

# A USS Liberty's Hero's Passing

On the 52nd anniversary of the attack on the USS Liberty, Ray McGovern focuses on Terry Halbardier, who sent the SOS that saved the ship from Israeli destruction.

*This article was written in 2014 on the occasion of Halbardier's death.*

**By Ray McGovern**

*Special to Consortium News*

**T**erry Halbardier, who as a 23-year old seaman in 1967 thwarted Israeli attempts to sink the USS Liberty, died on Aug. 11 in Visalia, California. It took the U.S. government 42 years after the attack to recognize Halbardier's heroism by awarding him the Silver Star, a delay explained by Washington's determination to downplay Israeli responsibility for the 34 Americans killed and the 174 wounded.

On June 8, 1967, during the Six-Day War, the Israeli military attacked the USS Liberty, an American spy ship which had been monitoring Israeli transmissions about the conflict. Intercepted Israeli communications indicated that the goal was to sink the Liberty and leave no survivors.

Warplanes and torpedo boats had already killed 34 and wounded 174, when Halbardier slid over the Liberty's napalm-glazed deck to jury-rig an antenna and get an SOS off to the Sixth Fleet. The Israelis intercepted the SOS and broke off the attack immediately. In effect, Halbardier prevented the massacre of all 294 onboard. Still, the infamy of the attack

on the Liberty was two-fold.

First, the Liberty, a virtually defenseless intelligence collection platform prominently flying an American flag in international waters, came under deliberate attack by Israeli aircraft and three 60-ton Israeli torpedo boats off the coast of the Sinai on a cloudless June afternoon during the six-day Israeli-Arab war. Second, President Lyndon Johnson called back carrier aircraft dispatched to defend the Liberty lest Israel be embarrassed, the start of an unconscionable cover-up, including top Navy brass, that persists to this day.

Given all they have been through, the Liberty survivors and other veterans who joined Halbardier to celebrate his belated receipt of the Silver Star on May 27, 2009 can be forgiven for having doubted that the day of the hero's recognition would ever come.

In the award ceremony at the Visalia (California) office of Rep. Devin Nunes, the Republican congressman pinned the Silver Star next to the Purple Heart that Halbardier found in his home mailbox three years ago. Nunes said, "The government has kept this quiet I think for too long, and I felt as my constituent he [Halbardier] needed to get recognized for the services he made to his country."

Nunes got that right. Despite the many indignities the Liberty crew has been subjected to, the mood in Visalia was pronouncedly a joyous one of Better (42 years) Late Than Never. And, it did take some time for the moment to sink in: Wow, a gutsy congressman not afraid to let the truth hang out on this delicate issue.

## **Treatment Accorded the Skipper**

I was present that day and I could not get out of my head the contrast between this simple, uncomplicated event and the earlier rigmarole that senior Navy officers went through to pin a richly deserved Medal of Honor on another hero of that day, the Liberty's skipper, Captain William McGonagle.

Although badly wounded by Israeli fire on June 8, 1967, McGonagle was able to keep the bombed, torpedoed, napalmed Liberty afloat and limping toward Malta, where what was left of the bodies of the 34 crewmen killed and the 174 wounded could be attended to. Do the math: yes, killed and wounded amounted to more than two-thirds of the Liberty crew of 294.

I remembered what a naval officer involved in McGonagle's award ceremony told one of the Liberty crew: "The government is pretty jumpy about Israel the State Department even asked the Israeli ambassador if his government had any objections to McGonagle getting the medal."

When McGonagle received his award, the White House (the normal venue for a Medal of Honor award) was all booked up, it seems, and President Lyndon Johnson (who would have been the usual presenter) was unavailable.

So it fell to the Secretary of the Navy to sneak off to the Washington Navy Yard on the banks of the acrid Anacostia River, where he presented McGonagle with the Medal of Honor and a citation that described the attack but not the identity of the attackers.

Please don't misunderstand. The Liberty crew is not big on ceremony. They are VERY-not-big on politicians who wink when

Navy comrades are killed and wounded at sea. The Liberty survivors are big on getting the truth out about what actually happened that otherwise beautiful day in June 1967.

The award of the Silver Star to Terry Halbardier marked a significant step in the direction of truth telling. Halbardier said he accepted his Silver Star on behalf of the entire 294-man crew. He and fellow survivor Don Pageler expressed particular satisfaction at the wording of the citation, which stated explicitly – with none of the usual fudging – the identity of the attackers: “The USS Liberty was attacked by Israeli aircraft and motor torpedo boats in the East Mediterranean Sea.”

In the past, official citations, like Captain McGonagle’s, had avoided mentioning Israel by name when alluding to the attack. I think former U.S. Ambassador Edward Peck put it best in condemning this kind of approach as “obsequious, unctuous subservience to the peripheral interests of a foreign nation at the cost of the lives and morale of our own service members and their families.” Strong words for a diplomat. But right on.

### **Just a Guy From Texas**

Were it not for Halbardier’s bravery, ingenuity, and technical expertise, the USS Liberty would surely have sunk, taking down much if not all of the crew.

You see, the first thing the Israeli aircraft bombed and strafed were the Liberty’s communications antennae and other equipment. They succeeded in destroying all the antennae that were functional. One antenna on the port side, though, had been out of commission and had escaped damage.

In receiving the Silver Star, Halbardier made light of his heroism, claiming that he was just a guy from Texas who could do a whole lot with simple stuff like baling wire. (In the infantry we called this kind of thing a "field expedient.")

In any case, with his can-do attitude and his technical training, he figured he might be able to get that particular antenna working again. But first he would have to repair a cable that had been destroyed on deck and then connect the antenna to a transmitter.

The deck was still being strafed, but Halbardier grabbed a reel of cable, ran out onto the deck, and attached new cable to the antenna so a radioman could get an SOS out to the Sixth Fleet in the Mediterranean.

Voila. "Mayday" went out; almost immediately the Israeli aircraft and torpedo ships broke off the attack and went back to base; the Israeli government sent a quick apology to Washington for its unfortunate "mistake;" and President Johnson issued orders to everyone to make believe the Israelis were telling the truth, or at least to remain silent.

To their discredit, top Navy brass went along, and the Liberty survivors were threatened with court martial and prison if they so much as mentioned to their wives what had actually happened. They were enjoined as well from discussing it with one another.

As Liberty crewman Don Pageler put it, "We all headed out after that, and we didn't talk to each other." The circumstances were ready-made for serious Post-Traumatic

Stress Disorder.

The stories shared by Liberty survivors after the award ceremony, including descriptions of the macabre but necessary effort to reassemble torpedoed body parts, and the plague of survivor's guilt, were as heart-rending as any I have heard. They are stories that should be shared more widely for those muzzled far too long.

These were the deep emotional scars to supplement the ones all over Halbardier's body, some of which he uncovered when asked by the local press gathered there in Visalia. Typically, Halbardier made light of the shrapnel that had to be plucked out of his flesh, emphasizing that he was lucky compared to some of the other crew.

### **No Mistake**

Despite Israeli protestations, the accumulated evidence, including intercepted voice communications, is such that no serious observer believes Israel's "Oops" excuse of a terrible mistake. The following exchanges are excerpts of testimony from U.S. military and diplomatic officials given to Alison Weir, founder of "If Americans Knew" and author of *American Media Miss the Boat*:

Israeli pilot to ground control: "This is an American ship. Do you still want us to attack?"

Ground control: "Yes, follow orders."

"But sir, it's an American ship, I can see the flag!"

Ground control: "Never mind; hit it!"

Haviland Smith, a CIA officer stationed in Beirut during the

Six-Day War, says he was told that the transcripts were "deep-sixed," because the U.S. government did not want to embarrass Israel.

Equally telling is the fact that the National Security Agency (NSA) destroyed voice tapes seen by many intelligence analysts, showing that the Israelis knew exactly what they were doing. I asked a former CIA colleague, who was also an analyst at that time, what he remembered of those circumstances. Here is his e-mail reply:

"The chief of the analysts studying the Arab-Israeli region at the time told me about the intercepted messages and said very flatly and firmly that the pilots reported seeing the American flag and repeated their requests of confirmation of the attack order. Whole platoons of Americans saw those intercepts. If NSA now says they do not exist, then someone ordered them destroyed."

One need hardly add at this point that the destruction of evidence without investigation is an open invitation to repetition in the future. Think the more recent torture-interrogation videotapes.

As for the legal side: the late Captain Ward Boston, unburdened himself on his accomplice role as the Navy lawyer appointed as senior counsel to Adm. Isaac Kidd, who led a one-week (!) investigation and then followed orders to pronounce the attack on the Liberty a case of "mistaken identity." Boston signed a formal declaration on Jan. 8, 2004, in which he said he was "outraged at the efforts of the apologists for Israel in this country to claim that this attack was a case of 'mistaken identity.'" Boston continued:

“The evidence was clear. Both Adm. Kidd and I believed with certainty that this attack was a deliberate effort to sink an American ship and murder its entire crew. Not only did the Israelis attack the ship with napalm, gunfire, and missiles, Israeli torpedo boats machine-gunned three lifeboats that had been launched in an attempt by the crew to save the most seriously wounded, a war crime

“I know from personal conversations I had with Adm. Kidd that President Lyndon Johnson and Secretary of Defense Robert McNamara ordered him to conclude that the attack was a case of ‘mistaken identity’ despite overwhelming evidence to the contrary.”

W. Patrick Lang, Col., USA (ret.), who was the Defense Intelligence Agency’s top analyst for the Middle East for eight years, recounted the Israeli air attacks as follows: “The flight leader spoke to his base to report that he had the ship in view, that it was the same ship he had been briefed on, and that it was clearly marked with the U.S. flag

“The flight commander was reluctant. That was very clear. He didn’t want to do this. He asked them a couple of times, ‘Do you really want me to do this?’ I’ve remembered it ever since. It was very striking. I’ve been harboring this memory for all these years.”

Lang, of course, is not alone. So too Terry Halbardier, who told those assembled at his Silver Medal award ceremony, “I think about it [the attack on the Liberty] every day.”

**Why Sink the Ship?**



What we know for sure is, as the independent commission headed by former Chairman of the Joint Chiefs of Staff, Adm. Thomas Moorer put it, the attack “was a deliberate attempt to destroy an American ship and kill her entire crew.”

What we do not know for sure is why the Israelis wanted that done. Has no one dared ask the Israelis? One view is that the Israelis did not want the United States to find out they were massing troops to seize the Golan Heights from Syria and wanted to deprive the U.S. of the opportunity to argue against such a move.

James Bamford offers an alternative view in his excellent book, *Body of Secrets*. Bamford adduces evidence, including reporting from an Israeli journalist eyewitness and an Israeli military historian, of wholesale killing of Egyptian prisoners of war at the coastal town of El Arish in the Sinai.

The Liberty was patrolling directly opposite El Arish in international waters but within easy range to pick up intelligence on what was going on there. And the Israelis were well aware of that. But the important thing here is not to confuse what we know (the deliberate nature of the Israeli attack) with the ultimate purpose behind it, which remains open to speculation.

Also worth noting is the conventional wisdom prevalent in our Fawning Corporate Media (FCM) that Egypt forced Israel into war in June 1967. An excellent, authoritative source has debunked that, none other than former Israeli Prime Minister Menachem Begin! In an unguarded moment in 1982, when he was prime minister, he admitted publicly:

“In June 1967, we had a choice. The Egyptian army concentrations in the Sinai approaches do not prove that [Egyptian President] Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him.”

Thus, the Israeli attack admittedly amounted to starting a war of aggression, and the occupied West Bank territories and the Golan Heights gained by the Israelis in the 1967 war remain occupied to this day. The post World War II tribunal at Nuremberg distinguished a “war of aggression” from other war crimes, terming it the “supreme international crime, differing from other war crimes only in that it contains the accumulated evil of the whole.”

Perhaps the attempt to sink the Liberty and finish off all survivors qualifies as one of those accumulated evils. Terry Halbardier summed it up this way when he was awarded his Silver Star: “There’s lots of theories but let’s just say they didn’t want us listening in to what they wanted to do.”

### **Getting Away With Murder**

In sum, on June 8, 1967, the Israeli government learned that it could get away with murder, literally, and the crime would be covered up, so strong is the influence of the Israel Lobby in our Congress, and indeed, in the White House. And those USS Liberty veterans who survived well enough to call for an independent investigation have been hit with charges of, you guessed it, anti-Semitism.

Does all this have relevance today? Of course. Israeli Prime Minister Benjamin Netanyahu understands that there is little

that Israel could do that would earn the opprobrium of the U.S. Congress or retaliation from the White House, whether it's building illegal settlements or slaughtering civilians in Gaza. The Israelis seem convinced they remain in the catbird's seat, largely because of the Israel Lobby's influence with U.S. lawmakers and opinion makers.

One of the few moments when a U.S. official has had the audacity to face Israel down came from significantly a U.S. Navy admiral. In early July 2008, Chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, was sent to Israel to read the riot act to then-Israeli Prime Minister Ehud Olmert, who seemed to be itching to start hostilities with Iran while President George W. Bush was in office.

We learned from the Israeli press that Mullen, fearing some form of Israeli provocation, went so far as to warn the Israelis not to even think about another incident like the attack on the USS Liberty on June 8, 1967, that the Israelis should disabuse themselves of the notion that U.S. military support would be knee-jerk automatic if Israel somehow provoked open hostilities with Iran.

