "one of the most obnoxious individuals you're going to come into just a liar and a cheat. He could open his mouth and you could have no confidence that anything that came out of it was the truth."

Faced with these difficulties and fending off Republican attempts to drive him from office Clinton put off any serious push for a Middle East peace accord until the last part of his presidency. Clinton negotiated the Wye River memorandum with Netanyahu and Arafat on Sept. 23, 1999, calling for reciprocal undertakings by both sides. The agreement called for the freezing of Israeli settlements on Palestinian land, but Netanyahu failed to stop the settlement activity. Demolition of Palestinian homes, restrictions on movement by Palestinians, and settlement building continued.

Ultimately, Clinton failed to achieve any breakthrough as his final efforts collapsed amid finger-pointing and distrust between the Palestinians and the Israelis.

## **Handling Bush**

Israel's hopes were buoyed further when George W. Bush entered the White House in 2001. Unlike his father who looked on the Israelis with suspicion and felt some kinship with the Arab oil states, the younger Bush was unabashedly pro-Israel.

Though Reagan had credentialed many young neocons in the 1980s, he had kept them mostly away from Middle East policy, which usually fell to less ideological operatives such as Philip Habib and James Baker. However, George W. Bush installed the neocons in key jobs for Mideast policy, with the likes of Elliott Abrams at the National Security Council, Paul Wolfowitz and Douglas Feith at the Pentagon, and Lewis Libby inside Vice President Dick Cheney's office.

The neocons arrived with a plan to transform the Middle East based on a scheme prepared by a group of American neocons, including Perle and Feith, for Netanyahu in 1996. Called "A Clean Break: A New Strategy for Securing the

Realm,” the idea was to bring to heel all the antagonistic states confronting Israel.

The “clean break” was to abandon the idea of achieving peace in the region through mutual understanding and compromise. Instead, there would be “peace through strength,” including violent removal of leaders who were viewed as hostile to Israel’s interests.

The plan sought the ouster of Saddam Hussein’s regime in Iraq, which was called “an important Israeli strategic objective in its own right.” After Hussein’s ouster, the plan envisioned destabilizing the Assad dynasty in Syria with hopes of replacing it with regime more favorable to Israel. That, in turn, would push Lebanon into Israel’s arms and contribute to the destruction of Hezbollah, Israel’s tenacious foe in South Lebanon.

The removal of Hezbollah in Lebanon would, in turn, weaken Iran’s influence, both in Lebanon and in the occupied territories of Gaza and the West Bank, where Hamas and other Palestinian militants would find themselves cornered.

But what the “clean break” needed was the military might of the United States, since some of the targets like Iraq were too far away and too powerful to be overwhelmed even by Israel’s highly efficient military. The cost in Israeli lives and to Israel’s economy from such overreach would have been staggering.

The only way to implement the strategy was to enlist a U.S. president, his administration and the Congress to join Israel in this audacious undertaking. That opportunity presented itself when Bush ascended to the White House and the terrorist attacks of Sept. 11, 2001, created a receptive political climate in the United States.

### **Turning to Iraq**

After a quick strike against al-Qaeda and its allies in Afghanistan, the Bush administration turned its attention to conquering Iraq. However, even after the 9/11 attacks, the neocons and President Bush had to come up with rationales that were sellable to the American people, while playing down any suggestion that the coming conflicts were partially designed to advance Israel’s interests.

So, the Bush administration put together tales about Iraqi stockpiles of WMD, its “reconstituted” nuclear weapons program, and its alleged ties to al-Qaeda and other terrorists determined to strike at the United States. The PR operation worked like a charm. Bush rallied Congress and much of the American public behind an unprovoked invasion of Iraq, which began on March 19, 2003, and drove Saddam Hussein’s government from power three weeks later.

At the time, the joke circulating among neocons was where to go next, Syria or Iran, with the punch line: "Real men go to Tehran!"

Meanwhile, Israel continued collecting as much intelligence as possible from the United States about the next desired target, Iran. On Aug. 27, 2004, CBS News broke a story about an FBI investigation into a possible spy working for Israel as a policy analyst for Under Secretary of Defense Wolfowitz. The official was identified as Lawrence Franklin.

Franklin pled guilty to passing a classified Presidential Directive and other sensitive documents pertaining to U.S. foreign policy regarding Iran to the powerful Israeli lobbying group, the American Israel Public Affairs Committee, which shared the information with Israel.

According to FBI surveillance tapes, Franklin relayed top secret information to Steve Rosen, AIPAC's policy director, and Keith Weissman, a senior policy analyst with AIPAC. On Aug. 30, 2004, Israeli officials admitted that Franklin had met repeatedly with Naor Gilon, head of the political department at the Israeli Embassy in Washington, and a specialist on Iran's nuclear programs.

Franklin was sentenced to 12 years and seven months in prison for passing classified information to a pro-Israel lobby group and an Israeli diplomat. No charges were brought against the AIPAC executives or the Israeli diplomat.

### **Bloody Chaos**

Meanwhile, back in the Middle East, it turned out that occupying Iraq was more difficult than the Bush administration had anticipated. Ultimately, more than 4,400 American soldiers died in the conflict along with hundreds of thousands of Iraqis.

The bloody chaos in Iraq also meant that the neocon "real men" couldn't go either to Syria or Iran, at least not right away. They were forced into a waiting game, counting on the short memories of the American people before revving up the fear machine again to justify moving to the next phase.

When the U.S. death toll finally began to decline in Iraq, the neocons stepped up their alarms about Iran becoming a danger to the world by developing nuclear weapons (although Iran has disavowed any desire to have nukes and U.S. intelligence expressed confidence in 2007 that Iran had stopped work on a warhead four years earlier).

Still, while trying to keep the focus away from its own nuclear arsenal, Israel has pushed the international community to bring pressure on Iran, in part by threatening to mount its own military attack on Iran if the U.S. government and

other leading powers don't act aggressively.

The neocon anti-Iran plans were complicated by the victory of Barack Obama, who promised to reach out in a more respectful way to the Muslim world. Inside Israel and in U.S. neocon circles, complaints quickly spread about Obama's coziness with Muslims (even claims that he was a secret Muslim or anti-Semitic). Obama further antagonized the neocons and Israeli hardliners by suggesting a linkage between the festering Palestinian problem and dangers to U.S. national security, including violence against U.S. troops in the Middle East.

Netanyahu, who again had assumed the post of prime minister, and the neocons wanted U.S. policy refocused on Iran, with little attention on Israel as it continued its longstanding policy of building more and more Jewish settlements on what was once Palestinian land.

In reaction to Netanyahu's unwillingness to curb those settlements and with the announcement of more housing units during Biden's visit Obama retaliated by subjecting Netanyahu to several slights, including refusing to have photographs taken of the two of them meeting at the White House.

Obama walked out of one meeting with Netanyahu after failing to get his written promise for a concession on halting further settlement construction. Obama went to dinner alone, a very pointed insult to Netanyahu. As Obama left the meeting, he said, "Let me know if there is anything new," according to a member of Congress who was present.

### **Secret Pacts**

For his part, Netanyahu has claimed that secret agreements with the Bush administration allow for the continued building of settlements. However, Obama said on National Public Radio that he does not consider himself bound by secret oral agreements that may have been made by President Bush.

Instead, Obama claims Israel is bound by the 2003 "Road Map" agreement which prohibits building more settlements. "I've said clearly to the Israelis both privately and publicly that a freeze on settlements, including natural growth, is part of these obligations," Obama said.

Still, Obama has shied away from publicly challenging Israel on some of its most sensitive issues, such as its undeclared nuclear-weapons arsenal. Like presidents back to Nixon, Obama has participated in the charade of "ambiguity." Even as he demanded "transparency" from other countries, Obama continued to dance around questions regarding whether Israel has nuclear weapons.

Netanyahu and Israel surely have vulnerabilities. Without America's military,



diplomatic and economic support, Israel could not exist in its present form. One-quarter of Israeli wage incomes are derived from American aid money, German reparations and various charities. Without that outside assistance, Israel's standard of living would sink dramatically.

According to the Congressional Research Service, Israel receives \$2.4 billion a year in U.S. government grants, military assistance, loan guarantees, and sundry other sources. The United States also pays Egypt another \$2 billion to keep the peace with Israel. The combined assistance to both countries comprises nearly one half of all U.S. foreign aid assistance worldwide.

In a sense, Israel can't be blamed for standing up for itself, especially given the long history of brutality and oppression directed against Jews. However, Israeli leaders have used this tragic history to justify their own harsh treatment of others, especially the Palestinians, many of whom were uprooted from their ancestral homes.

Over the past six decades, Israeli leaders also have refined their strategies for taking advantage of their staunchest ally, the United States. Today, with many powerful friends inside the United States and with Obama facing intense political pressure over his domestic and national security policies the Israeli government has plenty of reasons to believe that it can out-fox and outlast the current U.S. president as it did many of his predecessors.

**Morgan Strong is a former professor of Middle Eastern history, and was an advisor to CBS News "60 Minutes" on the Middle East. He is author of ebook, [The Israeli Lobby and Me](#), [Bush Family History](#), and [Hoodwinking American Presidents](#).**

---

## US Media as Conduits of Propaganda

**Exclusive:** The "group think" about the Syrian government crossing President Obama's "red line" in a 2013 sarin attack has collapsed, but The New York Times still reports it as flat fact, an industry-wide problem, writes Robert Parry.

By Robert Parry

Nothing disturbs me more about the modern mainstream U.S. news media than its failure to test what the U.S. government says against what can be determined through serious and impartial investigation to be true. And this is not just some question of my professional vanity; it can be a matter of life or death.

For instance, did Syrian President Bashar al-Assad cross President Barack

Obama's supposed "red line" against using chemical weapons, specifically in the sarin gas attack outside Damascus on Aug. 21, 2013, or not?

Upon this question rests the possibility that a future President Hillary Clinton will invade Syria under the guise of establishing a "safe zone," a project that would surely expand into another bloody "regime change," as occurred in Iraq and Libya amid similar U.S. claims about protecting "human rights."

Yet, there is substantial evidence that Assad was not responsible for the sarin attack – that it was perpetrated by jihadist rebels as a provocation to draw the U.S. military directly into the war on their side. But it remains conventional wisdom that Assad ignored Obama's "red line" and that Obama then flinched from enforcing it.

The New York Times and other major U.S. publication cite this "group think" about the "red line" as flat fact, much as many of them reported without doubt that Iraq's Saddam Hussein was hiding WMD, reinforcing the pretext for the U.S. invasion of that country in 2003.

On Wednesday, Times correspondent David E. Sanger wrote an article about the need for a coercive "Plan B" to force Assad from power and added that "president [Obama] has repeatedly defended his decision not to authorize a military strike against Mr. Assad after he crossed what Mr. Obama had described as a 'red line' against using chemical weapons."

Note that there is no attribution to that claim about Assad crossing the "red line," no "allegedly" or "widely believed" or any modifier. Assad is simply judged guilty by The New York Times, which – in doing so – asserts this dubious narrative as flat fact.

Yet, the Times hasn't conducted a serious investigation into whether Assad is, in fact, guilty. Their last stab at proving Assad's guilt in late 2013 collapsed when it turned out that the one missile found to have carried sarin had a range of only two kilometers, less than a quarter of the distance from which the Times had alleged that Assad's military had fired the rocket.

Faced with that evidence, the Times essentially retracted its findings in a little-noticed article buried deep inside the paper during the Christmas-New Year holidays. So, even as the case collapsed, the Times maintained its phony narrative, which it reprises regularly as happened in Sanger's article on Wednesday.

### **Misleading Readers**

But what does that do to the Times' readers? They are essentially being

propagandized by the “paper of record,” with a questionable assertion slipped past them as an incontrovertible “fact.” How are they supposed to evaluate whether the U.S. government should launch another war in the Middle East when they have been told that a dubious claim is now enshrined as a basic truth in the Times narrative?

We saw something similar earlier this year when Jeff Goldberg of The Atlantic wrote a lengthy article on Obama’s foreign policy focusing on his 2013 decision not to launch punitive airstrikes against the Syrian military for the sarin attack.

The opus contained the remarkable disclosure that Director of National Intelligence James Clapper had told Obama that U.S. intelligence lacked “slam dunk” evidence that Assad was guilty. In other words, Obama pulled back in part because he was informed that Assad might well be innocent.

Later in the same article, however, Goldberg reverted to Official Washington’s “group think” that held as a matter of faith that Assad had crossed Obama’s “red line.” That false certainty has proved so powerful that it defies any contrary evidence and keeps popping up as it did in Sanger’s article.

Which gets me to one of my pet peeves about modern America: we almost never get to the bottom of anything, whether significant or trivial. Often there’s “a conventional wisdom” about some issue but almost never is there a careful assessment of the facts and an unbiased judgment of what happened.