This is the only occasion I am aware of in which a U.S. official of such seniority braced Israel about the Liberty incident. A gutsy move, especially with Vice President Dick Cheney and national security aide Elliott Abrams then in the White House, two hawks who might well bless, or even encourage, an Israeli provocation that would make it very difficult for Washington to avoid springing to the defense of its "ally."

The Israelis know that Mullen knows that the attack on the

Liberty was deliberate. Mullen could have raised no more neuralgic an issue to take a shot across an Israeli bow than to cite the attack on the Liberty. The *Jerusalem Post* reported that Mullen cautioned that a Liberty-type incident must be avoided in any future military actions in the Middle East.

Perhaps Mullen had learned something from the heroism of Terry Halbardier

**Ray McGovern works with Tell the Word, the publishing arm of the ecumenical Church of the Saviour in inner-city Washington. After serving as an Army infantry/intelligence officer, he spent a 27-year career as a CIA analyst. He is co-founder of Veteran Intelligence Professionals for Sanity (VIPS).**

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## The Real Bob Mueller

Robert Mueller Wednesday implied he would have indicted Donald Trump if he could have, resurrecting his saint-like status among Democrats who will now likely go for impeachment. But who is the real Bob Mueller? Ex-FBI official Coleen Rowley explained on June 6, 2017.

**By Coleen Rowley**

*Special to Consortium News*

**June 6, 2017**



Mainstream commentators display amnesia when they describe former FBI Directors Robert Mueller and James Comey as stellar and credible law enforcement figures. Perhaps if they included J. Edgar Hoover, such fulsome praise could be put into proper perspective.

Although these Hoover successors, now occupying center stage in the investigation of President Trump, have been hailed for their impeccable character by much of Official Washington, the truth is, as top law enforcement officials of the George W. Bush Administration (Mueller as FBI Director and James Comey as Deputy Attorney General), both presided over post-9/11 cover-ups and secret abuses of the Constitution, enabled Bush-Cheney fabrications used to launch wrongful wars, and exhibited plain vanilla incompetence.

*TIME Magazine* would probably have not called my own disclosures a "bombshell memo" to the Joint Intelligence Committee Inquiry in May 2002 if it had not been for Mueller's having so misled everyone after 9/11. Although he bore no personal responsibility for intelligence failures before the attack, since he only became FBI Director a week before, Mueller denied or downplayed the significance of warnings that had poured in yet were all ignored or mishandled during the Spring and Summer of 2001.

Bush Administration officials had circled the wagons and refused to publicly own up to what the 9/11 Commission eventually concluded, "that the system had been blinking red." Failures to read, share or act upon important intelligence, which a FBI agent witness termed "criminal

negligence" in later trial testimony, were therefore not fixed in a timely manner. (Some failures were never fixed at all.)

Worse, Bush and Cheney used that post 9/11 period of obfuscation to "roll out" their misbegotten "war on terror," which only served to exponentially increase worldwide terrorism.

### **Unfulfilled Promise**

I wanted to believe Director Mueller when he expressed some regret in our personal meeting the night before we both testified to the Senate Judiciary Committee. He told me he was seeking improvements and that I should not hesitate to contact him if I ever witnessed a similar situation to what was behind the FBI's pre 9/11 failures.

A few months later, when it appeared he was acceding to Bush-Cheney's ginning up intelligence to launch the unjustified, counterproductive and illegal war on Iraq, I took Mueller up on his offer, emailing him my concerns in late February 2003. Mueller knew, for instance, that Vice President Dick Cheney's claims connecting 9/11 to Iraq were bogus yet he remained quiet. He also never responded to my email.

Beyond ignoring politicized intelligence, Mueller bent to other political pressures. In the aftermath of the 9/11 attacks, Mueller directed the "post 9/11 round-up" of about 1,000 immigrants who mostly happened to be in the wrong place (the New York City area) at the wrong time. FBI Headquarters encouraged more and more detentions for what seemed to be essentially P.R. purposes. Field offices were

required to report daily the number of detentions in order to supply grist for FBI press releases about FBI “progress” in fighting terrorism. Consequently, some of the detainees were brutalized and jailed for up to a year despite the fact that none turned out to be terrorists.

## **A History of Failure**

Long before he became FBI Director, serious questions existed about Mueller’s role as Acting U.S. Attorney in Boston in effectively enabling decades of corruption and covering up of the FBI’s illicit deals with mobster Whitey Bulger and other “top echelon” informants who committed numerous murders and crimes. When the truth was finally uncovered through intrepid investigative reporting and persistent, honest judges, U.S. taxpayers footed a \$100 million court award to the four men framed for murders committed by (the FBI-operated) Bulger gang.

Current media applause omits the fact that former FBI Director Mueller was the top official in charge of the Anthrax terror fiasco investigation into those 2001 murders, which targeted an innocent man (Steven Hatfill) whose lawsuit eventually forced the FBI to pay \$5 million in compensation. Mueller’s FBI was also severely criticized by Department of Justice Inspector Generals finding the FBI overstepped the law improperly serving hundreds of thousands of “national security letters” to obtain private (and irrelevant) metadata on citizens, and for infiltrating nonviolent anti-war groups under the guise of investigating “terrorism.”

For his part, Deputy Attorney General James Comey, too, went

along with the abuses of Bush and Cheney after 9/11 and signed off on a number of highly illegal programs including warrantless surveillance of Americans and torture of captives. Comey also defended the Bush Administration's three-year-long detention of an American citizen without charges or right to counsel.

Up to the March 2004 night in Attorney General John Ashcroft's hospital room, both Comey and Mueller were complicit with implementing a form of martial law, perpetrated via secret Office of Legal Counsel memos mainly written by John Yoo and predicated upon Yoo's singular theories of absolute "imperial" or "war presidency" powers, and requiring Ashcroft every 90 days to renew certification of a "state of emergency."

### **The Comey/Mueller Myth**

What's not well understood is that Comey's and Mueller's joint intervention to stop Bush's men from forcing the sick Attorney General to sign the certification that night was a short-lived moment. A few days later, they all simply went back to the drawing board to draft new legal loopholes to continue the same (unconstitutional) surveillance of Americans.

The mythology of this episode, repeated endlessly throughout the press, is that Comey and Mueller did something significant and lasting in that hospital room. They didn't. Only the legal rationale for their unconstitutional actions was tweaked.

Mueller was even okay with the CIA conducting torture programs after his own agents warned against participation.



Agents were simply instructed not to document such torture, and any “war crimes files” were made to disappear. Not only did “collect it all” surveillance and torture programs continue, but Mueller’s (and then Comey’s) FBI later worked to prosecute NSA and CIA whistleblowers who revealed these illegalities.

Neither Comey nor Mueller – who are reported to be “joined at the hip” – deserve their current lionization among politicians and mainstream media. Instead of Jimmy Stewart-like “G-men” with reputations for principled integrity, the two close confidants and collaborators merely proved themselves, along with former CIA Director George “Slam Dunk” Tenet, reliably politicized sycophants, enmeshing themselves in a series of wrongful abuses of power along with official incompetence.

It seems clear that based on his history and close “partnership” with Comey, called “one of the closest working relationships the top ranks of the Justice Department have ever seen,” Mueller was chosen as Special Counsel not because he has integrity but because he will do what the powerful want him to do.

Mueller didn’t speak the truth about a war he knew to be unjustified. He didn’t speak out against torture. He didn’t speak out against unconstitutional surveillance. And he didn’t tell the truth about 9/11. He is just “their man.”

**Coleen Rowley, a retired FBI special agent and division legal counsel whose May 2002 memo to then-FBI Director Robert Mueller exposed some of the FBI’s pre-9/11 failures, was named one of TIME magazine’s “Persons of the Year” in**

2002. Her 2003 letter to Robert Mueller in opposition to launching the Iraq War is archived in full text on the NYT and her 2013 op-ed entitled “Questions for the FBI Nominee” was published on the day of James Comey’s confirmation hearing. This piece will also be cross-posted on Rowley’s Huffington Post page.)

Relevant links:

<http://content.time.com/time/covers/0,16641,20020603,00.html>

[http://govinfo.library.unt.edu/911/report/911Report\\_Ch8.pdf](http://govinfo.library.unt.edu/911/report/911Report_Ch8.pdf)

<http://www.nytimes.com/2006/03/21/us/nationalspecial3/fbi-agent-testifies-superiors-didnt-pursue-moussaoui.html>

<http://www.truth-out.org/archive/component/k2/item/68973:the-iraq-effect-war-has-increased-terrorism-sevenfold-worldwide>

<http://www.dailymail.co.uk/news/article-3322308/Number-people-killed-terrorists-worldwide-soars-80-just-year.html>

<http://www.nytimes.com/2003/03/05/politics/full-text-of-fbi-agents-letter-to-director-mueller.html>

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<http://www.foxnews.com/opinion/2017/05/19/gregg-jarrett-why-robert-mueller-should-resign-as-special-counsel.html>

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The Revelations of WikiLeaks: No. 3—The Most Extensive Classified Leak in

# History

The “Iraq War Logs” disgorged an unprecedented profusion of documents, military reports and videos, reports Patrick Lawrence.

**By [Patrick Lawrence](#)**

*Special to Consortium News*



**F**or *WikiLeaks*, 2010 was an exceptionally eventful year. In April the transparency organization [released “Collateral Murder,”](#) the video of U.S. Army helicopters as they shot more than a dozen Iraqis in Baghdad. That proved a worldwide shock and put the 4-year-old publisher on the global media map.

[“Afghan War Diaries,”](#) a cache of 75,000 documents, followed in July.

Three months later, on Oct. 22, 2010, *WikiLeaks* released an even more explosive trove: 391,831 documents and videos it named [“Iraq War Logs.”](#) This superseded “Afghan War Diaries” as by far the most extensive leak of classified material in U.S. history. It shone a stark light on the U.S.–led coalition’s conduct in Iraq after its 2003 invasion, when the nation had erupted into a violent sectarian war. Julian Assange, *WikiLeaks* founder, [said](#) the Logs “constituted the most comprehensive and detailed account of any war ever to have entered the public record.”

The source for the “Iraq War Logs” was once again Chelsea Manning, who by then was in a military prison awaiting trial on charges connected to “Collateral Murder” that wound up including 22 counts of theft, assisting the publication of

classified intelligence and aiding the enemy.

## **The Documents**

With the publication of the “Iraq War Logs,” *WikiLeaks* disgorged an unprecedented profusion of documents, military reports and videos.

The Logs cover the six-year period from Jan. 1, 2004, (a matter of months after the 2003 invasion) to Dec. 31, 2009.

*WikiLeaks* partnered with *The New York Times*, *The Guardian*, *Der Spiegel*, *Al Jazeera* and *Le Monde* to disseminate the Iraq Logs.

Taken together, the Logs portray Iraq under allied occupation as the scene of lawless mayhem and violence. Codes of conduct were routinely ignored, shootings were often indiscriminate and torture of detainees was regularly treated as acceptable practice. Innocent civilians were under constant threat of U.S.-led coalition gunfire and arrest, interrogation, and mistreatment by allied military units and the Iraqi army and police.

Among the Logs’ most significant revelations:

### **Torture of Detainees**

The Iraqi military and police systematically tortured prisoners – including women, children and other civilians – with the tacit approval (and at times the complicity) of U.S. forces. On numerous occasions U.S. troops were directly responsible for the torture of detainees. Here is a typical report of prisoner abuse by a Special Operations unit. The incident occurred on Feb. 2, 2006; the report conveys the routine fashion in which the coalition treated such events.

The detainees name, the Special Operations unit's name, and the location of the incident are deleted:

ALLEGED DETAINEE ABUSE BY TF \_\_\_ IN \_\_\_ 2006-02-02 17:50:00

AT 2350C, IN \_\_\_, WHILE CONDUCTING OUT-PROCESSING, DETAINEE # \_\_\_ REPORTED THAT HE WAS ABUSED DURING HIS CAPTURE. DETAINEE IS MISSING HIS RIGHT EYE, AND HAS SCAR\_\_\_ ON HIS RIGHT FOREARM. DETAINEE STATES THAT HIS INJURIES ARE A RESULT OF THE ABUSE THAT HE RECEIVED UPON CAPTURE. DIMS INDICATE THAT THE DETAINEE WAS CAPTURED ON \_\_\_ IN \_\_\_, AND THE CAPTURING UNIT WAS TASK FORCE \_\_\_. THE DETAINEES CAPTURE TAG NUMBER IS \_\_\_. IN PROCESSING PERSONNEL STATE THAT THE DETAINEE\_\_\_ CAPTURE PHOTO DEPICTS A BANDAGE OVER HIS RIGHT EYE, AND INJURY TO HIS RIGHT FOREARM. THE DETAINEE HAS COMPLETED THE DETAINEE ABUSE COMPLAINT FORM, AND WE ARE SEEKING A SWORN STATEMENT FROM THE DETAINEE. PER ORDER OF Task force \_\_\_, THE DETAINEE \_\_\_ TRANSFERRED AS SCHEDULED, AND CONTINUE CID INVESTIGATION UPON ARRIVAL AT \_\_\_ GHRAIB.

There are many thousands of similar reports detailing the violent misconduct of coalition and Iraqi forces.

Among *WikiLeak's* key revelations, scarcely mentioned in U.S. media reports, were the American army's secret orders effectively requiring U.S. military units to ignore thousands of cases of "green-green" torture, violence and murder – incidents involving Iraqi detainees held at Iraqi army bases, police stations and prisons. The list of common green-green practices makes repellent reading. Accounts of such incidents, sometimes accompanied by video shot as they occurred, detail beatings of blindfolded prisoners; stabbings; electrocutions; whippings with wires; and sodomy with hoses, water bottles and other objects.

The first U.S. orders covering these incidents were issued

in June 2004, two months after the torture practices of U.S. troops at Abu Ghraib broke into the news. The orders were called Frago 242, meaning “fragmentary orders.” Providing there was no U.S. involvement in an incident, American forces were told not to investigate it “unless directed by higher headquarters,” or HHQ. Frago 039, a subsequent order issued in April 2005, required U.S. troops to report green-green incidents; U.S. troops would report more than 1,300 cases of green-green torture to their commanding officers. But, once again, they were ordered to take no further action. Frago 242 and 039 were clear breaches of U.S. responsibility in Iraq.

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Here is an example of the reports U.S. forces routinely filed after Frago 242 and Frago 039 were issued. It recounts the apparent murder of a detainee while in Iraqi custody. The incident occurred on Aug. 9, 2009, in Ramadi. Iraqi officials termed the detainee’s death a suicide, while the U.S. report found the detainee’s injuries “consistent with abuse.” The U.S. military closed the case the following October; there is no indication any action was taken:

Date: 2009-08-27 09:00:00

Type: Suspicious Incident

Category: Other

Tracking no.: 20090827090038SLB413998

Title: (SUSPICIOUS INCIDENT) OTHER RPT RAMADI IRAQI CTU : 1 UE KIA

Summary: WHO: RAMADI PGC TT

WHAT: Reports possible detainee abuse

WHEN: 270900C AUG 09

WHERE: Iraqi CTU in Ramadi IVO (38S LB 413 998)

HOW: At 270900C AUG 09, the PGC TT reports possible detainee abuse IVO (38S LB 413 998). On 26 Aug 09, a PGC TT (which included a USN Corpsman) conducted a post mortem visual examination of JASIM MOHAMMED AHMED AL-SHIHAWI, an individual arrested in conjunction with a VBIED interdicted NE of Camp Taqaddum (SIGACT Entry DTG: 241130CAug09). The detainee was transferred from the IHP in Saqlawiah to the Iraqi CTU in Ramadi for questioning and while in custody, reportedly committed suicide. The PGC TT personnel conducting the post mortem examination found bruises and burns on the detainee's body as well as visible injuries to the head, arm, torso, legs, and neck. The PGC TT report the injuries are consistent with abuse. The CTU/IP have reportedly begun an investigation into the detainees death. An update will be posted when more information becomes available. The SIR is attached.

CLOSED 20091019

On Oct. 24, 2010, two days after *WikiLeaks* published the "Iraq War Logs," [Al Jazeera released](#) "U.S. Turns a Blind Eye to Torture." The video details the Frago 242 and 039 stipulations as revealed in the Logs. While some incidents were eventually investigated – apparently including the one in Ramadi – there is no record of Iraqi personnel receiving a sentence for misconduct. The *Al Jazeera* report traces knowledge of the orders to "the highest levels of the U.S. government" – including, the video makes plain, Donald Rumsfeld, then defense secretary.

## **Civilian Deaths**



For the first two years following the 2003 invasion, U.S. military authorities denied keeping records of civilian deaths in Iraq. Only in 2005, when the Defense Department began reporting statistics to Congress, did it emerge that the military had in fact compiled such records. But the DoD's reports were too imprecise to constitute a reliable record: Deaths and injuries were combined, as were civilian and Iraqi army casualties. And the official numbers were consistently lower than other contemporaneous figures, according to Iraq Body Count, an investigative nongovernmental group based in London. In the five-year period the Logs cover, U.S. military logs put the number of Iraqi casualties at 109,032, some 60,000 of whom were civilians.

The "Iraq War Logs" did much to clarify the casualty question. In a [detailed report](#), Iraq Body Count said the Logs made it possible, for the first time, to combine disparately sourced data to build a significantly more complete picture.

Iraq Body Count estimated that the Logs "will add in the order of 15,000 previously unrecorded Iraqi civilian deaths to the public record." It concluded: "A final accounting of the human tragedies contained in the Iraq War Logs will require much time and painstaking effort, but it is now at least possible."

### **Checkpoint Incidents**

"Iraq War Logs" include nearly 14,000 incidents the U.S. military labeled "escalation of force" events. This principle requires military units to take a series of non-

lethal steps before resorting to deadly force. These incidents occurred in a variety of circumstances. The Logs underscore the frequency of them at U.S. military checkpoints or near U.S. convoys and patrols. These incidents appear to reflect the U.S. military's often random, undisciplined use of force during the period covered in the Logs.

The Logs reveal that some 680 Iraqi civilians were fatally shot in such incidents; roughly 2,000 others were injured. Casualties included families, pregnant women, and physically or mentally impaired Iraqis. These incidents commonly involved innocent people who unwittingly strayed too close to a U.S. checkpoint. They very often reflected disproportionate use of force by U.S. troops.

*Al Jazeera* published a thorough [report](#) on checkpoint shootings on Oct. 23, 2010, the day after *WikiLeaks* released the Logs. The *Daily Telegraph* published a [report](#) on Oct. 24 detailing numerous similar cases. Both noted an incident described in the Logs and dating to September 2005. It is more typical than exceptional. Here is a portion of *Al Jazeera's* report:

“In September 2005, after going through an appropriate escalation, two soldiers from the 1-155<sup>th</sup> infantry opened fire on an approaching vehicle with M249 machine guns. Both poured 100 bullets into the car—five or six seconds of sustained fire from a gun capable of shooting 1,000 rounds per minute.”

The shooting killed a man and a woman in the car's front seat and wounded children aged 6 and 9 in the rear seat.

“Relatives of those killed,” *Al Jazeera* notes, “were later awarded \$10,000 compensation from the U.S. military, which found the soldiers violated their rules of engagement.”

*Al Jazeera*'s analysis of the Logs indicated that the number of escalation-of-force incidents fell sharply in 2008, to fewer than 1,600 from more than 3,500 the previous year. “That was due, in part, to new rules intended to protect civilians—but also because Iraqi security forces, instead of Americans, had taken over an increasing number of checkpoints,” *Al Jazeera*'s Gregg Carlstrom wrote. “‘Escalation of force’ incidents by Iraqi troops are not often reported by the U.S. military.”

### **Shootings from Helicopter Gunships**

The Apache helicopter videotaped and featured in “Collateral Murder” was known as Crazy Horse 18. The Logs reveal that several Apaches in the Crazy Horse unit conducted a series of fatal attacks in addition to the July 2007 incident recorded in the video released as “Collateral Murder” in April 2010. The most noted of these sheds light on the legal rationale U.S. forces often claimed to justify their conduct.

The incident occurred near Baghdad on Feb. 22, 2007, when Apache 18's crew identified two insurgents on the ground below the aircraft who were trying to surrender. While tracking the two men, Apache 18's crew radioed a military attorney at a nearby air base to seek legal guidance. “Lawyer states they cannot surrender to aircraft and are still valid targets,” the Logs entry reads. Crazy Horse

first launched a Hellfire missile at the insurgents. They were killed by a 30mm cannon in a subsequent strafing run.

“Iraq War Logs” comprises reports and other documents detailing a very wide range of incidents during the five years of military engagement they cover. In releasing the Logs, *WikiLeaks* classified them under various headings, indicating the number of incidents in each category. “Enemy Action” records 104,272 events. There were 31,234 “Criminal Events” and 1,328 reports of “Friendly Fire.” The *WikiLeaks* site includes a [search engine](#) that greatly facilitates research in the vast trove of [documents](#) it sent into the public domain on Oct. 22, 2010.

## **Official Reaction**

Because Assange had announced the imminent publication of “Iraq War Logs,” U.S. officials were able to brace for their release, although none knew the size and contents of the Logs or the planned date of publication. A Pentagon spokesman, Col. Dave Lapan, told CNN the Pentagon had a team of 120 experts “who are poised to immediately begin reading any documents on the *WikiLeaks* site.” He added: “We don’t know how these documents might be released, when these documents might be released, in what number they might be released. So we’re sort of preparing for all eventualities.”



Once the Logs were published, official reactions were mixed. While some American and British officials did focus on the troubling contents, most resorted to what amount to boilerplate condemnations of *WikiLeaks* for endangering the lives of military personnel serving in Iraq.

James F. Jeffrey, Washington’s ambassador to Baghdad at the time, said some of what *WikiLeaks* published “may or may not

be 100 percent correct.” As [quoted by The Associated Press](#), he added, “We are very troubled by any claim of any action undertaken – first of all by our own forces, or by our allies and partners, the Iraqi forces.” Jeffrey, it is to be noted, made these remarks before an audience of Iraqis.

Human rights officials at the U.N. called for the U.S. and Iraq to [investigate](#) the many indications of torture found in the Logs, including evidence that U.S. forces continued to turn over detainees to Iraqi authorities despite knowledge that Iraqis were torturing them. In London, Nick Clegg [supported calls](#) for an investigation. Speaking on a [BBC talk show](#), the deputy prime minister at the time added, “We can bemoan how these leaks occurred, but I think the nature of the allegations made are extraordinarily serious. I think anything, anything that suggests that you know basic rules of war and conflict and of engagement have been broken or that torture has in any way been condoned are extremely serious and need to be looked at.”

Many other officials summarily condemned *WikiLeaks* for releasing “Iraq War Logs” – typically without addressing the revelations. In a [videotaped statement](#), Hillary Clinton, as U.S. secretary of state, asserted, “We should condemn in the most clear terms the disclosure of any classified information ... which puts the lives of United State and partner service members at risk.” In a [Twitter message](#) the day of the release, Mike Mullen, then chairman of the joint chiefs of staff, stated flatly, “Another irresponsible posting of stolen classified documents by WikiLeaks puts lives at risk and gives adversaries valuable information.”

Elsewhere, Britain’s Defense Ministry released [an emailed](#)

statement. “We condemn any unauthorized release of classified material,” it read. “This can put the lives of UK service personnel and those of our allies at risk and make the job of Armed Forces in all theaters of operation more difficult and more dangerous. It would be inappropriate to speculate on the specific detail of these documents without further investigation while the Iraq Inquiry is ongoing. There is no place for mistreatment of detainees and we investigate any allegation made against our troops...”

In Baghdad, Iraqi Prime Minister Nouri al-Maliki accused WikiLeaks of attempting to undermine his effort to form a new government by provoking public animosity “against national parties and leaders, especially against the prime minister.” The Interior Ministry responded more directly to the contents of the Logs. “We will not turn a blind eye to any of these matters,” Deputy Minister Hussein Kamal stated in a Reuters interview. “Everyone responsible for any crimes will be prosecuted and justice will take its course.”

## **Media Response**

The reactions of global media to “Iraq War Logs” were also mixed. All of the media given advance access to the Logs reported on their findings in multiple stories and videos. Notable among these were *Al Jazeera* and *The New York Times*.

*The New York Times* set up an interactive site called “The War Logs,” which featured a search mechanism enabling readers to sift through the Logs’ immense inventory of documents according to topic.

At the same time, the *Times*’ treatment of the Logs was in important respects defective. Alone among major global

media, it effectively erased the complicity of U.S. forces in the torture of Iraqi detainees, sanitizing its reports of such incidents to suggest Iraqi military and police units acted autonomously and without the knowledge of U.S. authorities.

Al Jazeera featured print and video pieces, an index by subject, and a glossary to help readers and viewers decipher often-difficult military terminology.

In the run-up to the release of the “Iraq War Logs,” many news outlets began to focus as much on the *WikiLeaks* organization and Assange’s personality as they did on the publisher’s latest (and most extensive) release – a pattern that has been evident ever since. “Since the publication of the ‘Afghan War Diaries,’ internal strife has wracked *WikiLeaks*,” CNN reported the day the Iraq documents were published. “Some in the mostly secretive group of volunteers – computer security specialists, journalists, aid workers, many with day jobs – have quit, citing disagreements with the way the group conducts business.”

Such reports were numerous and consistently portrayed *WikiLeaks* and its founder in the most unfavorable light possible. Assange and those around him acknowledged “growing pains,” as Assange put it shortly before releasing “Iraq War Logs.” In addition to staff and organizational changes, money had become a challenge by this time. Examining leaks is “a very expensive process,” Assange said at an August press conference in London. Assange’s reference was to roughly 15,000 documents that were withheld awaiting review when *WikiLeaks* released the initial 75,000 documents comprising the “Afghan War Diaries.”



Two pieces of journalism deserve to be singled out.

On the day before *WikiLeaks* published "Iraq War Logs," *Democracy Now!* countered the widespread official accusations that *WikiLeaks*' publications endanger Americans and U.S. national security. "*WikiLeaks* sparked condemnation from the U.S. government when it released the 91,000 Afghan war logs in July," host Amy Goodman noted. "The White House and the Pentagon accused the website of irresponsibility. They claimed they were putting people's lives in danger. But The Associated Press recently obtained a Pentagon letter reporting that no U.S. intelligence sources or practices were compromised by the leak."