On the trivial side, we have the NFL accusing New England Patriot quarterback Tom Brady of participating in some scheme to deflate footballs, even though the scientific and testimonial evidence doesn’t support the claim. But lots of people, including The New York Times, assume the allegations to be true even though they come from one of the most disreputable and dishonest corporations in America, the National Football League, which has recently been exposed for covering up the dangers of concussions.

On more substantive matters, we never see serious investigations into U.S. government claims especially when they’re aimed at “enemies.” The failure to test President George W. Bush’s claims about Iraq’s WMD cost hundreds of thousands of lives, including those of nearly 4,500 American soldiers, and has spread chaos through much of the region and now into Europe.

### **A Pattern of Neglect**

We’ve seen similar neglect regarding Syria’s sarin case and events in Ukraine, from the mysterious sniper attacks that touched off the coup in February 2014 to the shoot-down of Malaysia Airlines Flight 17 over eastern Ukraine on July 17,

2014.

Arguably, the fate of humankind rests on the events in Ukraine where U.S. propagandists are stirring up the West to engage in a military conflict with nuclear-armed Russia.

So, shouldn't The New York Times and other major publications take special care not to feed a war fever that could exterminate life on the planet? Can't they find the time to undertake serious examinations of these issues and present the evidence without fear or favor?

But that apparently isn't how the editors of the Times or The Washington Post or any number of other major U.S. news outlets view matters. Instead of questioning the stories coming from the U.S. government's propaganda shops, the mainstream media simply amplifies them, all the better to look "patriotic."

If instead these outlets joined some independent journalists and concerned citizens in demanding that the U.S. government provide verifiable evidence to support its claims, that might force many of these "artificial secrets" out into the open.

For instance, we don't know what the current U.S. intelligence assessments are about the Syria-sarin attack or the MH-17 shoot-down. Regarding the MH-17 case, the U.S. government has refused to divulge its overhead surveillance, radar and other technical evidence about this tragedy in which 298 people were killed.

If there was some journalistic unity – refusing to simply blame the Russians and instead highlighting the lack of U.S. cooperation in the investigation – the U.S. government might feel enough heat to declassify its information and help bring whoever shot down the plane to justice.

As it stands now on these issues, why should the U.S. government reveal what it actually knows when all the major news outlets are accepting its dubious propaganda themes as flat fact?

The Times and other big media outlets could contribute to the cause of truth by simply refusing to serve as conduits for unsubstantiated claims just because they come from senior U.S. government officials. If the mainstream media did, the American people and the world public might be much better informed – and a lot safer.

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

---

---

# Michael Ratner, Champion for Human Rights

Michael Ratner, who died last week, was a champion on behalf of the world's oppressed, giving the phrase "human rights" real meaning and defying its current propaganda application to justify endless war, as Marjorie Cohn explained at Truthdig.

By Marjorie Cohn

Legendary human rights lawyer Michael Ratner died last Wednesday. His path-breaking legal and political work on behalf of the poor and oppressed around the world is unmatched. His death is an incalculable loss for the cause of freedom, peace and justice.

The last time I saw Michael was shortly before he was diagnosed with cancer. We were in New York for the annual dinner of the National Lawyers Guild (NLG). Both of us had served as NLG presidents, he during the Reagan years, I during the George W. Bush administration.

When we met in New York, Michael had just returned from Cuba, where he had a wonderful visit with Gerardo Hernández, one of the Cuban Five. I was about to leave for Cuba, where I would meet with René González and Antonio Guerrero, two other members of the Cuban Five.

The Five had traveled to Miami to gather intelligence about terrorist plots against Cuba. When they turned over their data to the FBI, they were rewarded with arrests, convictions and incarceration. In Cuba, the Five ("Los Cinco") are considered national heroes. One of the conditions for the historic détente between Barack Obama and Raul Castro in December 2014 was the United States' release of the members of the Cuban Five who still remained in custody.

Michael raved about his Cuba trip. A longtime friend and ally of the Cuban Revolution, Michael had first traveled to Cuba in the 1970s. He later co-authored the book, "Who Killed Che?", in which he and Michael Smith concluded, based on U.S. government documents, that the CIA was behind the assassination.

When Cuba opened its embassy in Washington, D.C., last July, Michael was there. He told "Democracy Now!" host Amy Goodman that "other than the birth of my children, this is perhaps one of the most exciting days of my life. ... This is a major, major victory for the Cuban people, and that should be understood. We are standing at a moment that I never expected to see in our history."

Indeed, Michael will probably be best remembered for his victory in gaining the right to habeas corpus for U.S. detainees held in Cuba at Guantanamo. Michael was lead counsel in the 2004 case of Rasul v. Bush, in which the Supreme Court upheld the right of those detained as “enemy combatants” at Guantanamo to have their petitions for habeas corpus heard by U.S. courts.

The Bush administration had argued that since the detainees were being held on Cuban soil, they had no right of access to U.S. federal courts to challenge their confinement. But the court held that the United States exercises complete jurisdiction and control over the Guantanamo Bay base.

As Justice John Paul Stevens wrote for the majority, “Aliens held at the base, no less than American citizens, are entitled to invoke the federal courts’ authority” under the federal habeas corpus statute.

“We went into court with a very straightforward proposition – that *habeas corpus* meant every single person detained has a right to go into court and say to the government: ‘Tell me why you are detaining me and give me the legal justification,’ ” Michael wrote in his chapter published in my book, “The United States and Torture: Interrogation, Incarceration, and Abuse.”

Michael also wrote that “[p]reventive detention is a line that should never be crossed. A central aspect of human liberty that has taken centuries to win is that no person shall be imprisoned unless he or she is charged and tried.” Michael added, “If you can take away those rights and simply grab someone by the scruff of the neck and throw them into some offshore penal colony because they are non-citizen Muslims, those deprivations of rights will be employed against all. ... This is the power of a police state and not a democracy.”

In his chapter, Michael advocated “accountability by means of criminal prosecutions” of Bush, Dick Cheney, George Tenet and Donald Rumsfeld for their torture program. “Until this occurs,” Michael wrote, “a future president can, with the stroke of a pen, put the United States back in the torture business.”

Michael sued Ronald Reagan, George H.W. Bush, Bill Clinton, Rumsfeld, the FBI and the Pentagon for their violations of law. He challenged U.S. policy in Cuba, Iraq, Haiti, Nicaragua, Guatemala, Puerto Rico and Israel/Palestine. He was lead counsel for whistleblower Julian Assange.

As David Cole wrote in *The Nation*, Michael “knew that when you sue the powerful, you will often lose. But he also understood that such suits could prompt political action, and that advocacy inspired by a lawsuit was often more important in achieving justice than the litigation itself.”

Jules Lobel, who followed Michael as president of the Center for Constitutional

Rights(CCR), said on “Democracy Now!” that Michael “never backed down from a fight against oppression, against injustice, no matter how difficult the odds, no matter how hopeless the case seemed to be.” Lobel added, “Michael was brilliant in combining legal advocacy and political advocacy. ... He loved people all around the globe. He represented them, met with them, shared their misery, shared their suffering.”

As NLG president in the early 1980s, Michael initiated the guild’s challenges to Reaganism, including U.S. interventions in Central America and the Caribbean. When he was president of CCR, he choreographed litigation that essentially ended New York City’s draconian stop-and-frisk policing policy.

Fellow past NLG president Barbara Dudley noted, “Michael leavened his brilliant mind and his creative legal skills with love and humor and an abundant energy. His work, his laugh, his irony and his enduring belief in the revolutionary spirit will live on.”

Vince Warren, CCR’s executive director, called Michael “one of the great justice warriors of our time,” noting that family members said Michael was born with the “empathy gene.”

In 2002, Michael presciently told The New York Times, “A permanent war abroad means permanent anger against the United States by those countries and people that will be devastated by U.S. military actions. Hate will increase, not lessen; and the terrible consequences of that hate will be used, in turn, as justification for more restrictions on civil liberties in the United States.”

We will not see the likes of him again.

Marjorie Cohn [<http://marjoriecohn.com/>] is a professor at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and deputy secretary general of the International Association of Democratic Lawyers. Her most recent book is “Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues.” Follow her on Twitter at @marjoriecohn. This article first appeared on Truthdig

[[http://www.truthdig.com/report/item/michael\\_ratners\\_death\\_is\\_a\\_loss\\_for\\_freedom\\_peace\\_and\\_justice\\_20160516](http://www.truthdig.com/report/item/michael_ratners_death_is_a_loss_for_freedom_peace_and_justice_20160516)].

---

## Army Chaplain Resigns over Drone Wars

The U.S. government’s reliance on drones to sustain perpetual war in the Mideast is meeting resistance from some assigned to carry out and justify these tactics,

including a U.S. Army chaplain who resigned in protest, writes Ann Wright.

By Ann Wright

U.S. Army Reserve Chaplain Captain Christopher John Antal resigned from the U.S. Army Reserves on April 12 in opposition to U.S policies regarding militarized drones, nuclear weapons and preventive war. Antal stated he could not serve as a chaplain for an “empire” and could not “reconcile his duty to protect and defend America and its constitutional democracy and his commitment to the core principles of his religious faith including justice, equity and compassion and the inherent worth and dignity of every person” with policies of the United States.

His letter of resignation stated that he resigned because he could not support “unaccountable killing” through the U.S. armed drone policy and the Executive Branch claiming “the right to kill anyone, anywhere on earth, at any time, based on secret evidence, in a secret process, undertaken by unidentified officials.”

Antal also cites his opposition to the U.S. nuclear weapons policy calling it a policy of “terror and mutually assured destruction that threatens the existence of humanity and the earth.”

In his letter of resignation, Antal refuses to support the U.S. policy of “preventive war, permanent military supremacy and global power projection” in what he calls “imperial overreach through extra-constitutional authority and impunity from international law.”

From September 2012 through February 2013 Chris Antal was an Army chaplain to a signals battalion supporting the 3rd Infantry Division at Kandahar Airbase in southern Afghanistan. While his unit did not have operational responsibilities for drones, Chaplain Antal saw drones launch and land where he gave services for military personnel killed in Afghanistan and whose remains were being transported back to the United States.

Additionally, he was concerned about the use of drones after hearing about a drone attack in which a grandmother had been killed while picking okra in a field near her home in the region around the military base.

On Veterans’ Day 2012, identifying himself as an Army chaplain in Afghanistan, he posted [“A Veterans’ Day Confession for America”](#) on the Unitarian Universalist site, A Quest for Meaning, in the form of a poetic testimony.

Antal wrote, “We have sanitized killing and condoned extrajudicial assassinations ... war made easy without due process, protecting ourselves from the human cost of war./We have deceived ourselves...denying the colossal misery



our wars inflict on the innocent.”

He had delivered this sermon during a worship service of military personnel and contractors who had freely gathered for a service in the Unitarian Universalist tradition at Kandahar Air Base.

Antal’s commanding officer was informed about his article, told him “you make us look like the bad guys” and “the message does not support the mission.” The commander said he had lost confidence in Antal and had him investigated, grounded from travel and officially reprimanded by a letter from a general officer at Division level.

Antal was sent back to the U.S. with a “do not promote” evaluation and discharged from active duty. Antal challenged the punishment through New York Sen. Kirsten Gillibrand and her congressional inquiry resulted in his re-activation and promotion to Captain in the U.S. Army Reserve.

The Rev. Antal spoke on March 30 at the Veterans for Peace symposium “Inside Drone Warfare: Perspectives of Whistleblowers, Families of Drone Victims and Their Lawyers,” held at the University of Nevada Las Vegas Law School with military and CIA drone whistleblowers. The symposium was held during the week of vigils called “Shut Down Creech 2016” at Creech Drone base, 60 miles outside of Las Vegas.

During his talk at the symposium, Rev. Antal said the U.S. Army had changed its policy on the duties of chaplains to silence dissent on military policies that concern speaking with a “prophetic voice” and on issues of “moral turpitude.”

The phrase speaking with a prophetic voice and issues of moral turpitude was eliminated from the 2015 version of the Chaplain regulations. While the 2015 regulation charges chaplains to speak “with candor as an advocate to confront and support resolution to challenges and issues of the command,” what happened to him when he spoke with candor demonstrates that the Army does not want chaplains speaking truth to power.

The 2009 Regulations for Chaplains states: “3-2 Chaplains, in performing their duties, are expected to speak with a prophetic voice and must confront the issues of religious accommodation, the obstruction of free exercise of religion, and moral turpitude in conflict with the Army values.”

The 2015 version states: “3-2 Chaplains, in performing their duties, are expected to speak with candor as an advocate to confront and support resolution to challenges and issues of the command.”