The featured guest on the program that day was Daniel Ellsberg, who was passing through New York en route to London, where he was to join Assange in a press conference. The *Democracy Now!* program's virtue lay in connecting *WikiLeaks* to the history of whistleblowing in the U.S.

The man who in 1971 leaked the hidden history of the Vietnam War was eloquent in his defense of Assange and *WikiLeaks* in this context. "I've waited 40 years for a release on this scale," he told Goodman and Juan Gonzalez. "I think there should have been something on the scale of the Pentagon Papers every year. How often do we need this kind of thing? We haven't seen it. So I'm very glad that someone is taking the risk and the initiative to inform us better now."

On the day the Logs were released, *The New York Times* sent Iraqi journalists working in its Baghdad bureau around the country to record the reactions of ordinary Iraqis. The *Times* was careful to explain that it was not a

scientifically conducted opinion poll, but “rather a snapshot of the feelings expressed by some ordinary Iraqis on the streets in the first few hours after the publication.”

The results were published in the *Times*' [“At War” blog](#). They constitute a brief but salient record of how events appeared among people on the receiving end of them – a rarity in American reporting from abroad. Not surprisingly, the *Times* reporters found that most of the Iraqis they interviewed – reports on 34 were published – were grimly aware of the events the “Iraq War Logs” documented and saw justice in their release into the public realm.

“I do not think that what is there is a surprise to Iraqis,” Umm Taha, a 30-year-old translator, said. “What is important is that the facts have become legally installed, and there are documents that no one can deny.”

“These are shameful crimes, and I am sure that the worst were hidden,” said Yahoo Raaid, 38, an engineer in Mosul. “America said that it sent its troops from afar to spread democracy and freedom for Iraqis, but what happened is that Iraq became a center and base for terrorists to settle their problems with their enemies in Iraq.”

Zubaida Hatem, a pharmacist aged 26, said, “I was not shocked by what I heard. Of course it will be a big deal in other countries, but the reason we see it as it is, not as something huge, is because of what we are suffering here inside Iraq. We have witnessed terrible things, so this is nothing compared with the reality on the streets .... It made [me] remember the ones that I lost. My uncle died in the

sectarian violence during 2006, and this reminded me of him. Whenever we want to forget something happens and brings back all the pain.”

**Patrick Lawrence**, a correspondent abroad for many years, chiefly for the *International Herald Tribune*, is a columnist, essayist, author, and lecturer. His most recent book is “Time No Longer: Americans After the American Century” (Yale). Follow him @thefloutist. His web site is [www.patricklawrence.us](http://www.patricklawrence.us). Support his work via [The Floutist](#).

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## US Executive Power and the ‘State of Exception’

After decades of global integration, Dan Steinbock sees imperial presidential policies based on “national security interests” producing majestic mistakes.

## How Carl Schmitt Took Over the White House

By [Dan Steinbock](#)

*Special to Consortium News*



As the controversial German jurist [Carl Schmitt](#) saw it in the interwar Third Reich, legal order ultimately rests upon the decisions of the sovereign, who alone can meet the needs of an

“exceptional” time, transcending the law so that order can then be reestablished. “Sovereign is he who decides on the exception,” he wrote. “All law is situational law.”

In post-Weimar Germany, such ideas contributed to the eclipse of liberal democracy. Following Sept. 11, 2001, similar arguments renewed neoconservative interest in Schmitt and the “state of exception.” In this world the status quo is in a permanent state of exception, as enemies – “adversaries, others and strangers” – will unite “us” against “them.”

In this view, the U.S. response to 9/11 was not unusual because liberal wars are “exceptional.” Rather, it was a manifestation of ever-more violent types of war within the very attempt to fight wars that would end “war” as such.

Similarly, it is politically expedient to legitimize a trade war and other political battles in the name of “national security,” which allows the sovereign to redefine a new order on the basis of a state of exception. Subsequently, a new national security strategy redefines “friends” as “enemies” and “us” as victims who are thus justified to seek justice from our “adversaries” – “them.”

The logic of the state of exception leaves open the question how the White House could establish such a trade war as a sovereign, when such trade wars have not been supported by most of President Donald Trump’s constituencies and have been opposed by much of the Congress and by most Americans.

### **Unitary Executive Theory**

What looms behind the Schmittian White House is a tradition

of conservative thought relying on the unitary executive theory in American constitutional law, which deems that the president possesses the power to control the entire executive branch.

The first administration to make explicit reference to the “unitary executive” was the Reagan administration. Typically, the practice has evolved since the 1970s, when President Richard Nixon decoupled the U.S. dollar from the Bretton Woods gold standard and trade deficits began to rise.

The terrorist attacks of 9/11 allowed the George W. Bush administration to make the unitary executive theory a common feature of signing statements, particularly in the execution of national-security decisions, which divided Capitol Hill and were opposed by most Americans.

In the case of Trump, the need for inflated unitary executive power arose with Special Counsel Robert Mueller’s investigation, which restricted the president’s strategic maneuverability to operate with the Republican Congress in 2017-18 but permitted actions that required only executive power, typically in tax and trade policy.

In this view, efforts at a U.S.-Sino trade compromise may prove more challenging than anticipated, as evidenced by the extended truce talks. Even a trade compromise may prove unlikely to deter subsequent bilateral technology wars, which have been heralded by U.S. actions in the case of Huawei and longstanding efforts to sustain American primacy in 5G technologies. As U.S. production capacity has been offshored since the 1980s, such efforts rely on national

security considerations.

If the trade war is less about trade than about a U.S. effort at economic and strategic primacy, no “concession” may prove enough for the Trump White House, which may be more likely to re-define the status quo on the basis of a national emergency.

### **‘Costly, Mysterious Wars’**

The idea of the “imperial presidency” in America is hardly new, as historian Arthur M. Schlesinger Jr. demonstrated in the Nixon era:

“The weight of messianic globalism was indeed proving too much for the American Constitution ... In fact, the policy of indiscriminate global intervention, far from strengthening American security, seemed rather to weaken it by involving the United States in remote, costly and mysterious wars.”

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Ostensibly moderate administrations, including that of President Barack Obama, have conformed to this rule. During Obama’s first term in office, America expanded its military presence in Afghanistan and increased drone missile strikes across Pakistan, Yemen and Somalia. The administration also deployed the military to combat piracy in the Indian Ocean, engaged in a sustained bombing operation in Libya, and deployed U.S. Special Forces in Central Africa. In these cases, Obama decided to use force without congressional

approval.

During the past half century, amid a series of asset bubbles, a slate of new foreign interventions, the Iraq War debacle and the \$22 trillion U.S. sovereign debt, the imperial presidency has become a target of broader criticism. But why has it grown even harder to challenge?

Certainly, one critical force has been campaign finance and the increasing role of “big money” in American politics. In particular, the Supreme Court’s 5-4 decision in *Citizens United v. Federal Election Commission*, which struck down a federal prohibition on independent corporate campaign expenditures, paved the way for corporate power to override democratic power in the White House.

At the same time, the ultra-rich have begun to play a more active part in politics, with serious consequences for American democracy, as many American political scientists have warned.

In the new status quo, neither 20<sup>th</sup> century American Empire nor 21<sup>st</sup> century Third Reich is needed for majestic policy mistakes. Imperial Presidency will do. Indeed, even the sovereign’s executive power may suffice.

### **Emergency Powers in Time of Peace**

The uses of executive power are likely to go far beyond the current rivalry for artificial intelligence (AI), as evidenced by Trump’s efforts to re-define, re-negotiate or reject major U.S. trade deals on the basis of national security. By the same token, foreign investment reviews will be overshadowed by national security considerations.

As postwar multilateralism has been replaced with unilateralism, the White House sees itself in international strategic competition with other great powers, particularly Russia and China, yet old allies – including Europe and Japan – are not excluded.

Since the U.S. Constitution ensures the president a relatively broad scope of emergency powers that may be exercised in the event of crisis, exigency or emergency circumstances (other than natural disasters, war, or near-war situations), it matters *how* the White House chooses to apply its definition of a “state of exception.”

Under the current, wide definition, it is prudent to expect escalated international trade disputes between the U.S. and other members of the World Trade Organization, even against the WTO itself. Citing diffuse national security reasons, the White House defends its tariffs under the GATT Article XXI; the so-called national security exception.

There is a big difference between the repercussions of such executive decisions in the postwar era and the early 21<sup>st</sup> century. In the past, policy mistakes could penalize the U.S. economy and democracy. After half a century of increasing global interdependency, they can derail global economic prospects.

**Dr. Dan Steinbock is the founder and director of Difference Group and has served at the India, China and America Institute (U.S.), Shanghai Institute for International Studies (China) and the EU Center (Singapore). For more, visit the [Difference Group](#).**

**This commentary draws in part from his new analysis, “U.S.-**



Sino Futures,” released by Chinese Quarterly of International Studies (CQISS).

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

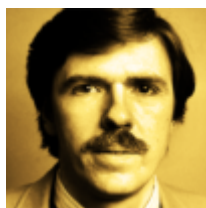
Many comparisons have been made between Russiagate and the earlier scandals of Watergate and Iran-Contra, but the similarities are at best superficial, explained Robert Parry on June 28, 2017.

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

## **Russiagate Is No Watergate or Iran- Contra**

**By Robert Parry**

*Special to Consortium News*



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

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

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

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

Though Watergate is associated directly with the 1972 campaign – when Nixon’s team of burglars was caught inside the Democratic National Committee offices in the Watergate building – Nixon’s formation of that team, known as the Plumbers, was driven by his fear that he could be exposed for sabotaging President Lyndon Johnson’s Vietnam peace talks in 1968 in order to secure the White House that year.

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

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

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

Vietnamese.

## **Iran-Contra Parallels**

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

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

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

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

Reagan administration in 1985-86.

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

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

### **Grasping the Watergate Narrative**

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

Nixon ordered White House chief of staff H.R. “Bob” Haldeman and National Security Adviser Henry Kissinger to locate the

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

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

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

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

Haldeman: "We can't find it."

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

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

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

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

Nixon: "Where?"

Haldeman: “[Presidential aide Tom Charles] Huston swears to God that there’s a file on it and it’s at Brookings.”

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

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

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

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

Kissinger: “I wouldn’t be surprised if Brookings had the files.”

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

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

### **Forming the Burglars**

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

“You talk to Hunt,” Nixon told Haldeman. “I want the break-

in. Hell, they do that. You're to break into the place, rifle the files, and bring them in. Just go in and take it. Go in around 8:00 or 9:00 o'clock."

Haldeman: "Make an inspection of the safe."

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

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

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

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

Through 1972 – and the early days of the Watergate scandal – former President Johnson had stayed silent about Nixon's



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

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

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

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

## **A Failed Investigation**

The 1979-81 hostage confrontation with Iran was not nearly

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

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

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

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

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

related crimes such as the Reagan administration's protection of Contra cocaine traffickers.

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

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

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

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

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

In checking out the Israeli flight, Veliotis came to believe that the Reagan camp's dealings with Iran dated back to before the 1980 election. "It seems to have started in earnest in the period probably prior to the election of

1980, as the Israelis had identified who would become the new players in the national security area in the Reagan administration,” Veliotes said. “And I understand some contacts were made at that time.”

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

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

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

McFarlane and Wolfowitz also maneuvered to put McFarlane in charge of U.S. relations toward Iran and to establish a

clandestine U.S. back-channel to the Israeli government outside the knowledge of even senior U.S. government officials.

### **Another Failed Investigation**

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

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

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

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

of 1980, with one meeting held in Paris in October.

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

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

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

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

## **The Russian Report**

Ironically, another piece of late-arriving evidence was a January 1993 report from a national security committee of the Russian parliament about the Kremlin's intelligence data confirming that key Republicans, including George H.W. Bush and William Casey, had met with Iranian officials in Europe regarding the hostages during the 1980 campaign.

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

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

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

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

The confirmation of Casey's trip was passed along by State

Department legal adviser Edwin D. Williamson to Associate White House Counsel Chester Paul Beach Jr. in early November 1991, just as the October Surprise inquiry was taking shape, according to Beach's "memorandum for record" dated Nov. 4, 1991.

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

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

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

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

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



## **Not Moving the Needle**

However, the Madrid trip revelation and other post-investigation disclosures failed to move the needle on Official Washington's disdain for the October Surprise story.

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

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

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

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

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

Brinkley's article in the fall 1996 issue of Diplomatic Quarterly.

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

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

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

### **Compare and Contrast**

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

In Watergate, five burglars were caught inside the DNC

offices on June 17, 1972, as they sought to plant more bugs on Democratic phones. (An earlier break-in in May had installed two bugs, but one didn't work.) Nixon then proceeded to mount a cover-up of his 1972 campaign's role in funding the break-in and other abuses of power.

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

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

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

The DNC emails revealed that senior Democrats did not maintain their required independence regarding the primaries by seeking to hurt Sen. Bernie Sanders and help Clinton. The

Podesta emails pulled back the curtain on Clinton's paid speeches to Wall Street banks and on pay-to-play features of the Clinton Foundation.

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

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

### **Railroading Flynn**

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

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

But it became the predicate for the FBI interrogation – and the FBI agents were armed with a transcript of the intercepted Kislyak-Flynn phone call so they could catch Flynn on any gaps in his recollection, which might have been made even hazier because he was on vacation in the Dominican Republic when Kislyak called.

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

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

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

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

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

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

### **Curb the Enthusiasm**

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

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

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

newspaper revealed U.S. arms shipments to Iran).

For several months, there was a flurry of attention to the complex Iran-Contra scandal, but the big media still ignored evidence of a White House cover-up and soon lost interest in the difficult work of unraveling the convoluted networks for arms smuggling, money laundering and cocaine trafficking.

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

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

So, perhaps the biggest similarity between Russia-gate and Watergate is that Richard Nixon and Donald Trump were both highly unpopular with the Washington establishment and thus had few influential defenders, while an important contrast with Iran-Contra was that Reagan and Bush were very well liked, especially among news executives such as Washington Post publisher Katharine Graham who, by all accounts, did not care for the uncouth Nixon. Today, the senior executives of The New York Times, The Washington Post and other major

news outlets have made no secret of their disdain for the buffoonish Trump and their hostility toward Russian President Vladimir Putin.

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

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

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

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

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New CN Series: The Revelations of WikiLeaks: No. 1–The Video that Put Assange in US Crosshairs

“[Collateral Murder](#)” created a media sensation in 2010 and led to



Chelsea Manning's imprisonment and to a DOJ investigation of Julian Assange, reports Elizabeth Vos. But the war crimes the video exposed got no one else in trouble.

**Consortium News** today begins a series of articles, "The Revelations of WikiLeaks," that will look back on the major works of the publication that have altered the world since its founding in 2006. This series is an effort to counter mainstream media coverage, which is ignoring WikiLeaks' work, and instead is focusing on Julian Assange's personality. It is the uncovering by WikiLeaks of governments' crimes and corruption that set the U.S. after Assange and which ultimately led to his arrest on April 11. The "Collateral Murder" video was just the first of many major WikiLeaks revelations that made the journalist one of the world's most wanted men, simply for the act of publishing.

## The Video that Put Julian Assange in the Crosshairs of the United States

By [Elizabeth Vos](#)

Special to Consortium News



*WikiLeaks* was founded in 2006, but it was the April 5, 2010, publication of "[Collateral Murder](#)" that made the whistleblower-publisher a world-wide phenomenon, attracting admirers and enemies.

[WikiLeaks](#) wrote of the film: "The video, shot from an Apache helicopter gun-sight, clearly shows the unprovoked slaying

of a wounded Reuters employee and his rescuers. Two young children involved in the rescue were also seriously wounded.”

*WikiLeaks* noted that Reuters had unsuccessfully attempted to gain access to the video through the Freedom of Information Act in the years after the strike.

The day after the release of the footage, [\*The New York Times\*](#) described *WikiLeaks* as a once-fringe website that had moved into the big time. “The site has become a thorn in the side of authorities in the United States and abroad,” it said. “With the Iraq attack video, the clearinghouse for sensitive documents is edging closer toward a form of investigative journalism and to advocacy.”

Before 2010 *WikiLeaks* received a few high-profile journalism awards. But in the years since the publication of the video, it has received a [\*slew of honors\*](#), including [\*The Sam Adams Award for Integrity\*](#).

On April 16, *WikiLeaks* announced a fresh award for its founder, Julian Assange, even as he remains isolated in a London prison.

The Sydney Morning Herald: Julian Assange wins EU journalism award established in honour of an assassinated journalist.<https://t.co/FlA6DpNzc9?pic.twitter.com/y0pda8pgwR>

– WikiLeaks (@wikileaks) [April 16, 2019](#)

## **Chelsea Manning**

“Collateral Murder” was one of the most prominent releases sourced from then-Army intelligence analyst Chelsea Manning,

who served seven years in a military prison as a result.

Manning, who had access to the video, having a Top Secret clearance, first offered the video to *The New York Times* and *The Washington Post*, which both turned her down. Manning then turned to *WikiLeaks*.

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Manning described the events that led up to her decision to submit the footage to the press in leaked audio of her testimony during her 2013 court-martial.

She said Reuters' inability to get the footage via a freedom-of-information request contributed to her decision to leak it. "The most alarming aspect of the video for me, was the seemingly delight of bloodlust they [the pilots] appeared to have. They dehumanized the individuals they were engaging with, and seemed to not value human life in referring to them as 'dead bastards,' and congratulating each other on the ability to kill in large numbers."

Marjorie Cohn, a legal analyst, is one of those who has described the contents of the footage as evidence of U.S. war crimes. As such she argues that Manning was legally obligated to expose such information. In a 2013 column for *Truthout*, she cites the Geneva Conventions, the Army Field Manual and the Uniform Code of Military Justice as all setting forth the duty of a service member to disobey unlawful orders.

None of the pilots, military officials nor policy-makers have ever been charged or otherwise held responsible for the

events shown in the video.

## **U.S. Army 2007 Apache Helicopter Attack**

The film depicts the July 12, 2007, shooting of over a dozen Iraqis by U.S. Army Apache helicopters armed with 30mm cannons in the Al-Amin al-Thaniyah neighborhood of New Baghdad, a district of Iraq's capital city. The dead included Reuters' photographer Namir Noor-Eldeen and his assistant, Saeed Chmagh. *WikiLeaks* has said as many as 25 people were killed as a result of the incident.

After the initial attack, the helicopters fired on and killed people who stopped to try to rescue the wounded. A U.S. tank reportedly drove over a body, cutting it in half. Assange identified the individual run over by the tank as Namir Noor-Eldeen in an interview with Al Jazeera days after the publication of "Collateral Murder."

After receiving the encrypted footage, Assange and his associates spent a week working non-stop in Reykjavik, Iceland, to break the U.S. military's encryption of the video.

Kristinn Hrafnsson, who now serves as editor-in-chief of *WikiLeaks*, went to Iraq as an investigative journalist to locate victims' families and confirm details of the event prior to the film's publication. *The New Yorker* reported:

"He [Hrafnsson] claims to have found the owner of the building, an old man named Jabbar Abid Rady, born in 1941, a retired English teacher. Abid Rady told Hrafnsson that

his wife and daughter had died in the attack. He said that five other people who had been living in the building died, too. Buildings under construction often serve as housing in war-ravaged places; people live in the lower floors, which are often built first and are inhabitable before construction ends. Abid Rady told Hrafnsson that three families had been living in this particular structure.”

Assange noted how the moving images had stirred public attention far more than any printed matter. “It’s very easy for people to see what’s going on,” he is quoted as saying in the April 2010 video interview with [Al Jazeera](#). “It’s not too complex, there’s no language barriers with visual material. We released the policies behind this material as far back as 2007, classified US military policies.”

At one point in the video, American personnel can be heard laughing, saying: “The tank just drove over a body.” Assange commented on that, saying, “That was Namir’s body.”

## **Military’s Response**

Shortly after the 2007 killings – and three years before the video was released – the U.S. military was [quoted](#) as underreporting the death toll and context of the incident.

Assange argued that the military’s reports of a “firefight” preceding the events shown on tape had been [misrepresented](#) in order to justify the killings.

After *WikiLeaks*’ release of “Collateral Murder,” the

Pentagon acknowledged the authenticity of the video but said it did not contradict the official finding that the helicopters' crew acted within the rules of engagement," [\*The Daily Telegraph\*](#) reported.

The U.S. military rejected calls to discipline the crew for the deaths of the Reuters journalists because it said the men could not be distinguished from suspected insurgents. "The RPG in the video is real," *The Telegraph* quoted a Pentagon spokesman as saying. "We had insurgents and reporters in an area where U.S. forces were about to be ambushed. At the time we weren't able to discern whether (Reuters employees) were carrying cameras or weapons."

Retired Lieutenant Colonel Chris Walach, commander of the Apache helicopter pilots, in 2013, spoke with [\*Democracy Now\*](#) about the footage. "In Iraq, you can't put pink gloves on Apache helicopter pilots and send them into the Ultimate Fighting ring and ask them to take a knee," he said. "These are attack pilots wearing gloves of steel, and they go into the ring throwing powerful punches of explosive steel. They are there to win, and they will win."

Shortly after "Collateral Murder's" publication, Assange appeared on the [\*"Colbert Report."\*](#) At one point, host Stephen Colbert joked that Assange is "a dead man." Colbert asked Assange about allegations of a firefight preceding the events shown on the tape. "That's a lie," Assange responded. [05.20/11:39] He said that 28 minutes earlier there had been a report of small arms fire and that the Apache helicopters circling New Baghdad "came across these men and killed them."

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## The Politicians React

On April 11, 2019, the day Assange was arrested, Reuters' reporter Alistair Smout wrote in hindsight: "*WikiLeaks* incensed Washington by publishing hundreds of thousands of secret U.S. diplomatic cables, and in 2010 a classified U.S. military video showing a helicopter attack in Baghdad in 2007 that killed a dozen people, including two Reuters news staff."

Within days of the publication of "Collateral Murder," Obama Whitehouse Press Secretary Robert Gibbs [answered questions](#) from reporters on the contents of the video. When asked whether the actions of the U.S. personnel were "appropriate," Gibbs said that he was not sure whether then-President Barack Obama had seen the video, adding:

"Many of you all have traveled with the President – this President or other Presidents in war zones. Many of you know colleagues that have reported from exceedingly dangerous places in the world. Our military will take every precaution necessary to ensure the safety and security of civilians, and particularly those that report in those dangerous places on behalf of news organizations. I honestly do not know enough about what was done previous, which is why I'd point you to the Department of Defense."

Then U.S. Defense Secretary [Robert Gates](#) blasted *WikiLeaks* for not providing context for the video. "These people can put out anything they want, and they're never held accountable for it. There's no before and there's no after,"

Gates said, likening the video as seeing warfare “through a soda straw.”

Gates said: “They’re in a combat situation. The video doesn’t show the broader picture of the firing that was going on at American troops. It’s obviously a hard thing to see. It’s painful to see, especially when you learn after the fact what was going on. But you—you talked about the fog of war. These people were operating in split second situations.”

The strongest response to the video came in the form of a U.S. Department of Justice investigation of Assange, by at most six months after “Collateral Murder,” and subsequent releases of the Afghan and Iraq War Logs, the next subject of CN’s series, that ultimately culminated in his arrest on April 11, 2019.

“The investigation has been quietly gathering material since at least October 2010, six months after the arrest of Pfc. Bradley Manning, the army enlistee who is accused of providing the bulk of the leaks,” *The New York Times* reported in June 2013.

The FBI had begun investigating Assange and *WikiLeaks* as early as 2009, according to an affidavit given by Assange in September 2013.

While the Obama DOJ stopped short of crossing a red line to criminalize journalism, the Trump DOJ has stomped over it using the same evidence abandoned by the previous administration.

## **Media Response**



“Collateral Murder” was unveiled at a press conference at the National Press Club in Washington on April 5, 2010. *The New York Times* reported:

“There is no question that coalition forces were clearly engaged in combat operations against a hostile force,” Lt. Col. Scott Bleichwehl, a spokesman for the multinational forces in Baghdad, said then.

But the video does not show hostile action. Instead, it begins with a group of people milling around on a street, among them, according to WikiLeaks, Mr. Noor-Eldeen and Mr. Chmagh. The pilots believe them to be insurgents, and mistake Mr. Noor-Eldeen’s camera for a weapon. They aim and fire at the group, then revel in their kills.”

The media’s reaction to the video’s release was mixed. The day after it was published, the *Times* ran a report, titled: “Iraq Video Brings Notice to a Web Site.” It described criticism *WikiLeaks* received for publishing an edited version of the footage:

“Critics contend that the shorter video was misleading because it did not make clear that the attacks took place amid clashes in the neighborhood and that one of the men was carrying a rocket-propelled grenade.”

Within months of the video’s release, the Australian Broadcasting Corporation noted the sentiments of journalist David Finkel of *The Washington Post*: “They [WikiLeaks] provided artificial agenda driven context. There was an operation underway in reaction to an ongoing war. Not that

apache helicopters were circling looking for a bunch of guys to just shoot up and kill.” Finkel was stationed in Iraq in 2007 when the incident occurred and included the event in his book, “The Good Soldiers.”

In response to such criticism, Assange told [Al Jazeera](#) that the decision to give the film its title hinged on the moment where the Apache helicopter pilots shot at the van and individuals who had stopped to aid the wounded. He said:

“This is why we called it ‘Collateral Murder.’ In the first example, maybe it’s a collateral exaggeration or incompetence, when they strafe this initial gathering. This was recklessness bordering on murder, but we couldn’t say for sure that was murder. But this particular event, this is clearly murder.”

Media that have since turned on Assange, at the time praised him and *WikiLeaks*.

On the day the video was released, *The Guardian*, which has lately been on an anti-Assange campaign, was quick to write an article that referred to the problems the video posed for military authorities: [“The release of the video from Baghdad](#) also comes shortly after the US military admitted that its special forces attempted to cover up the killings of three Afghan women in a raid in February by digging the bullets out of their bodies.”

Two days after “Collateral Murder’s” publication, *The Guardian*, then under editor [Alan Rusbridger](#), published an opinion piece saying the footage was “heralded by some as the [most important revelation since Abu Ghraib](#), and challenges not only the

effectiveness of the US military's rules of engagement policy, but also the integrity of the mainstream media's coverage of [similar incidents](#)."