Currently, Rev. Antal is a minister of the Unitarian Universalist Congregation

at Rock Tavern, New York, is the convener of Veterans for Peace Hudson Valley Chapter 177, and chaplain at the Philadelphia VA Medical Center. He is married and has five children.

Following is Chaplain Antal's letter of resignation:

April 12, 2016

MEMORANDUM FOR Commander-in-Chief, The White House, 1600 Pennsylvania Avenue, NW, Washington, DC 20500

THRU U.S. Army Resources Command, ATTN; AHRC-OPL-P, 1600 Spearhead Division Avenue, Ft. Knox, KY 40122

SUBJECT: Resignation in Protest

Dear Mr. President:

I hereby resign my commission as an Officer in the United States Army.

I resign because I refuse to support U.S. armed drone policy. The Executive Branch continues to claim the right to kill anyone, anywhere on earth, at any time, for secret reasons, based on secret evidence, in a secret process, undertaken by unidentified officials. I refuse to support this policy of unaccountable killing.

I resign because I refuse to support U.S. nuclear weapon policy. The Executive Branch continues to invest billions of dollars into nuclear weapons, which threaten the existence of humankind and the earth. I refuse to support this policy of terror and mutually assured destruction.

I resign because I refuse to support U.S. policy of preventive war, permanent military supremacy and global power projection. The Executive branch continues to claim extra-constitutional authority and impunity from international law. I refuse to support this policy of imperial overstretch.

I resign because I refuse to serve as an empire chaplain. I cannot reconcile these policies with either my sworn duty to protect and defend America and our constitutional democracy or my covenantal commitment to the core principles of my religion faith. These principles include: justice, equity and compassion in human relations, a free and responsible search for truth; and the inherent worth and dignity of every person.

Respectfully submitted,

Christopher John Antal

Ann Wright served 29 years in the U.S. Army/ Army Reserves and retired as a Colonel. She served 16 years as a U.S. diplomat in U.S. Embassies in Nicaragua, Grenada, Somalia, Uzbekistan, Kyrgyzstan, Sierra Leone, Micronesia, Afghanistan and Mongolia. She was on the small team that reopened the U.S. Embassy in Kabul, Afghanistan in December, 2001. She resigned from the U.S. government in March, 2003 in opposition to the war on Iraq.

---

---

## Price for Witnessing Against War

**Exclusive:** The funeral for anti-war priest Daniel Berrigan was a reminder of humanity's need to challenge immoral government actions and the price that one pays for doing so, writes ex-CIA analyst Ray McGovern.

By Ray McGovern

Fr. Daniel Berrigan's funeral was being live-streamed Friday, as I started to write this, which seems only fitting. Dan's witness and writing have been a constantly re-chargeable battery for my moral compass.

Live-streaming (arranged by *America* magazine) was the next-best thing to being at the funeral in person. And it brought back memories of getting shoe-horned into West Baltimore's St. Peter Claver church in early December 2002 for an equally moving celebration of the life of Dan's younger brother, Fr. Phil Berrigan.

Homilist Fr. Steve Kelly, S.J., who has spent more than a decade in this or that prison for non-violent resistance to war began with some Berrigan-style Irish humor: "Let members of the FBI assigned here today validate that it is Daniel Berrigan's funeral Mass of the Resurrection, so they can complete and perhaps close their files. 'Death has no dominion!' to quote Daniel's friend William Stringfellow."

Kelly then minced no words in calling out "appointed pastors who collude with structures of domination, blessing the bombs."

Tears welled as I watched Catholic Worker friends drop a large banner with the words from Isaiah, "They shall beat their swords into plowshares. Nations shall make war no more," a charge lived into by all three brothers Berrigan – Jerry, Dan, and Phil.

And I thought back on what I learned decades ago at retreats led by Dan on the

prophets Isaiah and Amos.

During the eulogy, Liz McAlister, Phil's widow, quoted from the "apology" Dan wrote for burning draft cards with home-made napalm in Catonsville, Maryland, in May 1968 at the height of the Vietnam War:

"Our apologies, good friends, for the fracture of good order, the burning of paper instead of children, the angering of the orderlies in the front parlor of the charnel house."

Liz continued to read from the *Statement of the Catonsville 9*: **"The suppression of truth stops here; this war stops here!"** (emphasis added by Liz's own prophetic voice.) Not stopping was the loud, un-church-like cheering that rattled the rafters.

So Liz added a vintage Berrigan admonition for those who "seek ways to exempt themselves from responsibility." I had the feeling that the affirming crowd would still be making a din, had not Phil's daughter Frida gently gestured: Please, let my mom finish.

Thanks to the live-streaming, I could discern many of my friends at the still functioning Dorothy Day Catholic Worker houses for men and women in the Bowery. The only folks missing were those doing the daily Martha-work of preparing food for the lunch line. Ringing in my ears was another charge, heard hundreds of times from my Irish grandmother: "Show me your company, and I'll tell you who you are!"

As the daughter of the late Jerry Berrigan, eldest of the three brothers, added her words to the eulogy, I felt proud to be out on bail, awaiting trial with 11 others of the "Jerry Berrigan Memorial Anti-Drone Brigade" for shutting down the main entrance and exit to Hancock Air Force Base Brigade near Syracuse, New York, on the morning of Jan. 28, 2016. Jerry, who lived in Syracuse, was frequently arrested there for similar protests against drone killings.

### **'Whatever His Views, He's Harmless'**

Following people like Dan, Phil, and Jerry can get you beaten up and thrown in jail, but the benefits are out of this world, so to speak. Watching Dan's funeral, I found myself musing over the words chosen by Secretary of State Hillary Clinton's confidant Sidney Blumenthal, reassuring Clinton that she had nothing to fear from the likes of me.

On Feb. 15, 2011, at George Washington University, Clinton had, with callous aplomb, completely ignored my getting assaulted by two security personnel as I silently stood directly in front of her with my back turned.

In a Feb. 18, 2011 email, Blumenthal explained: "Ray McGovern, a former CIA officer who gave the daily brief for President George H.W. Bush, is pretty well known in the intelligence community. He's become a Christian antiwar leftist who goes around bearing witness. Whatever his views, he's harmless."

Harmless or not, I can see my grandmother smiling down at the company I now keep, and whispering in her thick Irish brogue, "If you were really harmless, Raymond, they would not be writing them email things about you."

It was not so long ago that I moved in circles where the label "activist" was dismissed as misguided but, well, harmless. How fortunate, then, to learn of the definition given to activism by my co-passenger on the U.S. Boat to Gaza, poet Alice Walker: "Activism is the rent I pay for living on this planet."

I could not be more grateful at having fallen in, better late than never, with such companions. Dan's funeral served as a reminder of how much my journey has changed – having witnessed power from the inside, and the consequences of challenging it from the outside.

### **On the Inside**

During the first Ronald Reagan administration, it was my job to conduct early morning one-on-one briefings of the Secretary of Defense (Caspar Weinberger), Secretary of State (George Shultz), and Chairman of the Joint Chiefs of Staff (Gen. Jack Vessey) and also, depending on their schedules, Vice President George H. W. Bush, as well as a movable feast of Assistants to the President for National Security Affairs.

Another senior CIA officer and I took turns, each of us briefing every other day six days a week. As professional intelligence analysts, we conducted ourselves in a completely non-partisan way, and our services were appreciated. We relied largely on *The President's Daily Brief* that we had helped prepare the day before, and we updated and supplemented the material in it, as needed.

Ronald Reagan was given these one-on-one briefings as soon as he became president-elect and put considerable value on them. Once in the White House, however, he ordered that, as a general rule, the early morning briefings be given to his most senior national security advisers whom he would normally ask to brief him directly several hours later.

When I took early retirement at age 50, I was fully aware that few others on "the outside" had the privilege of acquiring a first-hand feel for how intelligence could be used, and power abused.

At the time, however, I had no inkling that the creeping politicization and

careerism fostered by senior CIA official Robert Gates on behalf of Reagan's CIA Director William Casey would corrupt managers and analysts alike to the point they would let themselves be suborned into conjuring up the kind of faux intelligence that President George W. Bush and Vice President Dick Cheney ordered up to "justify" war on Iraq.

### **'Quid Est Veritas?'**

What brought this to mind earlier this week was the tenth anniversary of an impromptu, four-minute debate that I had with Defense Secretary Donald Rumsfeld in Atlanta on May 4, 2006.

It was not hard to prove him an inveterate liar about important matters like the weapons of mass destruction (WMD) he said were in Iraq – but weren't; and the ties that existed between Al Qaeda and Saddam Hussein – but didn't. But my Rumsfeld anniversary brought a painful reminder that things have hardly improved – and that no one has challenged former Secretary Clinton openly about her lies – about Syria and Libya, for example. [See Consortiumnews.com's "A Need to Clear Up Clinton Questions."]

The opportunities for such challenge have become fewer; the penalties harsher; the Fawning Corporate Media dumber and dumber.

The mini-debate with Rumsfeld in Atlanta depended largely on luck. Not only had I truth as my breastplate, so to speak, but the stars were nicely aligned. People like Rumsfeld, an accomplished Princeton debater (and, for that matter, Wellesley valedictorian Hillary Clinton), are required to keep careful track of their lies. Those not normally burdened with that extra chore – professional intelligence analysts, for example – enjoy a distinct advantage, even in times like these, when all too many Caesars keep asking "Quid est Veritas?" – "what is truth?" – a phrase attributed to Pontius Pilate during the trial of Jesus.

As it turned out, I had some success – momentarily, at least – exposing Rumsfeld, who had played fast and loose with the truth, while enjoying the "matinee-idol" label pinned on him by President George W. Bush during the initial weeks of "shock and awe."

The abundance of evidence notwithstanding, my attempts to expose the lies of Hillary Clinton proved much more difficult (as I was wrestled away by security guards for turning my back on the Secretary of State), and I had zero success exposing Teflon-coated General (and former CIA Director) David Petraeus for the fraud he is (as I was arrested by New York City police at the entrance of a Petraeus speech). Worse still, the violence I encountered escalated with each

nonviolent attempt.

With Rumsfeld, none of the media stenographers at Pentagon briefings ever looked up from their pads long enough to ask the Defense Secretary a direct question about his prevarications, so the Pentagon prima donna seemed a bit shocked by a factual question he could not spin.

So, Rumsfeld was not used to fielding “impertinent,” un-self-censored questions. Indeed, it may have seemed to some as though I were unfairly blindsiding the poor Secretary of Defense.

### **An Exchange with Power**

The setting for Rumsfeld’s talk was a little-known, defense-secretary-friendly-Southern-white-male-upper-crust “think tank.” There was no advance notice of Rumsfeld’s talk on its website, but some women friends from the World Can’t Wait figured out a way to get me a ticket (for \$70!).

The impromptu debate went as follows:

RAY McGOVERN: And so, I would like to ask you to be up front with the American people. Why did you lie to get us into a war that was not necessary and that has caused these kinds of casualties? Why?

DONALD RUMSFELD: Well, first of all, I haven’t lied. I did not lie then. Colin Powell didn’t lie. He spent weeks and weeks with the Central Intelligence Agency people and prepared a presentation that I know he believed was accurate, and he presented that to the United Nations. The President spent weeks and weeks with the Central Intelligence people, and he went to the American people and made a presentation. I’m not in the intelligence business. They gave the world their honest opinion. It appears that there were not weapons of mass destruction there.

RAY McGOVERN: You said you knew where they were?

DONALD RUMSFELD: I did not. I said I knew where suspect sites were, and we were —

RAY McGOVERN: You said you knew where they were, “near Tikrit, near Baghdad, and northeast, south and west of there.” Those were your words.

DONALD RUMSFELD: My words — my words were — no, no, no, wait a minute! Let him stay one second. Just a second.

RAY McGOVERN: This is America, huh? Go ahead.

DONALD RUMSFELD: You're getting plenty of play, sir.

RAY McGOVERN: I'd just like an honest answer.

DONALD RUMSFELD: I'm giving it to you.

RAY McGOVERN: We're talking about lies and your allegation that there was bulletproof evidence of ties between al-Qaeda and Iraq. Was that a lie or were you misled?

DONALD RUMSFELD: Zarqawi was in Baghdad during the prewar period. That is a fact.

RAY McGOVERN: Zarqawi, he was in the north of Iraq, in a place where Saddam Hussein had no rule. That's where he was.

DONALD RUMSFELD: He was also in Baghdad.

RAY McGOVERN: Yeah, when he needed to go to the hospital. Come on, these people aren't idiots. They know the story.