James Fallows of [The Atlantic](#) called "Collateral Murder" the "most damaging documentation of abuse since the Abu Ghraib prison-torture photos" 12 hours after the video's release.

"The Collateral Murder video is one of the best known and most widely recognized results of the ongoing WikiLeaks project," [Christian Christensen](#), a University of Stockholm journalism professor wrote in 2014. "These particular images were, in many ways, the crystallization of the horrors of war."

Within days of the video's publication, Haifa Zangana, a novelist and former prisoner of Saddam Hussein's regime, wrote an [op-ed](#) for *The Guardian*, saying her family lived in the area where the events took place, which she described as having previously been "safe for children to play outdoors."

Zangana continued:

"Witnesses to the slaughter reported the harrowing details in 2007, but they had to wait for a western whistleblower to hand over a video before anyone listened. Watching the video, my first impression was, I have no impression. But the total numbness gradually grows into a now familiar anger. I listen to the excited voices of death coming from the sky, enjoying the chase and killing. I whisper: do they think they are God?"

**Elizabeth Vos is a freelance reporter and regular contributor to *Consortium News*. She co-hosts the #Unity4J**

**online vigil.**

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## The Buried Maidan Massacre and Its Misrepresentation by the West

The new Ukrainian government is faced with reopening an inquiry into evidence of an organized mass killing in Kiev that Poroshenko stonewalled. Ivan Katchanovski investigates.

**By Ivan Katchanovski**

*Special to Consortium News*



**F**ive years ago, the Maidan massacre in Kiev, Ukraine, of Feb. 18-20, 2014, was a watershed event, not only for the politics and history of Ukraine but also for world politics generally. This mass killing in downtown Kyiv set the stage for the violent overthrow of the pro-Russian government in Ukraine and a new Cold War between Washington and Moscow.

Therefore, it is remarkable that five years after this massacre shook the world, no one has been sentenced for any of the Maidan killings. This was the best documented case of mass killing in history, broadcast live on TV and the internet, in presence of thousands of eyewitnesses. It was filmed by hundreds of journalists from major media in the West, Ukraine, Russia, and many other countries as well as by numerous social media users. Yet, to this day, no one

has been brought to justice for this major and consequential crime.

From the start, the dominant narrative promoted by the Ukrainian and Western governments and mainstream media has placed the blame for this tragedy firmly on the Yanukovich government. It contends that forces loyal to former President Victor Yanukovich— either snipers and/or the Berkut, a special anti-riot police— massacred peaceful Maidan protesters on the direct orders of Yanukovich himself. Such charges against Yanukovich, his ministers and commanders and a special Berkut unit—whose five ex-members were tried for the murder of 48 Maidan protesters on Feb. 20, 2014 – are generally taken at face value. With some limited exceptions, challenges to this narrative are treated dismissively.

For the most part, mainstream news media in the U.S. and other Western countries ignored trial evidence, public statements by officials and politicians and scholarly studies that put the standard narrative under question. This includes non-reporting about my own academic studies of the Maidan massacre.

### **Killing Protesters and Police**

My work found that this was an organized mass killing of both protesters and the police, with the goal of delegitimizing the Yanukovich government and its forces and seizing power in Ukraine. Oligarchic and far right elements of the Maidan movement were involved in this massacre. For this reason, the official investigation was fabricated and stonewalled. I presented studies to support this as well as

several [online video appendixes](#) with various evidence at the annual meetings of the American Political Science Association in [San Francisco in 2015](#) and [Boston in 2018](#), the 2017 World Convention of the Association for the Study of Nationalities in [New York in 2017](#), and a joint conference by the Institute for Russian and Eurasian Studies at Uppsala University and the British Association for Slavonic and East European Studies in 2018, and published their summary in an [academic press volume](#).

The prosecutor general of Ukraine recently announced that the investigation of the Maidan massacre is complete. He cited reconstructions of the Maidan massacre by a New York architecture company, working with a team of Ukrainian “volunteers” to provide a 3D model, as definite evidence that the Maidan protesters were massacred by the Berkut police and that snipers did not massacre the protesters.

This model was featured by *The New York Times*, in its May 30, 2018, report [“Who Killed the Kiev Protesters?”](#) as a proof that the Berkut police massacred Maidan protesters.

However, no expert knowledge or familiarity with the Maidan massacre or Ukraine is needed to see blatant misrepresentation of elementary data in that 3D model.

The wound locations of the killed Maidan protesters in [the 3D model](#) do not match the wound locations in the forensic medical examinations of the bodies. The reports of those examinations were used in this simulation to determine the locations of the shooters. They are published in Ukrainian and English on the linked website. According to one such [report](#), Ihor Dmytriv was shot in the “right side surface”

and the “left side surface” of the torso “from the right to the left, from the top to the bottom, and a little from the front to the back” with the entry wound 20.5cm (8 inches) higher than the exit wound. However, in the simulation, his wounds have been moved to the front and the back and made nearly horizontal.

A Maidan lawyer visually confirmed at the Maidan massacre trial that these wounds locations of were in the right and left sides. In the video of their examination of Dmytriv right after his shooting, Maidan medics also indicate such locations of his wounds with no wounds visible in the front area, contrary to the 3D model. The forensic medical reports also state that Dmytriv was wounded in his right shoulder from bottom to top direction, with this entry wound 5 cm lower, but the 3D animation also misrepresents this direction.

The wound locations of the other two victims have been similarly altered. The 3D model moved the exit wound location from around the middle line of the back of Andriy Dyhdalovych’s body in forensic medical and clothing examinations significantly to the right. It also changed a similar large vertical angle from a top and bottom direction and 17 cm difference in height of entry and exit wounds to nearly horizontal level.

In the case of Yuriy Parashchuk, forensic medical examinations found that his entry and exit wounds were in the back of his head on the left side. But the 3D analysis moved the entry wound location to the front area and changed its somewhat top-to-bottom direction to nearly horizontal. Frames from a video by a French photographer shows a large

bullet hole in the back of Parashchuk's red helmet. How can he be shot in the back of his head by the Berkut police on a nearly similar horizontal level?

Changing the wound locations invalidates the entire reconstruction and, therefore, the conclusions of the SITU analysis and *The New York Times* article, that these and other Maidan protesters were shot from the Berkut positions.

One does not need to be a ballistic expert to see that locations of wounds in the back and on the sides and top-to-bottom directions of wounds specified in forensic medical reports and positions of these three killed protesters facing the Berkut in the videos cannot physically match with Berkut police positions located on a similar horizontal level on the ground in front of them. The forensic medical examinations conducted for the government investigation and made public at the Maidan massacre trial revealed that the absolute majority of the protesters were shot not in front and not from horizontal or near horizontal directions that are consistent with police positions. Rather, they were shot from a top-to-bottom direction and in sides or the back that are consistent with shooting from the Maidan-controlled buildings.

### **Government Investigation**

The government investigation, conducted after the Maidan government came to power after this massacre, and which charged the Berkut police behind the barricades with killing these three protesters, raises the same concerns.

The complex medical examinations, which were published on the SITU website and which are presented by the government



investigation in Ukraine as a key evidence that the Berkut police massacred the protesters, showed the same bullet trajectories as the 3D model. The text of these examinations, which are available in Ukrainian and in English translations, shows that these bullet trajectories were determined not by ballistic experts but by medical experts without any calculations or explanations.

Synchronized videos, which were used by the SITU to determine that the Berkut police behind a truck barricade killed Parashchuk, actually show that he and other protesters were in a blind spot below the line of police fire from behind a truck. It was physically impossible for the police behind the wide and tall truck to shoot at him below over the top of this truck. Dozens of other Maidan protesters who were killed and wounded around the same spot were in the same situation.

The locations of the forces of the Yanukovych government during the massacre are well known, and they are identified in my studies, the government investigation charges, numerous videos, and in the SITU 3D model.

At the time of the killings of these three protesters, Berkut policemen were behind the barricades on Instytutska Street on the government side, while the protesters who were killed were in between Berkut and the Hotel Ukraina.

Forensic examinations of bullet holes by government experts described numerous bullet holes on the second, third, and higher floors and the roof of the Hotel Ukraina on the side that faced the government forces. But they did not identify a single bullet hole on the first floor on the Berkut facing

side of the hotel behind these protesters. Simple positioning of the bullet hole locations described in these forensic reports clearly shows that almost all bullets from the Berkut and other positions flew above the heads of the protesters there or targeted poles, trees, and a flower box. This is also shown in vide and photos – including some I took there after the massacre – and in videos and reports of shooting at journalists in the hotel with a Google Street View image from the first Berkut barricade.

This confirms my study findings that the special Berkut police unit and the Omega unit of snipers of Internal Troops were shooting at snipers in the Hotel Ukraina.

After five long years, the failure by the Poroshenko government's investigation to determine bullet trajectories by ballistic experts or conduct on-site investigative experiments for the same purpose – even after the Maidan massacre trial judges ordered them two years ago to do so – is therefore hardly surprising. It is impossible to bend physical reality. In a literal cover-up, large fences were recently erected on the crime scene for the construction of the Maidan massacre memorial, which would completely alter the landscape. The fences and the memorial would make it impossible to determine bullet trajectories on-site, which still has not been done by the investigation for five years after this mass killing.

The SITU reconstruction also missed bullet holes that appeared in Dmytriv's shield and in a shield of another protester in front of Dyhdalovych in videos of their shooting that were used in the reconstruction. The locations of these bullet holes are inconsistent with shooting from

the Berkut barricades.

But these shields with clear locations of the bullet holes, like the helmet of Parashchuk and almost all the shields and helmets of protesters who were killed or wounded, mysteriously disappeared after the massacre, along with a lot of other crucial evidence, such as bullets and security-camera footage.

Similarly, crucial testimonies of Maidan protesters, who witnessed the killings of Dyhdalovych and Dmytriv, are ignored by the *Times*' report, SITU and the official Ukrainian investigation. Dyhdalovych's wife stated in her Ukrainian media [interview](#) that another protester told her that he saw that Dyhdalovych was killed by a sniper on the roof of the Bank Arkada. This protester was [filmed](#) following Dyhdalovych when they both went to evacuate Dmytriv after he was shot. The Bank Arkada is a tall green building in the front and to the right of both Dyhdalovych and Dmytriv, and it appears to match the apparent directions of their wounds. My Maidan massacre studies video appendices showed that it was in the Maidan-controlled area and that snipers on its roof during the massacre were reported by both numerous Maidan protesters, including [many wounded](#) who spoke at the Maidan massacre trial and investigation, and by Security Service of Ukraine commanders and snipers.

A female Maidan medic during the massacre was pointing to the top of this green building and shouting about snipers. But her words were translated in [a BBC report](#) as referring to six protesters killed by the snipers in that area. A [Maidan protester](#) and another [Maidan medic](#), who were wounded near the same spot where these two protesters were killed,

both testified at the Maidan massacre trial that they were shot from this building. Government ballistic experts confirmed this during on-site investigative experiments.

### **Western Press Silence**

These revelations were not reported by any Western media. This includes *The New York Times*, which on April 5, 2014, profiled this wounded protester against the backdrop of an unquestioned report by the acting government in Kiev that blaming “former President Viktor F. Yanukovych, his riot police and their suspected Russian assistants for the violence that killed more than 100 people in Kiev in February.”

It also includes CNN, which filmed the shooting of this medic and attributed it to the government forces.

The government investigation simply denies that there were any snipers there and in other Maidan-controlled buildings, and refuses to investigate them. This is done despite videos of such snipers and testimonies of the absolute majority of wounded protesters at the trial and investigation and more than 150 other witnesses about snipers in these locations.

The assumption in the 3D model that Dmytriv was shot by the single bullet is also contradicted by testimony of another protester who saw that Dmytriv was shot by “a sniper” from the Hotel Ukraina. My Maidan massacre studies and their video appendices showed that this hotel was then controlled by the Maidan forces.

*The New York Times* article described collaboration of the New York architecture firm with a Ukrainian “volunteer” in

creating the 3D model. It did not report 2017 [admissions](#) by the prosecutor general of Ukraine on *Facebook* that his government agency funded the work of a group of anonymous “volunteers,” including this Ukrainian graduate student, in compiling and synchronizing various videos of the Maidan massacre in collaboration with a People’s Front party outlet.

Some of the People’s Front party leaders were accused by various Ukrainian politicians and Maidan activists, such as [Nadia Savchenko](#), and by five ex-Georgian ex-military members in [Italian](#) and [Israeli](#) TV documentaries, of direct involvement in this massacre. Meanwhile, the *Times* lauds the Ukrainian government’s investigation and Maidan lawyers for drawing on such analyses by these “citizen investigators” and treats a New York architect firm as providing key evidence in the Maidan massacre trial.

Brad Samuels is a founding partner of Situ Research, the New York architecture company that produced the 3D model of the killing of three protesters, which was presented by the *Times* as proof that such snipers did not exist and that 49 protesters were massacred by the Berkut police.

Samuels [said](#) in a video [start at 55:16] that “...eventually, there is a consensus that there was a third party acting. It is clear from forensic evidence that people were shot in the back. Somebody was shooting from rooftops.” His striking observation was not included anywhere in the SITU 3D model report that he produced. Nor was it reported by the *Times*.

Cases of protesters, who were shot in the back, were omitted from the SITU model. But even in the deliberately selected

cases of the three protesters, who were presented by this simulation as shot in front, their actual wound locations suggest that they were also shot from a Maidan-controlled building, which was located in front and to the right of them.

There was not a single report in English-language media concerning [testimonies](#) at the Maidan massacre trial where 25 wounded Maidan protesters, with whose shootings Berkut policemen are charged, who stated that they were shot from Maidan-controlled buildings or areas.

Major outlets likewise neglected to cover the testimonies by 30 wounded protesters who said they witnessed snipers in those locations or were told about them by other protesters. This is stunning since these testimonies are publicly available in live online recordings of the Maidan massacre trial and they are compiled with English-language subtitles into an [online video appendix](#) to my study. These testimonies represent the majority of wounded protesters with whose shooting Berkut was charged. They are consistent with video testimonies by about 100 witnesses in the [media and social media](#) and at the [trial and the investigation](#). But the official investigation in Ukraine simply denies that there were any such snipers in Maidan-controlled buildings, even though the Prosecutor General Office of Ukraine previously [stated](#) that snipers massacred many protesters from the Hotel Ukraina and other buildings.

Similarly, not a single media outlet reported segments of the *Belgian VRT News* video that showed Maidan protesters shouting during the massacre that they saw snipers in the Maidan-controlled Hotel Ukraina shooting Maidan protesters,

pointing towards them, and asking them not to shoot. These segments were only shown to a small number of people at the Maidan massacre trial and are included in my [online video appendix](#) on *YouTube*. Other segments from this same video, however, were broadcast to some several hundred million viewers by major television networks in the U.S., U.K., Canada, Germany, France, Poland, Italy, and Ukraine, and many other countries as evidence that the government forces massacred the Maidan protesters.

With the notable exception of an [Associated Press story quoting](#) the charismatic politician Nadia Savchenko, news agencies have ignored the [public remarks](#) of several Maidan politicians and activists who said that they witnessed the involvement of specific top Maidan leaders in the massacre.

Testimonies by five Georgian ex-military members in [Italian](#), [Israeli](#), Macedonian and Russian media and their published depositions to Berkut lawyers for the Maidan massacre trial have also been ignored. They stated that their groups received weapons, payments, and orders to massacre both police and protesters from specific Maidan and Georgian politicians.

They also said that they received instructions from a far-right linked ex-U.S. Army sniper and then saw Georgian, Baltic States, and Right Sector-linked snipers shooting from specific Maidan-controlled buildings.

Western media silence also greeted a recent [statement](#) by Anatolii Hrytsenko, one of the top Ukrainian presidential candidates, who was also a Maidan politician and minister of defense, that the investigation of the massacre has been

stonewalled because of the involvement of someone from the current leadership of Ukraine in this mass killing.

In contrast, there were no such testimonies admitting involvement in the massacre or knowledge of such involvement by the Berkut policemen, ex-police and security services commanders; nor by ex-Yanukovych government officials. No specific evidence of orders by then-president Yanukovych or his ministers and commanders to massacre unarmed protesters has been revealed by the trials, investigations or news reporting. Nonetheless, the Western mainstream media report existence of such orders as a matter of a fact.

Not a single major Western media reported that a forensic ballistic examination, conducted by government institute experts on the prosecution request with use of an automatic computer-based IBIS-TAIS system, determined that bullets extracted from killed protesters did not match a police database of bullet samples from Kalashnikov assault rifles of members of the entire Kyiv Berkut regiment. The latter included the special Berkut company charged with the massacre of the protesters. The same concerns the forensic examination findings that many protesters were killed with hunting bullets and pellets.

There are no Western media reports, at least in English, concerning the investigation by the Prosecutor General Office of Ukraine. This investigation determined, based on protester's testimonies and investigative experiments, that almost half of the protesters (77 out of 157) were wounded on Feb. 20 from other sectors than the Berkut police and that no one was charged with their shooting.



A female Maidan medic, whose wounding on the Maidan was highly publicized by Western and Ukrainian media and politicians and attributed to government snipers, is one of them. Since the official investigation determined that government snipers did not massacre the Maidan protesters, with a single implausible exception announced recently, this implies that these protesters were wounded from the Maidan-controlled buildings and areas.

There was Western media silence, including from the *BBC*, about revelations by the Prosecutor General Office that one of the leaders of far right party Svoboda, who was also a member of the Ukrainian parliament at the time of the massacre, occupied a Hotel Ukraina room from which a sniper in Maidan-style green helmet was filmed by the *BBC* shooting in the direction of the Maidan protesters and the *BBC*'s own journalists.

Similarly, there are no mainstream media reports of the visual examinations of bullet holes and their impact points by the government investigators that determined that one German ARD television room at the Hotel Ukraina was shot from the direction of the Main Post Office, which was at the time the headquarters of the Right Sector. The latter far-right group included radical nationalist and neo-Nazi organizations and football ultras. This bullet just narrowly missed a German *ARD TV* female producer. The government investigators also determined that another *ARD* room in the same hotel was shot at from the Music Conservatory building, which was then the headquarters of the Right-Sector-linked special armed Maidan Self-Defense company.

Likewise, nothing was reported about a forensic ballistic

examination made public at the trial that revealed that an [ABC News](#) producer was shot in his Hotel Ukraina room by a Winchester caliber hunting soft-point bullet that did not match a caliber of Berkut Kalashnikovs.

Misrepresentation of the Maidan massacre and its investigation by Western media and governments is puzzling.

American independence leader John Adams once defended the British soldiers charged with the Boston massacre in 1770. He regarded this defense as important for the rule of law to prevail over politics. He famously [stated](#) at the Boston massacre trial that “facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.” He not only won this politically charged case of a crucial massacre in U.S. politics and history but became U.S. president afterwards. The question is why this dictum is not heeded almost 250 years later in the case of the Maidan massacre in Ukraine.

[Ivan Katchanovski](#) teaches at the School of Political Studies and the Department of Communication at the University of Ottawa. He held research and teaching positions at Harvard University, the State University of New York at Potsdam, the University of Toronto, and the Kluge Center at the Library of Congress. He received Ph.D. from the Schar School of Policy and Government at George Mason University. He is the author of “Cleft Countries: Regional Political Divisions and Cultures in Post-Soviet Ukraine and Moldova.”

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# Ukraine: Why 'OU' Lost by a Landslide

The answer is clear if you read U.S. documents published by *WikiLeaks* in 2006, writes Kevin Zeese.

By [Kevin Zeese](#)

[PopularResistance.org](#)



With his landslide victory, Volodymyr Zelensky, a comedian who won 73 percent of the vote, will become the president of Ukraine. Understanding how this occurred becomes easy when people review U.S. government documents published by *WikiLeaks* about outgoing President Petro Poroshenko.

Who is "OU?" Our Ukraine.

In [a classified diplomatic cable from 2006 released by \*WikiLeaks\*](#), U.S. officials refer to Poroshenko as "Our Ukraine (OU) insider [Petro Poroshenko](#)." Our Ukraine has been in the pocket of the U.S. for 13 years.

The U.S. knew Poroshenko was corrupt. A separate [cable released by \*WikiLeaks\*](#) makes that clear. The May 2006 cable states: "Poroshenko was tainted by credible corruption allegations, but wielded significant influence within OU; Poroshenko's price had to be paid."

Allowing his corruption was a price the U.S. was willing to pay to have Our Ukraine serving as president.

The document also describes the "bad blood" between Poroshenko and [Yuliya Tymoshenko](#). This bad blood continues to this day as Tymoshenko came in third in the first round

of the elections, and it seemed to continue through the general election, as those who voted for her, voted for Zelensky – or against Poroshenko.

Here is how the memo describes the Tymoshenko-Poroshenko relationship: “there is a thin line between love and hate” it says and describes how Tymoshenko and Poroshenko might appear in public, shake hands and agree to “do business” together, but that a coalition between them was unlikely to last.

Former U.S. Vice President [Joe Biden](#), who is expected to announce a 2020 run for president, is emblematic of the corruption of the U.S. in Ukraine.

As [WikiLeaks reports](#), Biden pledged U.S. financial and technical assistance to Ukraine for “unconventional” gas resources (i.e. fracking). Biden’s son Hunter was put on the board of the largest private gas company in Ukraine (along with a financier and long-time family friend of former Secretary of State John Kerry) and when that gas company was threatened with investigation, with video cameras rolling at the Council on Foreign Relations, [starts at 52.00] [Biden described how](#) he threatened Poroshenko in March 2016, saying that the Obama administration would pull \$1 billion. Biden claimed he gave the country six hours to fire the prosecutor before he left Ukraine or he would bankrupt the country. OU fired him.

Why did Biden want him fired? [The prosecutor was leading a wide-ranging corruption investigation into the natural gas firm](#) – while Biden’s son, Hunter, sat on the board of directors. Corruption is a major problem in Ukraine, and

Biden contributed to it, bringing U.S. corruption to Ukraine.

After Poroshenko replaced the prosecutor with one to Biden's liking a *WikiLeaks* document shows he was prepared to move forward with the signing of the third \$1 billion loan guarantee agreement.

Now the two pro-U.S. politicians, Tymoshenko and Poroshenko, have been replaced by a political unknown in Zelensky, or "Ze," as he's more popularly known. The incoming president has been vague on what policies he will pursue but says he wants to negotiate peace with Russia over eastern Ukraine, saying he was prepared to negotiate directly with Russian President Vladimir Putin.

Ukraine is sick of corruption. Adding to Poroshenko's corruption, the U.S. brought more corruption. Not surprisingly, corruption under Poroshenko worsened. The country is tired of the conflict between Kiev and East Ukraine and Zelensky said he would try to end the war. And, the country has become the poorest in Europe as the promise of close ties with the U.S. have not resulted in the benefits promised.

While the country has gotten poorer, Poroshenko remains one of the wealthiest men in Ukraine. He has been surrounded by corruption scandals as various businessmen close to him have been caught up in scandals involving corruption. The common view is Ukraine has gotten poorer as Poroshenko has gotten richer.

All this was predictable with what the U.S. knew about OU, and thanks to *WikiLeaks* should not be a surprise to anyone.

Kevin Zeese, co-director of [It's Our Economy](#), is an attorney who has been a political activist since graduating from George Washington Law School in 1980. He is co-founder of the Drug Policy Foundation, now known as the [Drug Policy Alliance](#). Read more about him [here](#). This article was first published by [PopularResistance.org](#).

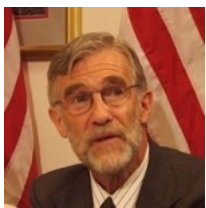
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## RAY McGOVERN: Unaccountable Media Faced with Dilemma in Next Phase of Deep State-gate

Now that the media has been exposed for wrongly siding with the intelligence agencies, how will it handle Devin Nunes's criminal referrals in Deep State-gate?, asks Ray McGovern.

By [Ray McGovern](#)

*Special to Consortium News*



Readers of *The Washington Post* on Monday were treated to more of the same from editorial page chief Fred Hiatt. Hiatt, who won his spurs by promoting misleading “intelligence” about weapons of mass destruction in Iraq and suffered no consequences, is at it again.

This time he is trying to adjust to the fading prospect of a Deus ex Mueller to lessen Hiatt's disgrace for being among the most shameless in promoting the Trump-Russia collusion narrative.

He is not giving up. When you are confident you will not lose your job so long as you adhere to the agenda of the

growing Military-Industrial-Congressional-Intelligence-Media-Academia-Think-Tank complex (MICIMATT if you will), you need not worry about being a vanguard for the corporate media. It is almost as though Hiatt is a tenured professor in an endowed chair honoring Judith Miller, the *New York Times* reporter who perhaps did most to bring us Iraqi WMD.

In his Monday column Hiatt warned: “Trump was elected with the assistance of Russian spies and trolls, which he openly sought and celebrated. But he did not (or so we are told) secretly conspire with them.” In effect, Hiatt is saying, *soto voce*: “Fie on former (now-de-canonized) Saint Robert of Mueller; we at the *Post* and our colleagues at *The New York Times*, CNN et al. know better, just because we’ve been saying so for more than two years.”

*Times* executive editor Dean Baquet said, about the backlash to the *Times*’ “collusion” coverage: “I have no regrets. It’s not our job to determine whether or not there was illegality.” CNN President Jeff Zucker said: “We are not investigators. We are journalists.” (One wonders what investigative journalist Bob Parry, who uncovered much of Iran-Contra and founded this site, would have thought of that last one.)

## **Going in Circles**

Hiatt’s circular reasoning is all too familiar. It is the kind a former director of national intelligence excels at when he’s not lying, sometimes under oath. For instance, James Clapper was hawking his memoir at the Carnegie Endowment last year when he was confronted by unexpectedly direct questions from the audience.

Asked about the misleadingly labeled, rump “Intelligence Community Assessment” (ICA) of Jan. 6, 2017, which he orchestrated, and which blamed Russia for interfering in the 2016 election, Clapper gave an ipse dixit response: The ICA simply had to be correct because that’s what he had told President Barack Obama and President-elect Donald Trump.