DONALD RUMSFELD: You are – let me give you an example. It's easy for you to make a charge, but why do you think that the men and women in uniform every day, when they came out of Kuwait and went into Iraq, put on chemical weapon protective suits? Because they liked the style? They honestly believed that there were chemical weapons. Saddam Hussein had used chemical weapons on his own people previously. He had used them on his neighbor, the Iranians. And they believed he had those weapons. We believed he had those weapons.

RAY McGOVERN: That's what we call a non-sequitur. It doesn't matter what the troops believe. It matters what you believe.

MODERATOR: I think, Mr. Secretary, the debate is over. We have other questions, courtesy to the audience.

### **'Let Him Stay'**

Early in the exchange, the black-hatted point man from Rumsfeld's SWAT Team (clearly seen in the video) put his elbow in my solar plexus as I was speaking and started to pry me from the microphone to which I was adhering like permanent glue.

However, after a glance in the direction of the TV cameras, Rumsfeld waved him off, with a "no, no, no, wait a minute! Let him stay one second. Just a second." It was a snap decision to continue the debate, with Rumsfeld convinced he could put me in my place. After all, I had identified myself as a former CIA analyst,



and Rumsfeld had had an easy time intimidating CIA directors George Tenet and Porter Goss, as well as those of my former colleagues badgered into dancing the Cheney/Rumsfeld fraudulent tango on Iraq.

The event also took place early enough that afternoon to make the evening news. Better still, the event was aired live on C-Span and CNN. All this together made it very difficult for TV producers, anchors and pundits to brush off my challenges to Rumsfeld as inconsequential. Besides, there was very little happening that was newsworthy on May 4, 2006, which put icing on the cake.

In any case, the tense scene of a citizen challenging the great and powerful Rumsfeld with real questions was so unusual that even the corporate media recognized it as “news” and gave it at least fleeting attention on the evening news shows.

But my unmasking of Rumsfeld’s Iraq War lies also created a highly unwelcome precedent that I would be made to pay for by soon being pigeonholed as a disgruntled stalker.

CNN anchor Paula Zahn’s first questions that evening were (1) “How long have you harbored this animus against Donald Rumsfeld?” and (2) why was I “following the Secretary of Defense all the way down to Atlanta?”

I explained that, in fact, I had gotten to Atlanta first – to receive, that same evening, the ACLU’s National Civil Liberties Award (won the previous year by Coretta Scott King).

I could not remember how long I had had “this animus” toward Rumsfeld. Were I quicker on my feet, I would have said something like – since his lies got thousands of human beings killed in an unnecessary war. But you don’t get a do-over.

After the Zahn interview, CNN’s Anderson Cooper’s first question, asked of me haltingly as I was exiting the auditorium, was much less hostile but, in its own way, far more revealing: “Weren’t you afraid?” he asked. Think about that for a while.

### **No Such Luck With Hillary**

Five years later, with some slight hope for an encore during a possible Q & A – this time with then-Secretary of State Hillary Clinton – I wangled a ticket to hear her speak at George Washington University on Feb. 15, 2011. After several minutes of fulsome praise from the university president and prolonged, standing, adulatory applause from the carefully chosen audience, before Clinton even uttered a word, I decided to remain standing in silence with my back to her.

Unlike Rumsfeld in 2006, Secretary of State Clinton was taking no chances. True, her speech focused on the need to respect dissent, but she was talking about the authorities in Iran, not in Washington. She missed not a syllable as she watched me brutalized directly in front of her and then dragged down the main aisle (with Clinton seeing-no-evil and nary a peep from the Hillary-friendly audience of by-standers/by-sitters).

Once outside the auditorium, a Clinton security-woman interrogated me at some length, after two sets of steel handcuffs were put on my wrists. I was then arrested and dumped into jail.

Perhaps Clinton thought her tacit condoning of this pre-emptive strike by her security folks would provide a useful deterrent to others who might choose nonviolent but highly visible ways to express dissent – or, God forbid, ask an impertinent question of the kind asked of Rumsfeld in Atlanta.

Unlike my encounter with Rumsfeld and even though multiple TV cameras caught the brutal way I was seized and thrown out directly in front of Hillary Clinton (“escorted out” is the gentle way Fox News put it), there was almost no further mention in mainstream media.

The Clinton incident happened at the same time of day as my mini-debate with Rumsfeld, so its absence from the evening news had nothing to do with the news cycle. Still, one would have thought the Kafkaesque nature of my brutalization at the very moment Clinton waxed eloquent about respecting dissent – in Iran – might have provided irresistible grist for a news story or commentary.

But in the five years that had passed since the Rumsfeld event in Atlanta, the media had grown five years-worth tamer. And, in contrast to Rumsfeld’s quick calculation as he looked at the cameras in the back, Clinton apparently believed she could count on the TV outlets and pundits NOT to give much coverage to the assault. In any case, she calculated correctly.

A number of Washington media stenographers were there, of course, as well as the cameras, but the evening TV producers and anchors chose the safer path. After all, no “sensible” commentator or outlet will gratuitously put out of joint the nose of a probable heiress to the presidency.

### **Less Tolerance of Dissent**

If my understandable chagrin at the way Hillary Clinton ignored the assault right in front of her leaves me open to charges of having an “animus” toward Hillary Clinton, so be it. That is very small potatoes in the grand scheme of things.

My “animus” was substantive – her share of responsibility for all manner of death and destruction because of her vote for the Iraq War and the benighted escalation/surge in Afghanistan, for example. It would be only another couple of months after her GWU speech before she helped create equal tragedies in Libya and Syria.

I suppose I should thank my blessings in having avoided the far more brutal, fatal treatment accorded Libyan leader Muammar Gaddafi.

Although I had a ticket to hear David Petraeus speak at the 92<sup>nd</sup> Y in New York City on Oct. 30, 2014, I was barred from even entering, roughly treated, whisked away by NYPD cops already on the scene and jailed overnight in the infamous “The Tombs” beneath the Criminal Court in lower Manhattan.

Although my arrest occurred in the so-called “media capital of the world,” the incident was almost completely ignored at least in the mainstream media. [See Consortiumnews.com’s, “When Silencing Dissent Isn’t News.”]

The trend seems to be more violence from the “organs of state security,” as they were known in Soviet parlance, and more silence in the mainstream media.

All the more need to follow the example of the Berrigans.

**Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. He served as an Army infantry/intelligence officer and CIA analyst for a total of 30 years and, after retiring, co-founded Veteran Intelligence Professionals for Sanity (VIPS).**

---

## How Obama ‘Legalized’ the War on Terror

Among the troubling legacies of Barack Obama’s presidency is his consolidation of the dubious legal principles that George W. Bush cobbled together to justify the Global War on Terror, explains Michael Brenner.

By Michael Brenner

President Barack Obama’s uneasy encounters with the law in devising numerous innovative means to prosecute the “War on Terror” are treated exhaustively in Charlie Savage’s much discussed book, *Power Wars*. This compendious volume is destined to be a landmark in the writing of the period’s history.

It also should be seen as a marker of its times as it at once explains how Obama

sought legal grounds by which to justify methods that skirt the Constitution and takes at face value the assertions of those who claim to have done a conscientious analysis of the laws and the Constitution without prejudice.

Therein lies the heart of the dilemma associated with an account of this kind. For there are two broad approaches available. One is to surmise that policy preferences were made prior to and independent of the legal exegesis – however elaborate that exercise may have been.

The other is to give the participants, in the Oval Office on down, the benefit of considerable doubt in ascribing to them an earnest dedication to ascertaining where the legal boundaries lay before the decisions were taken on policies and programs.

Savage doesn't make a choice – explicitly. He does so implicitly, though, by concentrating on a systematic account of the deliberative process among the lawyers charged with demarcating legal territory. For this purpose, he spent hundreds of hours interviewing those officials. The strategic and political dimensions are present only as background factors.

Rarely does Savage address the key question of how the latter intruded on the former – and then only obliquely. The author apparently did not press the respondents very hard to reflect on how their legal opinions might have been affected – wittingly or unwittingly – by what they knew of the Obama White House's predispositions.

Consequently, the analysis is caught in the snare of literalism. So much so, that Savage refrains from facing squarely the possibility that the officials queried may have had an incentive of a careerist nature to view issues in a particular light.

### **Favorable Reviews**

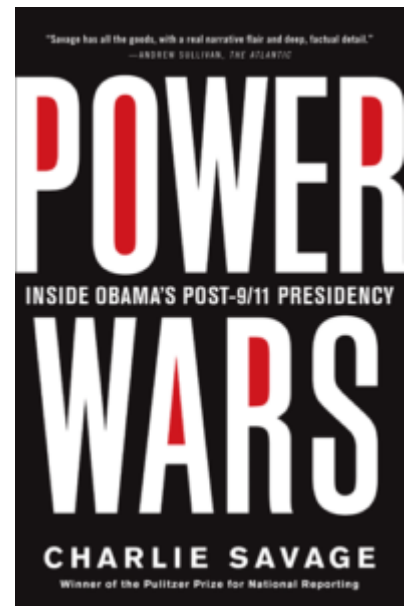
Most reviewers of the Savage account accept the validity of its underlying premise. As David Luban writes in *The New York Review of Books*: The lawyer's "domain is the arcane network of laws that constrain the president as he wages" the War on Terror. "If the president's lawyers tell him that a policy is illegal, he will have a hard time carrying it out."

This is what we Americans would like to believe. But is it true? The record suggests otherwise. One must strain mightily to find instances where the White House did not do what it wanted to do – or, where the President felt compelled to override a contrary interpretation by his lawyers in order to act as he was inclined.

Savage can only cite two instances in support of this thesis. The first concerns the administration lawyers' tergiversations in trying to find some statutory basis for the military intervention in Libya.

As Luban paraphrases Savage: "the lawyers didn't think the solution they eventually came up with was the best reading of the law, merely that it was 'legally available.'"

This satisfied Obama because what he wanted, and expected, was a record of legal deliberation rather than a clear-cut judgment of what the law approved. Ambiguity was fine. Surely, his lawyers were well aware of this – as on other matters.



The other case centered on the question of whether the Patriot Act of 2001 provided sufficient grounds for attacks on al-Shabaab in Somalia, which at that time was not officially affiliated with Al Qaeda. The Defense Department's General Counsel, Jeh Johnson, created some static by issuing the stunning opinion that al-Shabaab could not be judged as "associated force" as stipulated by the statute. Technically, this countermanded a planned strike by Special Operations Forces.

Did the law make a difference – as Savage asserts? Manifestly, it did not. The United States has launched drone strikes and raids into Somalia steadily for the entire seven years of the Obama presidency. Three weeks ago, it boasted about the success in killing over a hundred "fighters" at a supposed training camp.

The drone campaign develops: the Pentagon has announced that it has devised a new formula for estimating what level of "collateral" civilian casualties is acceptable from a conjectured strike – relevant factors include the value of the target, chances of success, and the demographics of the hypothetical "collaterals."

Moreover, the White House also has sent Special Forces teams into 42 other countries to deal with militants whose Al Qaeda (or ISIL) connections were vague or non-existent, without an official formula for measuring unwanted casualties.

The place of the Patriot Act in these lawyerly discourses is of central importance. Time after time, the debate turns on the question of whether the provisions of the Act are applicable to a particular place or action. There was a strong tendency, glossed over by Savage, to take the Patriot Act to be tantamount to a Constitutional Amendment – or, at least, some sort of Basic Law superior in legal standing to all other statutes.

Of course, there are no legitimate grounds for doing so. Indeed, several provisions of the Act are of dubious Constitutionality. They have not been fully adjudicated because two successive administrations have fought tooth-and-nail to deny plaintiffs access to the courts, usually with the acquiescence of a supine judiciary.

The invocation of “state secrets,” especially in regard to rendition and torture, has been one of the preferred stratagems for doing so – in direct contradiction of solemn pledges given by candidate Obama in 2008.

### **Legal Architecture**

The legal architecture of Obama’s version of the “war on terror” is as resistant to adjudication as was Bush’s more ramshackle structure.

How does a defendant prepare a defense when he is denied accusatory evidence on the grounds that it entails “state secrets?” How does a defendant in a non-terrorist case protect himself from the prosecution’s exploitation of evidence obtained without a court warrant when its source is kept secret because it was the fall-out from a national security surveillance case?

How does a plaintiff gain standing to bring suit when the courts agree with the Executive’s assertion that the individual in question must demonstrate having suffered personal damage? How does some American citizen on Obama’s “kill list” appeal for redress when required to make a personal appearance in a United States court – transit to which might make him vulnerable to murder by American authorities?

Anwar al-Awlaki’s father made a legal attempt to question his son’s inclusion on the ‘kill list’ but was denied standing. It remains unclear whether the presentation of the cadaver would have changed the court’s ruling. Following the Court’s logic, Awlaki would have been required to address his complaint from beyond the grave.

Two weeks later, Awlaki's Denver-born teenage son was a collateral victim of a second Predator strike that killed an alleged Al Qaeda in the Arabian Peninsula member.

It seems that only another branch of the federal government, or a state government, has a chance of forcing judicial review of Executive actions of questionable legality/constitutionality.

Where there is consensus among them that a state of national emergency renders that pursuing such a theoretical option itself constitutes a threat to the country's security, no citizen or group of citizens has recourse to the courts for redress of grievances. Savage disregards this overarching issue.

Think for a moment where that leaves us. On the one hand, a Christian Salafist in Texas can be heard by the Supreme Court in complaining that his fundamentalist interpretation of the Bible doesn't permit him to administer paycheck withholdings of health insurance premiums where the coverage extends to the policy-holder (with whom he has no personal relationship) a right to certain procedures – procedures that he, the employer, judges abhorrent – *and win his case*.

On the other hand, someone whom the President of the United States, acting at his own discretion behind his Oval Office desk, has checked off as a Hellfire missile target has no judicial recourse whatsoever.

That reality may not require a 700-page book; however, there is a convincing case to be made that it is far more important for the future of law in this Republic than the nuanced phrasing in a memo drafted by a lawyer deep in the engine room of the Executive legal machine which the ultimate decision-maker never reads – and, had he noted it, never would have done anything different.

### **A Glaring Omission**

Savage's lengthy account has another, more glaring omission. He makes no reference to the White House/CIA hacking of the Senate Intelligence Committee computers in Fall 2014 at the time of the standoff over release of the Committee's report on rendition and torture.

CIA Director John Brennan was battling to squelch the report. He was most desperate about retrieving a document originating with the Agency's own Inspector General that provided damning evidence, i.e. the so-called "Panetta Report."

Although transmitted voluntarily, the Director saw that as a crucial mistake and wanted it back – by any means fair or foul. President Obama approved the break-

in. We know of no legal opinion, memos or argument justifying this unconstitutional action.

The CIA under John Brennan's direction did not act as a rogue organization. The removal of the "Panetta Report" and other documents from the Senate Committee computers, the hacking of the staff files, and the sending of a "crime report" to the Department of Justice requesting that Senate staffers be investigated for criminal acts occurred with the knowledge and approval of President Obama.

Publicly, the White House declared its "neutrality" in the dispute between the CIA and Congress. He went on to distance himself from the matter: "that's not something that is an appropriate role for me and the White House to wade into at this point." That statement is deceitful.

Is this not arguably an impeachable offense? Why does Savage totally ignore it?

(Alert: the reader must plow through all 700 pages in order to make that assertion since the book lacks an Index. That is odd for a scholarly work destined to remain a reference source for years to come, and where there are notations of numerous persons, offices, documents etc. on almost every page. It is likely that most reviewers, therefore, have only a faint knowledge of its contents – Luban excluded).

### **An Alleged Distinction**

Much of Savage's interpretations have as their pivot an alleged distinction between "civil liberties" and the "rule of law." Luban claims that "confusing the two is understandable" but seriously mistaken. However, this is by no means self-evident.

The "rule of law" includes obedience to the Constitution, which means the Bills of Rights among other provisions. Admittedly, the Bill of Rights does not automatically take precedence over those other provisions. Still, neither can they simply be traded-off against the supposedly good intentions behind some proposed governmental act or other.

Luban gives the game away in stating: "Obama and his team aimed to provide a firm legal foundation for his policies, including – preventive detention, targeted killings, and extensive surveillance." They succeeded.

As John Brennan, Obama's muse on all matters "terrorist," concedes: "I have never found a case that our legal authorities ... prevented us from doing something that we thought was in the best interest of the United States to do."

The FISA Court recently reconfirmed that the FBI is free to search Americans'



email that have been intercepted without a warrant while supposedly gathering foreign Intelligence. Mission accomplished!

The juxtaposition of “civil liberties” and “rule of law” can have insidious implications. For the distinction easily lapses into the proposition that “civil liberties” as stipulated in the first Ten Amendments can be compromised according to circumstances. That idea of a “trade-off” has been accepted even by many on the libertarian side of debates about various aspects of the “war on terror.”

The debate about privacy and surveillance in particular too often accepts the presumed need to “strike a balance” between “security” and civil liberties as its pivot. Those who argue that Fourth Amendment guarantees are not liable to attenuation or limitation because of exigent conditions are declared to be absolutists.

For the overwhelming majority of commentators, some concessions to those conditions are deemed incontrovertible. Even distinguished law professors from prestigious law schools tell us that. [See Jeffrey Rosen “Naked Scanners, GPS Tracking, and Private Citizens: Technology’s Role in Balancing Security and Privacy,” 57 *Wayne Law Review* 1-10 (2011); David Cole “What Hope for Human Rights?” *New York Review of Books* September 17, 2013]

### **False Dichotomy**

But it is a false dichotomy – in two respects. At the practical level, there is no evidence that transgression on our liberties makes us safer – as noted. More fundamentally, unlawful and/or unconstitutional conduct is unlawful and unconstitutional whatever the supposed motivation and purpose.

That is the essence of a rule-bound system – a system of law that delimits the valid, acceptable actions of individuals – including public officials. Expedient need is not accepted as grounds for murdering someone – even if you suspect him of harboring designs to kidnap your child. Hunger is not an acceptable excuse for mugging somebody and stealing their purse.

Motivation may be acknowledged as a mitigating factor when it comes to meting out punishment. The illegality of the act itself is not obviated, though. If searches and seizures without warrant are legally proscribed, then it should make no difference that General Clapper of the NIO, or Admiral Rogers of the NSA, or Mr. Brennan of the CIA – or Mr. Obama in the White House – thinks that it would be a good idea to violate the law and/or Constitution.

That sort of rationalization marks the road to autocracy and the subordination of law to individual will. It means wounding democratic government as we know

it.

Any reasonable concern about the inherent right of public authorities to act when a situation demands the resort to coercive action or some other exceptional behavior that “exigent circumstances” and “public safety exceptions” dictate have long been incorporated into Fourth Amendment and other constitutional jurisprudence to accommodate the rare “ticking time bomb” situation.

As former FBI official Coleen Rowley has pointed out: “There’s a big difference between allowing an individual officer to determine he/she can dispense with a warrant under exigent circumstances which will have to be defended later in a court of law, however, and creating a blanket, hierarchal ‘exigent circumstances’ during wartime. It’s essentially the difference between an individual’s right to self-defense and a country making the determination to justify going to war. The law made sense as it’s the ‘group think’ that is most dangerous, not the rogue ‘bad apple.’”

There are *inalienable* rights as ensconced in the Constitution. They are not eligible to be treated as commodities for haggling among the CIA Director, the Attorney General and the man in the Oval Office and his political operatives. We contravened that principle in 1942 to our everlasting shame – or so we thought afterwards. Exactly 60 years later, we went down that same road of infamy.

We have seen the tangible consequences of playing fast and loose with legal principle. President Obama recently felt no qualms in absolving former Secretary of State Hillary Clinton for her violating the law and federal regulation through her use of multiple email accounts and a home server.

“There is classification and there is classification,” he reassured us. That distinction, though, was not applicable in the relentless persecution of leakers like Thomas Drake whose sole, selfless motivation was to expose abuses by their government which Mr. Obama had taken pains to conceal and to deny.

Yet more egregious was the Obama-Holder arbitrary amendment of the Constitution in pronouncing that the country’s biggest banks could escape both criminal and civil prosecution because punishment for their illegal actions might do serious harm to the economy. The two men, in effect, unilaterally and without any process other than their own political calculus placed an asterisk after the Constitutional stipulations regarding “equal protection of the laws.”

There is no way of knowing with precision the avenues of thought and psychology by which those previous episodes helped shape a policy-maker’s mindset leading to later actions. It is entirely reasonable, though, that egregiously bending the law and Constitution in one domain by referring to the demands of politics

makes it easier to do so in other domains, subsequently.

Nowhere in the book is there a sign that Obama, the lawyer, appreciates the menace to the country's constitutional underpinnings from a systematic strategy of "legalism" which deforms the law. Nowhere does Savage suggest that this is a serious deficiency and a lasting cost of the GWOT.

### **Stretching Credulity**

Back to the question of lawyers' analytical autonomy. It stretches credulity beyond the breaking point to claim that these outcomes were a coincidence. That administration lawyers just happened to make interpretations that favored the policy preferences of the man in the Oval Office.

Savage's fatal error of omission in his approach is the glaring failure to prod his dozens of interviewees to address the issue of bias. After all, they are not going to volunteer it.

Who would ever offer the observations: "we fixed the facts around the policy proposal;" "it was a stitch-up;" "I was so terrified at the prospect of another 9/11 that I bent over backwards to give the Executive the benefit of the doubt;" "my husband/wife admonished me: are you out of your mind! – risking having to look for a job in Boston/New York and taking the kids out of school in mid-semester?;" "I relish life in the corridors of power and wouldn't do anything to jeopardize it?"

Or, further down the ladder, "if I really ticked off Holder, I might have to spend the last 10 years of my career adjudicating disputes between the EPA and the National Park Service over the environmental impact of septic tanks at Yellowstone."

Is this an exaggeration of the internalized pressures that the Obama lawyers experienced? Was there solid basis for their supposed fears of "consequences?" No; yes. Consider the enormous pressures felt by the lawyers and regulators who had some measure of responsibility for imposing some restraint on the financial predators in the wake of the 2008 crash.

It is very hard to avoid the judgment that, due to his user friendly and accommodating attitude, Savage's respondents at times took him for a ride. The most striking case in point is their audacious assertion that the White House's implacable persecution of leakers did not represent a general strategy, but rather was the coincidental outcome of cases treated on an individual basis. Savage swallows this line whole.

### **Crude Fabrications**

The worldly lawyers who are Savage's subjects shy away from the crudest fabrications. An appropriate analogy is baseball's "in-the-vicinity" rule. That refers to the unstated, universally accepted norm that, when turning the double-play, the shortstop – or usually the second baseman – need not have his foot clearly on the bag at the moment of pivoting to throw to first with a hard-sliding runner bearing down on him. He merely has to be reasonably close to it. Nowhere is it written down; yet, all accept and observe it.

So, too, a legal interpretation about some dubious Executive action in the "war on terror" need only be in the vicinity of what law and precedent say is valid for it to pass muster. The courts play a role similar to the umpires' in ruling accordingly.

FISA Courts, for their part, accept the pivot foot being anywhere on the diamond. The difference is that all baseball fans know of the in-the-vicinity rule while citizens are kept in the dark about the large inventory of similar unwritten rules in the judicial domain insofar as "terrorism" is concerned. Savage seems oblivious of this reality – or else, does a good job of pretending so.

(FISA Courts, as the record attests, are something of a joke insofar as they agree to 99.9 percent of the Executive's requests, often grant broad open-ended authority that extends the requested powers well beyond the particular case at hand – something they have no legal mandate to do, and usually don't bother to write an explanatory opinion. This is pretty much what one would expect from judges 85 percent of whom are hard-core Republicans hand-picked by Chief Justice John Roberts who characteristically doesn't hesitate to let his personal policy predilections dictate his judicial behavior.)

### **Lacking Context**

Context is the big missing ingredient in Savage's 700-plus-page opus. Fear and dread permeated the government as it did the country. President Obama's one fixed reference point from the day he entered office was to avoid another traumatic act of terrorism that likely would make him a one-term President. That reality warped perceptions down the line.

The mania for secrecy about everything – including official documents that contained the legal justifications for dubious acts – infected everyone. "No more white papers" ordered White House Counsel Neil Eggleston – they might leak. In short, no paper trail.

This is not the mindset of a lawyer who believes that the justifications of the Obama legal team provided a "firm" legal basis for what they were doing. That

supposedly “firm” legal basis, in several instances, resembles the legal basis for acquittal in the notorious Texas “influenza” case.

Savage, in one of his rare digressions into the political realm, recounts how shaken Obama was by the failed attempt by the “underwear bomber” to blow up a plane during Christmas week of 2009. It motivated an emotionally convulsed President to double down on the draconian methods incorporated in now *his* “war on terror.” This overwrought response was a reflection of the times – and of the man.

The quietus since 9/11 rightly should have been taken as evidence that Al Qaeda and friends were incapable of mounting anything like that again. A botched effort by a rank amateur to bring down a civilian aircraft by setting his *Fruit-of-the-Looms* on fire hardly amounts to a threat to the country’s national integrity and well-being. Perhaps, a single tragic event – but nothing more. Yet, it spurred the campaign to “do what we must,” dragging the equally shaken and willing lawyers along with it.

There is a strange intermingling of edgy intensity and the casual in all this. Our leaders, at all levels, are supposedly in a sweat of anxiety about terror and instill that feeling in the populace. Yet, their approach in conducting the “Global War On Terror” often has been haphazard.

FBI Director James Comey told us on April 20 that the Bureau incurred a cost of \$1.3 million in opening the infamous San Bernardino Apple I-phone. That was the fee charged by private consultants. Fourteen years into the GWOT and after the expenditure of close to a trillion dollars, the Intelligence agencies have to go to outsiders to find someone qualified to do a job that is daily fare for Apple software specialists.

So the FBI, our ultimate protector which relies overwhelmingly on technical tools to do its job, in effect resorts to the equivalent of renting a screwdriver from a high tech hardware store. Equally bizarre, the technical staff of this commercial enterprise sells its services worldwide. This stunning incongruity is shrugged off as just doing what’s necessary to keep the terrorists at bay.

### **Obama’s Legacy**

The truth is more insidious. If the government authorities thought that the United States actually was endangered to the high degree they claim, this kind of slipshod organization wouldn’t be tolerated.

The GWOT, in this and many similar instances at home and abroad, shows itself to be a macabre game wherein the currency of success is money, power and status as

much as it is keeping Americans safe.

Reviewing the voluminous record, it is hard to avoid the conclusion that, for all the prolix lawyerly discussion, the Obama people reached the same conclusions as did John Yoo and David Addington in the Bush administration: the President could do pretty much as he pleased.

The thousands of hours of process and deliberation were not just theatre; however, in terms of practical effect, they might as well have been. Indeed, the long-term consequences are likely to be more pernicious since all three branches of government now have persuaded themselves that there are 'firm' legal grounds for doing things that a generation ago would have been judged clearly illegal and/or unconstitutional by any disinterested court.

Obama legitimized and thereby institutionalized the illegalities of the "war on terror." That is his legacy.

The discomfiting truth is that the high-powered Obama lawyers, drawn from elite backgrounds, suffered from an emotional ailment – the exaggerated dread of Islamist terrorism – just as have their fellow citizens. Consequently, they were prepared to subordinate good sense and their oath to preserving American legal principles to giving a veneer of legitimacy to a slapdash series of ineffectual policies that have compromised our democracy while making us less safe than we were in 2002.

Those lawyers, unlike their untutored compatriots, should have known better – and had a professional obligation to maintain the critical edge of distinguishing between going through the motions of legal reasoning and acting with full probity.

Belief that the United States is in grave and imminent danger from serious terrorist attack is the cornerstone premise holding up the massive edifice of our Intelligence apparatus. To acknowledge that this rendering of reality is groundless is to undercut the pervasive view that extraordinary measures to protect the United States' security are imperative.

As William Pitt warned us: "Necessity is the plea for every infringement of human liberty. It is the argument of tyrants; it is the creed of slaves."

**Michael Brenner is a professor of international affairs at the University of Pittsburgh.**

---

# Shying Away from 9/11 Evidence

Lee Hamilton has always flinched at implicating important Americans and “allies” in crimes of state – citing the need for near perfect evidence – but that has let complicit parties go unpunished, says 9/11 widow Kristen Breitweiser.

By Kristen Breitweiser

Tom Kean and Lee Hamilton wrote an opinion piece last week in USAToday, trying to “temper” feelings surrounding the release of “the 28 pages.”

Kean and Hamilton wrote, “The 28 pages have generated a lot of public speculation over the years and have been described as a ‘smoking gun’ implicating the Saudi government in the deadliest terrorist attack carried out on U.S. soil.”

They go on to write, “What often gets lost in those theories is that the 28 pages were based almost entirely on raw, unvetted material that came to the FBI. That material was written up as possible leads for further investigation, and the 28 pages were a summary of some of those reports and leads as of the end of 2002 – all of them uninvestigated.”

What Kean and Hamilton fail to acknowledge is the reason the “raw, unvetted material” was left “uninvestigated” was strictly because of the 9/11 Commission’s Staff Director, Philip Zelikow.

Zelikow has too many conflicts of interest to list in this article. Suffice it to say that a critical portion of the 9/11 Commission’s Final Report can be seen as merely a fairy-tale rendition (or intelligence “story”) of Zelicow’s design. (Scroll down to the lunch break, read Zelikow’s next Staff Statement where he talks about an “intelligence story.”)

Indeed, chapter 5, “Al Qaeda Aims at the Homeland,” and chapter 7, “The Attack Looms,” provide most of the vital pieces of information surrounding the 9/11 plot by citing Khalid Sheikh Mohammad’s interviews as their primary source. Why would any laudable historian (who Zelikow professes to be) base an official accounting of the worst terrorist attack since Pearl Harbor on the bogus ramblings of a detained, tortured terrorist? That’s why anything and everything that comes out of Zelikow’s mouth should be questioned for its veracity – and motive.

After all, if the person in charge of torturing KSM wanted to obscure the Saudi role, is it a surprise that KSM would say what his torturer wanted to hear? Moreover, is it a surprise that the person or persons in charge of KSM's torture, who wanted to obscure the U.S. government's awareness of the threat and indeed specific knowledge of many of the terrorist activities before the attack, would elicit a story consistent with that goal?

Indeed, regarding the 9/11 Commission's treatment of the Saudi role in the 9/11 attacks, Zelikow's hands are easily found. Look at three items.

First, Zelikow blocked and then fired Dana Lesemann when she tried to investigate the uninvestigated leads in the 28 pages. Where were Tom and Lee when this happened?

Second, it was only Zelikow and Dieter Snell who were granted access and able to question Omar Bayoumi – a man who stands at the epicenter of the Saudi nexus to the 9/11 attacks. Why were Zelikow and Snell the only ones permitted to interview such a key individual?

Finally, it was Zelikow and Snell who “re-wrote” the entire Saudi section of the 9/11 Commission's Final Report – leaving out all the damning, incriminating information. Where is that missing information today? Available for public review?

So please, when Kean and Hamilton say that they “found no evidence linking the Saudis to the 9/11 attacks,” pay careful attention to the cute use of their words, “found no evidence.” Because while concededly there may not *then* have been conclusive proof, there were certainly indications and evidence that required further and immediate follow-up.

In addition, note when Kean and Hamilton talk about access granted to the 28 pages being given to “relevant” staff. Which staff were deemed relevant? And who decided what staffers were “relevant?” Zelikow? Everyone had clearance, so why didn't all investigative staff have access to the 28 pages?

Kean and Hamilton also proudly state that their report is unclassified and available to the public. What you need to realize is that while their final report is unclassified, the source documents for that report remain classified and hidden from the public.

In short, unlike redacted reports where you can readily see what is being kept secret by the dark lines crossing out words, with the 9/11 Commission's Final Report, we'll never know how much other pertinent information was kept out and classified by Zelikow.



And, as someone who has looked for specific documents on the National Archives website, I can state emphatically that many of the 9/11 Commission's most vital and damning documents remain redacted, withheld, classified and/or unavailable to the public.

Moreover, please pay attention to how Kean and Hamilton characterize the 9/11 Review Panel. Realize that the 9/11 Review Panel did nothing more than tie up the loose, uncomfortable (i.e. damning) ends that would inevitably be created with the release of the 28 pages.

Was the Panel's purpose to uncover the entire 9/11 story or to stop further inquiry that would eventually uncover the entire truth?

Finally, I do agree with one section of Kean and Hamilton's editorial, "The 9/11 attacks were the worst mass murder ever carried out in the United States. Those responsible deserve the maximum punishment possible. Therefore, accusations of complicity in that mass murder from responsible authorities are a grave matter. Such charges should be levied with care."

I just hope that both Kean and Hamilton mean what they say when they talk about those responsible and complicit in the 9/11 attacks "deserving the maximum punishment possible." And I hope their definition of complicity is as broad as mine, by including actions before and after the crime and actors from inside and outside the United States.

So for example, let's just say that our CIA (or a rogue element of it) tried to recruit two 9/11 hijackers in San Diego who were already in contact with Saudi agents. And in carrying out that task, the CIA worked with those Saudi agents in the recruitment process. And thus, all the Saudi contacts and support for the hijackers detailed in the 28 pages (the so-called "smoking gun") necessarily reveals the CIA/Saudi cooperation in dealing with those two 9/11 hijackers.

Incidentally, this might explain why CIA Director John Brennan has joined the chorus in stating that all information released in the 28 pages is "uncorroborated, unvetted information."

Will Kean and Hamilton support holding the CIA officials accountable? Will Cofer Black and James Pavitt be held accountable? George Tenet? John McLaughlin? What about John Brennan? Or Michael Hayden? Bob Mueller? Richard Clarke? Too late for Sandy Berger (and those docs he stuffed in his socks), but what about Clinton? Bush? Cheney? Rice? And, Obama? How about Zelikow and all others who have known the truth for years and kept silent?

When Kean and Hamilton say complicity is a "grave matter," I hope they follow through on their word.

Clearly, much will depend on how good a job was done by the 9/11 Review Panel. But, putting that aside, I certainly hope the U.S. government does not expect the 9/11 families to ignore 15 years of their cover-up and capitalized “opportunities” in the wake of the 9/11 attacks.

(Quoting Condi Rice here in the immediate wake of the 9/11 attacks where she said, “how can we capitalize on these opportunities” – that’s right, she called the mass murder of 3,000 innocent people an “opportunity” that should be “capitalized upon”).

Recently, we’ve seen that even though decades have passed since Dennis Hastert committed his despicable deeds, he was eventually caught and held accountable for the cover-up of those deeds. To me, this demonstrates that the truth will always emerge.

Fifteen years after the 9/11 murders, we have uncovered a part of that truth, let us hope it does not take another 15 years for the whole truth to emerge. Rest assured, we will never give up nor will we ever go away.

**Kristen Breitweiser is a 9/11 widow and activist who – working with other 9/11 widows known collectively as the “Jersey Girls” – pressured the U.S. government to conduct a formal investigation into the terror attacks on Sept. 11, 2001. Follow Kristen Breitweiser on Twitter: [www.twitter.com/kdbreitweiser](http://www.twitter.com/kdbreitweiser). [This article originally appeared as a blog post at HuffingtonPost. 9/11 widows Patty Casazza, Monica Gabrielle, Mindy Kleinberg, and Lorie Van Auken also sign their names to this blog.] Follow Kristen Breitweiser on Twitter: [www.twitter.com/kdbreitweiser](http://www.twitter.com/kdbreitweiser)**

---

## Hillary Clinton’s Damning Emails

**Exclusive:** Before the Democrats lock in their choice for President, they might want to know if Hillary Clinton broke the law with her unsecure emails and may be indicted, a question that ex-CIA analyst Ray McGovern addresses.

By Ray McGovern

A few weeks after leaving office, former Secretary of State Hillary Clinton may have breathed a sigh of relief and reassurance when Director of National Intelligence James Clapper denied reports of the National Security Agency eavesdropping on Americans. After all, Clinton had been handling official business at the State Department like many Americans do with their

personal business, on an unsecured server.

In sworn testimony before the Senate Intelligence Committee on March 12, 2013, Clapper said the NSA was **not** collecting, wittingly, “any type of data at all on millions or hundreds of millions of Americans,” which presumably would have covered Clinton’s unsecured emails.

But NSA contractor Edward Snowden’s revelations – starting on June 5, 2013 – gave the lie to Clapper’s testimony, which Clapper then retracted on June 21 – coincidentally, Snowden’s 30<sup>th</sup> birthday – when Clapper sent a letter to the Senators to whom he had, well, lied. Clapper admitted his “response was clearly erroneous – for which I apologize.” (On the chance you are wondering what became of Clapper, he is still DNI.)

I would guess that Clapper’s confession may have come as a shock to then ex-Secretary Clinton, as she became aware that her own emails might be among the trillions of communications that NSA was vacuuming up. Nevertheless, she found Snowden’s truth-telling a safer target for her fury than Clapper’s dishonesty and NSA’s dragnet.

In April 2014, Clinton suggested that Snowden had helped terrorists by giving “all kinds of information, not only to big countries, but to networks and terrorist groups and the like.” Clinton was particularly hard on Snowden for going to China (Hong Kong) and Russia to escape a vengeful prosecution by the U.S. government.

Clinton even explained what extraordinary lengths she and her people went to in safeguarding government secrets: “When I would go to China or would go to Russia, we would leave all my electronic equipment on the plane with the batteries out, because ... **they’re trying to find out not just about what we do in our government, they’re ... going after the personal emails of people who worked in the State Department.**” Yes, she said that. (emphasis added)

### **Hoisted on Her Own Petard**

Alas, nearly a year later, in March 2015, it became known that during her tenure as Secretary of State she had not been as diligent as she led the American people to believe. She had used a private server for official communications, rather than the usual official State Department email accounts maintained on federal servers. Thousands of those emails would retroactively be marked classified – some at the TOP SECRET/Codeword level – by the department.

During an interview last September, Snowden was asked to respond to the revelations about highly classified material showing up on Clinton’s personal server: “When the unclassified systems of the United States government, which

has a full-time information security staff, regularly gets hacked, the idea that someone keeping a private server in the renovated bathroom of a server farm in Colorado is more secure is completely ridiculous.”

Asked if Clinton “intentionally endangered US international security by being so careless with her email,” Snowden said it was not his place to say. Nor, it would seem, is it President Barack Obama’s place to say, especially considering that the FBI is actively investigating Clinton’s security breach. But Obama has said it anyway.

“She would never intentionally put America in any kind of jeopardy,” the President said on April 10. In the same interview, Obama told Chris Wallace, “I guarantee that there is no political influence in any investigation conducted by the Justice Department, or the FBI – not just in this case, but in any case. Full stop. Period.”

But, although a former professor of Constitutional law, the President sports a checkered history when it comes to prejudicing investigations and even trials, conducted by those ultimately reporting to him. For example, more than two years before Bradley (Chelsea) Manning was brought to trial, the President stated publicly: “We are a nation of laws. We don’t let individuals make decisions about how the law operates. He [Bradley Manning] broke the law!”

Not surprisingly, the ensuing court martial found Manning guilty, just as the Commander in Chief had predicted. Though Manning’s purpose in disclosing mostly low-level classified information was to alert the American public about war crimes and other abuses by the U.S. government, Manning was sentenced to 35 years in prison.

On March 9, when presidential candidate Clinton was asked, impertinently during a debate, whether she would withdraw from the race if she were indicted for her cavalier handling of government secrets, she offered her own certain prediction: “Oh, for goodness sake! It’s not going to happen. I’m not even answering that question.”

### **Prosecutorial Double Standards**

Merited or not, there is, sadly, some precedent for Clinton’s supreme confidence. Retired General and ex-CIA Director David Petraeus, after all, lied to the FBI (a felony for “lesser” folks) about giving his mistress/biographer highly classified information and got off with a slap on the wrist, a misdemeanor fine and probation, no jail time – a deal that Obama’s first Attorney General Eric Holder did on his way out the door.

We are likely to learn shortly whether Attorney General Loretta Lynch is as

malleable as Holder or whether she will allow FBI Director James Comey, who held his nose in letting Petraeus cop a plea, to conduct an unfettered investigation this time – or simply whether Comey will be compelled to enforce Clinton's assurance that "it's not going to happen."

Last week, Fox News TV legal commentator Andrew Napolitano said the FBI is in the final stages of its investigation into Clinton and her private email server. His sources tell him that "the evidence of her guilt is overwhelming," and that the FBI has enough evidence to indict and convict.

Whether Napolitano has it right or not, it seems likely that Clinton is reading President Obama correctly – no profile in courage is he. Nor is Obama likely to kill the political fortunes of the now presumptive Democratic presidential nominee. Yet, if he orders Lynch and Comey not to hold Hillary Clinton accountable for what – in my opinion and that of most other veteran intelligence officials whom I've consulted – amounts to at least criminal negligence, another noxious precedent will be set.

### **Knowing Too Much**

This time, however, the equities and interests of the powerful, secretive NSA, as well as the FBI and Justice, are deeply involved. And by now all of them know "where the bodies are buried," as the smart folks inside the Beltway like to say. So the question becomes would a future President Hillary Clinton have total freedom of maneuver if she were beholden to those all well aware of her past infractions and the harm they have done to this country.

One very important, though as yet unmentioned, question is whether security lapses involving Clinton and her emails contributed to what Clinton has deemed her worst moment as Secretary of State, the killing of Ambassador Christopher Stevens and three other U.S. personnel at the lightly guarded U.S. "mission" (a very small, idiosyncratic, consulate-type complex not performing any consular affairs) in Benghazi, Libya, on Sept. 11, 2012.

Somehow the terrorists who mounted the assault were aware of the absence of meaningful security at the facility, though obviously there were other means for them to have made that determination, including the State Department's reliance on unreliable local militias who might well have shared that inside information with the attackers.

However, if there is any indication that Clinton's belatedly classified emails contained information about internal State Department discussions regarding the consulate's security shortcomings, questions may be raised about whether that information was somehow compromised by a foreign intelligence agency and shared

with the attackers.

We know that State Department bureaucrats under Secretary Clinton overruled repeated requests for additional security in Benghazi. We also know that Clinton disregarded NSA's repeated warnings against the use of unencrypted communications. One of NSA's core missions, after all, is to create and maintain secure communications for military, diplomatic, and other government users.

Clinton's flouting of the rules, in NSA's face, would have created additional incentive for NSA to keep an especially close watch on her emails and telephone calls. The NSA also might know whether some intelligence service successfully hacked into Clinton's server, but there's no reason to think that the NSA would share that sort of information with the FBI, given the NSA's history of not sharing its data with other federal agencies even when doing so makes sense.

The NSA arrogates to itself the prerogative of deciding what information to keep within NSA walls and what to share with the other intelligence and law enforcement agencies like the FBI. (One bitter consequence of this jealously guarded parochialism was the NSA's failure to share very precise information that could have thwarted the attacks of 9/11, as former NSA insiders have revealed.)

It is altogether likely that Gen. Keith Alexander, head of NSA from 2005 to 2014, neglected to tell the Secretary of State of NSA's "collect it all" dragnet collection that included the emails and telephone calls of Americans – including Clinton's. This need not have been simply the result of Alexander's pique at her disdain for communications security requirements, but rather mostly a consequence of NSA's *modus operandi*.

With the mindset at NSA, one could readily argue that the Secretary of State – and perhaps the President himself – had no "need-to-know." And, needless to say, the fewer briefed on the NSA's flagrant disregard for Fourth Amendment protections against unreasonable searches and seizures the better.

So, if there is something incriminating – or at least politically damaging – in Clinton's emails, it's a safe bet that at least the NSA and maybe the FBI, as well, knows. And that could make life difficult for a Clinton-45 presidency. Inside the Beltway, we don't say the word "blackmail," but the potential will be there. The whole thing needs to be cleaned up now before the choices for the next President are locked in.

**Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. He served as a CIA analyst for 27 years, during which he prepared and briefed the morning *President's Daily Brief***

for Presidents Nixon, Ford, and Reagan.

---

## No Dissent from Anti-Russian Propaganda

The European Union prides itself on its commitment to free expression, except apparently when a documentarian diverges from the official line bashing Russia. Then silencing dissent becomes the “responsible” response, as Gilbert Doctorow explains.

By Gilbert Doctorow

The West’s propaganda campaign against Russia took an unusual turn this week as a new documentary challenging the Western narrative of how Kremlin critic Sergei Magnitsky died in 2009 was blocked from being shown at the European Parliament in Brussels, Belgium.

The last-minute shutting down of the documentary, “The Magnitsky Act: Behind the Scenes,” was engineered by lawyers for William Browder, the influential chairman of the investment fund Hermitage Capital and an associate of Magnitsky.

Based in London, Browder has been an unrelenting crusader for imposing sanctions on Russian officials allegedly connected to Magnitsky’s death in prison. Browder successfully pushed for the U.S. Congress to approve the 2012 Magnitsky Act and has lobbied the European Parliament to pass a similarly punitive measure.

On Wednesday, Browder pulled off a stunning show of force by arranging the cancellation of “The Magnitsky Act” documentary just minutes before invitees entered the auditorium at the parliament building for the showing.

Instead of watching and then discussing the film, the few of us who attended were drawn precisely to the power of the absent puppet master, Bill Browder, as Andrei Nekrasov, the film’s director, explained the reasons for his rare dissent against the Magnitsky narrative that Browder has peddled for years.

St. Petersburg-based film director Nekrasov said he had originally intended to produce a documentary largely supportive of Browder’s narrative but a *eureka* moment led him to change the message of his film midway through production into what ultimately became a scathing critique of Browder and a serious critique of the entire concept of applying personal sanctions against alleged human rights abusers without due process, as was the case in the compilation of the so-called “Magnitsky List” of Russians blamed for Magnitsky’s death.

## A Praised Filmmaker

Nekrasov is an internationally recognized artist who has won prizes for dramas, documentaries and arts programs in Germany and France with his work presented at festivals around the world. Fluent in German, French and English in addition to his native Russian, Nekrasov took parts of his professional education in France and the U.K.

In his home country, Nekrasov has a reputation as a nonconformist and his reporting has taken on Russian authorities in the past, including a film arguing that the 1999 Moscow apartment bombings were organized by the KGB successor organization (FSB) to justify the second war in Chechnya that brought Vladimir Putin to power.

In other words, Nekrasov has not been a friend of the Kremlin, let alone a “stooge” of the Putin regime. Indeed, he said that before taking the assignment to do a film about Magnitsky for the ARTE television channel, he had friendly relations with Browder, whom he had met a number of times in different settings. Nekrasov said he fully believed in Browder’s narrative of the murder of Magnitsky as a way to silence his investigation into the theft of Hermitage Capital’s assets by crooked Russian Ministry of Internal Affairs officials.

Nekrasov said his change of heart came in the middle of shooting the film when Browder’s people handed him a copy of the affidavit signed by Magnitsky that was said to have led to his murder in detention. The introduction to the document laid out precisely that argument of Russian wrongdoing, but the content, the actual text signed by Magnitsky, said nothing whatever about his investigating the theft of \$230 million and made no charges whatsoever against Ministry of Internal Affairs officers.

That glaring discrepancy prompted Nekrasov to gather more and more evidence, leading ultimately to his conclusion that the Magnitsky case was a sham fabricated by Browder, that there was no murder, that Magnitsky’s death was a case of negligence and nothing more sinister, the sort of thing that happens quite routinely in U.S. and other prisons around the world, however sad that may be.

Moreover, this discovery set Nekrasov’s mind to thinking about how and why what was now obvious to him was hidden to all others through whose hands the facts, factoids and allegations of the Magnitsky affair had passed over the past seven years. His inescapable conclusion was the explanation was to be found only in blind anti-Russian prejudice, the denigration not only of the country’s leader but of its entire political establishment if not the nation as a whole.



Nekrasov began to wonder how anyone could accept as reasonable the assumption that in that country of 146 million people there was not a single honest or professionally competent judge, not a single policeman who was not a crook.

### **Dangerous Thought**

Nekrasov expressed concern for his own future welfare after the negative publicity arising from his discovery of unpleasant truths about the Magnitsky affair, especially in Russia where he fears that pro-Browder people will consider his documentary a betrayal.

Regarding why the film's screening was canceled on Wednesday night, Finnish parliamentarian Heidi Hautala, the sponsor of the event (and reportedly Nekrasov's girlfriend), said it was not an action imposed by the President of the European Parliament, though he surely took a dim view of allowing this dissenting viewpoint to be shown in an auditorium at the parliament.

Nekrasov cited two last-minute objections. One was from a German politician whom he interviewed for the film, MEP Marieluise Beck, a leading member of the Greens in the Bundestag, the party allied to the European Parliament bloc from which Hautala, the organizer of the screening, comes.

In the interview segment which Beck now demanded be excised, she demonstrated, in Nekrasov's view, exactly what was wrong with the position held by Browder's defenders in Europe.

When he confronted her with the discrepancies, with the reasons he had changed his view of the Magnitsky affair, Beck insouciantly replied that "this is just details" about which she did not care and that the overriding fact remained the same: that Magnitsky died in prison.

However, Nekrasov said the decisive objection that led to the cancellation was from the director of the German national public broadcaster ZDF, a major sponsor of the film who claimed that Browder's lawyers threatened to sue for libel if the film were shown and would "ruin the broadcaster financially." Given the public standing of ZDF, that threat appears to have been no more than bluster, however it sufficed for the ZDF management to cave in.

Nekrasov expressed his surprise and alarm that Browder had the money and the contacts to so intimidate the backers of the film. But Nekrasov's own position vis-à-vis Browder is now inescapably one of self-defense rather than slinking away. Browder has publicly claimed that the film is flawed by inadmissible fabrications and falsifications. It is Nekrasov's stated intent to take Browder to court for defamation.

But it's now unclear whether "The Magnitsky Case: Behind the Scenes" will be aired on ARTE, the European cultural channel, as scheduled on May 3 given the vast resources Browder has mobilized to prevent its showing.

### **Political Courage**

Faced with objections from the Green bloc, Hautala showed political courage in sponsoring the documentary. She is known for her strong interest in defending human rights globally, including in Russia, and mentioned in her opening remarks that she was the first MEP to call for sanctions against Russia over the death in detention of Sergei Magnitsky and to this day she favors targeted sanctions against human rights violators.

But she has set four operating principles for sanctions to be workable, all of which come down to adhering to the rule of law: the charges must be verifiable, proving the connection of the persons to the violation; they must be transparent, so that everyone can judge the grounds; they must provide access to remedy for the targeted persons; and they must contain a sunset clause or duration period for possible reevaluation of the grounds.

Hautala also mentioned that she is one of 17 MEPs on Russia's retaliatory "black list" of 89 European politicians and influential persons, though she complains that she has never received from Russian authorities the individual justifications on why she is on the list and has no access to a remedy to appeal that arbitrary decision.

Hautala displayed even more courage by admitting to the auditorium several prominent critics of the Browder/Magnitsky story, including Pavel Karpov, one of the two Ministry of Interior officers who were accused by Browder of overseeing the torture and murder of Magnitsky and of doing so to cover up their theft of \$230 million in assets from his Hermitage Capital operation in Moscow which Magnitsky was said to have been investigating.

Karpov used the opportunity to explain his challenge to these allegations as unsubstantiated and how his bringing of defamation charges against Browder in London courts never was heard.

Also, Natalya Veselnitskaya, a Moscow lawyer, was given the floor to issue a lengthy denunciation of Browder for his crimes of egregious tax evasion that were the apparent motive for his creating the Magnitsky controversy.

Veselnitskaya is the attorney of Denis Katsyv, the son of a Vice President of Russian Railways whose assets in the U.S. were frozen under the Magnitsky Act because of allegations that he had somehow enjoyed a share of the purloined Hermitage Capital money.

Hautala also allowed in Russian electronic and print media journalists, including, most significantly, Yevgeni Popov, the *Vesti* television presenter and director of a hard-hitting and controversial documentary entitled *The Browder Effect*, which was aired on the flagship Pervy kanal state channel on April 13.

Popov flew in for the European Parliament event and later his interview with Nekrasov on the streets of Brussels was part of a featured news item on the cancellation of the film's screening.

Still, the lengths to which Browder seems prepared to go suggests that the dominant Western narrative of the Magnitsky affair is coming under pressure and that there is growing skepticism even in the West over whether the case is as simple as evil Russian agents murdering a noble investigator.

There finally is some suspicion that perhaps the controversy was manufactured, in part, to cover up possible criminal activity by Browder and to fend off Russian demands for his extradition to face pending prosecution.

Another open question is whether a second allegation against Browder in Popov's documentary can be made to stick: namely that William Browder was a contractor working with/for British intelligence (MI6) and the CIA from 1996 and that since 2006 has been controlling Russia's non-systemic opposition leader Alexei Navalny on a mission to destabilize the Russian government and prepare the way for regime change.

Serious questions, however, have been raised about the authenticity of some of Popov's documents and whether the accusations against Navalny have any merit.

**Gilbert Doctorow is the European Coordinator of The American Committee for East West Accord. His most recent book, *Does Russia Have a Future?* was published in August 2015. © Gilbert Doctorow, 2016**

---

## Hiding the Indonesia Massacre Files

**Exclusive:** Perhaps nowhere does U.S. hypocrisy over human rights stand out more clearly than Indonesia's "Year of Living Dangerously" slaughter of vast numbers of people in 1965, dirty secrets that Jonathan Marshall says finally deserve airing.

By Jonathan Marshall

Now that the Indonesian government has officially opened a probe into what the

CIA called "one of the worst mass murders of the 20<sup>th</sup> century," it's time for the U.S. government to come clean about its own involvement in the orchestrated killing of hundreds of thousands of Communists, ethnic Chinese, intellectuals, union activists and other victims during the mid-1960s.

President Joko Widodo this week instructed one of his senior ministers to begin investigating mass graves that could shed light on the slaughter of more than half a million innocents by soldiers, paramilitary forces and anti-Communist gangs.

That orgy of violence followed the killing of six generals on Sept. 30, 1965, which the Indonesian military blamed on an attempted coup by the Indonesian Communist Party (PKI). It marked the beginning of several decades of military dictatorship and further mass murders in East Timor and West Papua.

The PKI, which had some three million members, and millions more sympathizers, was by the early 1960s the strongest political force in the country aside from the military and the revered father of Indonesia's independence, President Sukarno.

As one CIA adviser warned in 1963, "If the PKI is able to maintain its legal existence . . . Indonesia may be the first Southeast Asia country to be taken over by a popularly based, legally elected communist government." Two years later, the military-led bloodbath put an end to that threat.

Indonesia's government, whose leaders include military veterans of that era, still refuses to open criminal investigations into the mass murder, as called for in 2012 by Indonesia's National Commission on Human Rights.

But some survivors nonetheless welcome the chance to expose truths that have been vigorously suppressed over the years by mass political arrests, press censorship, and pervasive indoctrination programs in the country's schools.

### **Hiding Secrets**

To help tell the whole story, Indonesia's human rights commission and major international human rights organizations have called on the Obama administration to declassify U.S. government documents related to the massacres, as it did recently with respect to Argentina's "dirty war" from 1976-83.

But President Obama, like his predecessors, has so far been reluctant to shed light on tragic events in Indonesia more than half a century ago.

"The extent of America's role remains hidden behind a wall of secrecy," complained Joshua Oppenheimer, maker of two acclaimed documentaries about the

massacres: “The Act of Killing” and “The Look of Silence.”

“C.I.A. documents and U.S. defense attaché papers remain classified. Numerous Freedom of Information Act requests for these documents have been denied,” he observed. “If the U.S. government recognizes the genocide publicly, acknowledges its role in the crimes, and releases all documents pertaining to the issue, it will encourage the Indonesian government to do the same.”

It’s easy to guess why Washington is so reluctant to bare the truth. The limited number of documents that *have* been released suggest that U.S. officials goaded Indonesia’s military into seizing power in 1965 and then liquidating PKI supporters throughout the archipelago. The full record could look even uglier.

Indonesia became a focus of U.S. strategic concerns as far back as 1940, when Imperial Japan threatened its immensely valuable rubber plantations, tin mines, and oil wells. President Franklin Roosevelt’s showdown with Tokyo, which culminated in the Pearl Harbor attack, stemmed from his determination to resist the loss of the islands’ strategic resources. Years later, Richard Nixon would call Indonesia “by far the greatest prize in the South-East Asian area.”

Prompted by its appreciation of Indonesia’s value, the Eisenhower administration financed a full-scale but unsuccessful military rebellion in 1958 against the neutralist Sukarno government. The Kennedy administration tried to patch up relations, but President Lyndon Johnson – angered at the regime’s threat to U.S. rubber and oil companies as well as Sukarno’s friendly relations with the PKI – cut off economic aid while continuing training and assistance to the anti-Communist military.

As one senior State Department official testified in executive session before Congress just a few months before the 1965 coup, explaining the administration’s proposal to increase military aid, “When Sukarno leaves the scene, the military will probably take over. We want to keep the door open.”

### **Prompting the Slaughter**

To prompt the army to act against Sukarno, U.S., British, and Australian intelligence operatives planted phony stories about PKI plots to assassinate army leaders and import weapons from Communist China to launch a revolt – elements of a “strategy of tension” that would later be used in Chile.

According to former CIA officer Ralph McGehee, the CIA “was extremely proud” of its campaign and “recommended it as a model for future operations.”

Months after the bloodbath began, the well-connected associate editor of the *New York Times*, James Reston, would write, “Washington is being careful not to claim

any credit" for the coup "but this does not mean that Washington had nothing to do with it."

The events that triggered the military takeover remain murky even today, thanks to the regime's systematic suppression of evidence. What seems clear, however, is that the PKI was largely caught unprepared when a group of junior officers – acting either on their own or as part of a "false flag" operation mounted by the anti-Communist General Suharto – killed six generals in the name of stopping a right-wing coup against Sukarno.

Suharto and his colleagues quickly arrested the killers, blamed the PKI for the atrocity, and aroused popular outrage by spreading false stories that the murdered generals had been sexually mutilated.

They also charged that Indonesia's Communists were targeting Islamic leaders. In response, the country's largest Muslim organization issued an order to "eliminate all Communists."

On Oct. 5, 1965, U.S. Ambassador to Indonesia Marshall Green informed Washington that Muslim groups were "lined up behind" the army, which "now has opportunity to move against PKI if it acts quickly. . . Momentum is now at peak with discovery of bodies of murdered army leaders. In short, it's now or never."

Green was hopeful: "Much remains in doubt, but it seems almost certain that agony of ridding Indonesia of effects of Sukarno . . . has begun." To help make sure that came to pass, Green advised telling coup leaders of "our desire to be of assistance where we can," while remaining in the shadows.

### **Fanning Flames**

Green proposed fanning the flames of popular anger through covert propaganda: "Spread the story of PKI's guilt, treachery and brutality (this priority effort is perhaps most-needed immediate assistance we can give army if we can find way to do it without identifying it as solely or largely US effort)."

To that end, he later instructed to U.S. Information Agency to use all its resources to "link this horror and tragedy with Peking and its brand of communism; associate diabolical murder and mutilation of the generals with similar methods used against village headmen in Vietnam."

By mid-October, Green reported that the embassy had discussed strategy with Army and Muslim contacts for a "step-by-step campaign not only against PKI but against whole communist/Sukarno clique."

Soon he was reporting the good news: the army had executed hundreds of

Communists and arrested thousands of PKI cadre, with help from Muslim death squads.

“I, for one, have increasing respect for [the army’s] determination and organization in carrying out this crucial assignment,” he wrote.

To help the army succeed, Green endorsed Washington’s decision to bankroll the military’s clean-up operations against the PKI, adding that “the chances of detection or subsequent revelation of our support . . . are as minimal as any black bag operation can be.”

In addition, by December 1965 the U.S. embassy began sending the Indonesian military lists of PKI leaders – facilitating their liquidation.

“It really was a big help to the army,” said Robert J. Martens, a former member of the U.S. Embassy’s political section. “They probably killed a lot of people, and I probably have a lot of blood on my hands, but that’s not all bad. There’s a time when you have to strike hard at a decisive moment.”

In a December 1965 story, *Time* magazine offered the first significant account in the American media of the scope of the killing:

“Communists, red sympathizers and their families are being massacred by the thousands. Backlands army units are reported to have executed thousands of Communists after interrogation in remote jails. Armed with wide-bladed knives called ‘parangs,’ Moslem bands crept at night into the homes of Communists, killing entire families and burying the bodies in shallow graves.

“The murder campaign became so brazen in parts of rural East Java, that Moslem bands placed the heads of victims on poles and paraded them through villages. The killings have been on such a scale that the disposal of the corpses has created a serious sanitation problem in East Java and Northern Sumatra where the humid air bears the reek of decaying flesh.

“Travelers from these areas tell of small rivers and streams that have been literally clogged with bodies. River transportation has at places been seriously impeded.”

By February 1966, the U.S. embassy was estimating that at least 400,000 people had already been killed across the country – more than died from the atomic bomb attacks on Hiroshima and Nagasaki.

### **Media Approval**

C.L. Sulzberger of *The New York Times* remarked in April that “the killing attained a volume impressive even in violent Asia, where life is cheap.”

Speaking for official Washington, in a column titled "A Gleam of Light in Asia," the *New York Times*' James Reston called this bloodbath one of "the more hopeful political developments" in Asia, one that could not have "been sustained without the clandestine aid it has received indirectly from here."

The full extent of that clandestine aid remains a contested question, but historian Bradley Simpson, in a 2008 study of U.S. relations with Indonesia in the 1960s, observed that "declassification of just a fraction of the CIA's records demonstrates that the agency's covert operations in Indonesia were more widespread and insidious than previously acknowledged. These records also reveal that the Johnson administration was a direct and willing accomplice to one of the great bloodbaths of twentieth-century history."

New Mexico's Tom Udall declared last year as he introduced a Senate resolution to promote reconciliation on the 50<sup>th</sup> anniversary of the Indonesian massacres, "the United States and Indonesia must work to close this terrible chapter by declassifying information and officially recognizing the atrocities that occurred. . . ."

"The United States should stand in favor of continued democratic progress for our vital ally Indonesia and allow these historical documents to be disclosed. Only by recognizing the past can we continue to work to improve human rights across the globe."

The world is still waiting on President Obama to heed that call.

**Jonathan Marshall is author or co-author of five books on international affairs, including *The Lebanese Connection: Corruption, Civil War and the International Drug Traffic* (Stanford University Press, 2012). Some of his previous articles for Consortiumnews were "Risky Blowback from Russian Sanctions"; "Neocons Want Regime Change in Iran"; "Saudi Cash Wins France's Favor"; "The Saudis' Hurt Feelings"; "Saudi Arabia's Nuclear Bluster"; "The US Hand in the Syrian Mess"; and "Hidden Origins of Syria's Civil War." ]**

---