In fact, that “Intelligence Community Assessment” stands out as the most irresponsible, evidence-free and at the same time consequential crock of intelligence analysis since the National Intelligence Estimate of Oct. 2002 claimed there was WMD in Iraq. Recall that that one was shaped by out-and-out fraudulent intelligence to “justify” an attack on Iraq six months later.

Sen. Jay Rockefeller (D-WV), as chair of the Senate Intelligence Committee, described the main thrust of the committee’s five-year bipartisan report, stating, “In making the case for war, the [Bush] Administration repeatedly presented intelligence as fact when in reality it was unsubstantiated, contradicted, or even non-existent.”

Hiatt was one of the media’s major offenders, feeding on what the Cheney/Bush folks told him. When no “weapons of mass destruction” were found in Iraq, Hiatt conceded during an interview with *The Columbia Journalism Review* that, “If you look at the editorials we write running up [to the war], we state as flat fact that he [Saddam Hussein] has weapons of mass destruction ... If that’s not true, it would have been better not to say it.” [CJR, March/April 2004] As Parry wryly observed at the time in a piece calling for Hiatt’s dismissal, “Yes, that is a common principle of journalism, that if something isn’t real, we’re not supposed to



confidently declare that it is.”

## **The Morning After**

The media set the prevailing tone the day after the ICA was published. The banner headline atop page one of the *Times* read: “Putin Led Scheme to Aid Trump, Report Says.” That put in motion more than two years of Dick Cheney-like chicanery in the media.

Buried inside the *Times* that same day was a cautionary paragraph written by staff reporter Scott Shane who noted, “What is missing from the public report is what many Americans most eagerly anticipated: hard evidence to back up the [three] agencies’ claims that the Russian government engineered the election attack. That is a significant omission.” Indeed it was; and remains so.

(Sadly, Shane was then given his marching orders and fell in line with many other formerly reputable journalists in what has been the most miserable performance by the mainstream media since they helped pave the way for war on Iraq.)

Clapper and Hiatt are kindred souls when it comes to the “profound effect” of Russian election interference. In his column, Hiatt asserted as flat fact that: “Trump was elected with the assistance of Russian spies and trolls ...” At the Carnegie event in November, Clapper opined:

“As a private citizen, understanding the magnitude of what the Russians did and the number of citizens in our country they reached and the different mechanisms that, by which they reached them, to me it stretches credulity to think they didn’t have a profound impact on election on the

outcome of the election.”

### **Hiatt: Captain of Cheerleaders**

Hiatt emulated peppy, preppy cheerleader George W. Bush in leading Americans to believe that war on Iraq was necessary. Appointed *Washington Post* editorial page editor in 2000, he still runs the page – having not been held accountable for gross misfeasance, if not malfeasance, on Iraq. Shades of Clapper, whom President Obama allowed to stay on as director of national intelligence for three and a half years after Clapper lied under oath to the Senate Intelligence Committee about NSA surveillance of U.S. persons.

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That Obama appointed Clapper to lead the investigation into Russian interference in the 2016 election speaks volumes. Clapper claims to have expertise on Russia and has made no effort to disguise his views on “the Russians.” Two years ago, he told Chuck Todd on *Meet the Press*:

“... in context with everything else we knew the Russians were doing to interfere with the election, and just the historical practices of the Russians, who are typically, almost genetically driven to co-opt, penetrate, gain favor, whatever, which is a typical Russian technique ... we were concerned.”

It beggars belief that Obama could have been unaware of Clapper’s bizarre views on “the Russians.” Clearly, Obama

was bowing yet again to pressure from powerful Deep State actors arguing that Clapper was the ideal man for the job.

And there is now documentary evidence that, from the Deep State point of view, indeed he was. In the text exchanges between discredited FBI sleuth Peter Strzok and his girlfriend, Lisa Page, a lawyer working for the FBI Deputy Director Andrew McCabe, it seems clear that Obama wanted to be kept apprised of the FBI's behind-the-scenes machinations. In a Sept. 2, 2016 text to Strzok, Page writes that she was preparing talking points because the president "wants to know everything we're doing."

### **A Sweaty Pate?**

Clapper is aware now that he is going to have to sweat it out. He may believe he can ignore White House press secretary Sarah Sanders, who has said that he and other former intelligence officials should be investigated after special counsel Mueller did not establish collusion between the Trump campaign and Russia.

But recent statements by members of the House and Senate intelligence committees cannot be dismissed so easily. In his media appearances, the supremely confident, hero-of-many-liberals Clapper has been replaced by a squirming (but-Obama-made-me-do-it) messenger of facts. He may find it harder this time to avoid being held accountable.

Devin Nunes (R-CA), the House Intelligence Committee ranking member, has gone on the offensive, writing Friday that committee Republicans "will soon be submitting criminal referrals on numerous individuals involved ... in the abuse of intelligence for political purposes. These people must be

held to account to prevent similar abuses from occurring in the future.”

On Sunday, Nunes told Fox News he’s preparing to send eight criminal referrals to the Department of Justice this week concerning alleged misconduct during the Trump-Russia investigation. This will include leaks of “highly classified material” and conspiracies to lie to Congress and the Foreign Intelligence Surveillance Act (FISA) court. It’s no-holds-barred for Nunes, who has begun to talk publicly about prison for those whom DOJ might indict and bring to trial.

Nunes’s full-speed-ahead offensive is being widely ignored in “mainstream” media (with the exception of Fox), giving the media the quality of “The Dog That Did Not Bark in the Night.” The media has put its ducks in a row, such as they are, to try to rip Attorney General William Barr apart this coming week when he releases the redacted text of the Mueller report that so disappointed the Democratic Party/media coalition.

But how will they cover criminal referrals of the “heroes” who have leaked so much to them, providing grist for their Russia-gate mill? They will likely find a way, eventually, but the media silence about Nunes is depriving oxygen to the story.

On Sunday, Nunes said,

“They [the Democrats] have lied multiple times to the American people. All you have to do is look at their phony memos. They have had the full support of the media, 90 percent of the media in this country. They all have egg on

their face. And so the fact of the matter remains, is there going to be – is justice going to be served or is justice going to be denied? And that’s why we’re sending over these criminal referrals.”

Nunes is, of course, trying to project an image of confidence, but he knows he is fighting uphill. There is no more formidable foe than the MICIMATT, with the media playing *the* crucial role in these circumstances. How will the American people be able to see egg on anyone’s face if the “mainstream media” find ways to wipe it off and turn the tables on Nunes, as they have successfully done in the past?

Though the Democrats now control the House, they have lost some key inside-the-Deep-State allies.

By all appearances, House Democrats still seem to be banking on help from the usual suspects still on duty in the FBI, CIA, and the Justice Department. Lacking that they seem ready to go down with the Schiff–Rep. Adam Schiff of California, perhaps the most virulent Russia-gater that there’s been.

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Clapper is no long in position to help from the inside, and there’s no knowing how his sleepy replacement, Dan Coates, will react, if and when he wakes up long enough to learn chapter and verse about the machinations and dramatic personae of 2016.

Of course, there is a new sheriff in town running the Department of Justice. Attorney General William Barr, for better or ill, is a far cry from Jeff Sessions, who let

himself be diddled into recusing himself. He's not Rod Rosenstein either, whose involvement in this affair may have already earned him a prominent place on Nunes's list of referrals.

## What Did Obama Know, and When Did He Know It?

BREAKING: A high-level source tells me it was Brennan who insisted that the unverified and fake Steele dossier be included in the Intelligence Report... Brennan should be asked to testify under oath in Congress ASAP.

– Senator Rand Paul (@RandPaul) [March 27, 2019](#)

On top of this, Sen. Rand Paul (R, KY) has [called](#) for an investigation into the origins of Mueller's probe, including on the dicey question of how witting President Obama was of the Deep State chicanery during the last months of his administration. Page did tell Strzok in that Sept. 2, 2016 text that the president "wants to know everything we're doing."

Sen. Paul has also tweeted information from "a high-level source" that it was former CIA Director John Brennan who "insisted that the unverified and fake Steele dossier be included in the Intelligence Report... Brennan should be asked to testify under oath in Congress ASAP."

## Vying for Media Attention

If, as expected, Nunes discloses the names of those being criminally referred to DOJ, and Barr releases a redacted text of the Mueller report, the "mainstream" media will have a fresh challenge on their hands. The odds would seem to favor the media covering the Democrats' predictable

criticism of Barr – and perhaps even of Mueller, now that he has been defrocked.

The *Post's* Hiatt should be counted on, as always, to play a leading role.

At the same time, there are signs the America people are tired of this. It would be difficult though for the media to avoid reporting on criminal referrals of very senior law enforcement and intelligence officials. Given the media's obvious preference for siding with the intelligence agencies and reporting on Russia-gate rather than Deep-State-gate, it would be even harder for the media to explain why these officials would be in trouble.

Things appear to be unraveling but, as always, much will depend on whether the media opts to remain the “dog that didn't bark,” and succeeds again in hoodwinking too many people.

Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington. He was a CIA analyst for 27 years and prepared the President's Daily Brief for Presidents Nixon, Ford, and Reagan. He is on the Steering Group of Veteran Intelligence Professionals for Sanity (VIPS).

**We got Russia-gate right. Help us to keep on  
going.**

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# 1% Politics and the New Gilded Age

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

By [Rajan Menon](#)

[TomDispatch.com](#)



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

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



Americans.

Over the last four decades, economic disparities in the U.S. increased substantially and are now greater than those in other wealthy democracies. The political consequence has been that a tiny minority of extremely wealthy Americans wields disproportionate influence, leaving so many others feeling disempowered.

### **What Money Sounds Like**

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

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

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

Wall Street's "crony capitalism" and excessive political influence.)

The Cruz controversy is just one reflection of the coming of 1 percent politics and 1 percent elections to America at a moment when the first billionaire has been ensconced in the Oval Office for more than two years, posing as a populist no less.

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

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

millions of dollars in this fashion and, in 2017, Obama received \$400,000 for a single speech to a Wall Street firm.

No wonder average Americans believe that the political class is disconnected from their day-to-day lives and that ours is, in practice, a democracy of the rich in which money counts (and counts and counts).

## **Cash for College**

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

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

What's new about the recent revelations is that they show

the extent to which today's deep-pocketed helicopter parents have gone into overdrive, using brazen schemes to corrupt the college admissions process yet more. One unnamed parent spent a cool \$6.5 million to ensure the right college admitted his or her child. Others paid hefty amounts to get their kids' college admissions test scores falsified or even hired proxies to take the tests for them. Famous actors and financial titans made huge payments to university sports coaches, who then lied to admissions officers, claiming that the young applicants were champions they had recruited in sports like water polo, crew, or tennis. (The kids may have known how to swim, row, or play tennis, but star athletes they were not.)

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

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

ahead of the competition.

To add insult to injury, the same parents and children may even portray admissions policies designed to help students who lack wealth or come from underrepresented communities as violations of the principles of equal opportunity and fairness, democracy's bedrock. In reality, students from low-income families, or even those of modest means, are startlingly less likely to be admitted to top private universities than those from households in the top 10 percent. In fact, applicants from families in the top 1 percent are now 77 times more likely than in the bottom 20 percent to land in an elite college, and 38 of those schools admit more kids from families in that top percentage than from the bottom 60 percent.

### **Buying Politics (and Politicians), American-Style**

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

Official data on the distribution of family income in the United States show that the overwhelming majority of Americans can't play that game, which remains the preserve of a tiny super-rich minority. In 2015, even with taxes and government-provided benefits included, households in the

lowest 20 percent accounted for only about 5 percent of total income. Their average income – not counting taxes and government-provided assistance – was only \$20,000. The share of the bottom 50 percent – families making \$61,372 or less – dropped from 20 percent to 12 percent between 1978 and 2015. By contrast, families in the top 1 percent earned nearly 50 percent of total income, averaging \$215,000 a year – and that's only income, not wealth. The super-rich have plenty of the latter, those in the bottom 20 percent next to none.

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

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

formed solely to influence elections as well as into various party committees.

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

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

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

percent, who provided 95 percent of what those Super PACs took in.

As the 2018 congressional elections kicked off, the four wealthiest Super PACs alone had \$113.4 million on hand to support candidates they favored, thanks in substantial measure to business world donors. In that election cycle, 31 individuals ponied up more than \$5 million apiece, while contributions from the top four among them ranged from almost \$40 million to \$123 million.

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

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

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

Do unions and public interest groups also lobby? Sure, but there's no contest between them and corporations. Lee Drutman of the New America think tank notes that, for every



dollar the former spent in 2015, corporate donors spent \$34. Unsurprisingly, only one of the top 20 spenders on lobbying last year was a union or a public-interest organization.

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

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

Those who favor continuing business as usual like to point

out that federal “matching funds” exist to help presidential candidates not be steamrolled by competitors who’ve raised mounds of money. Those funds, however, do no such thing because they come with stringent limits on total spending. Candidates who accept matching funds for a general election cannot accept contributions from individuals. Moreover, matching funds are capped at \$20 million, which is a joke considering that Barack Obama and Mitt Romney spent a combined \$1.2 billion in individual contributions alone during the 2012 presidential election. (Super PACs spent another \$350 million to help Romney and \$100 million to back Obama.)

### **A New American Tradition?**

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

Even the *Economist*, a publication that can’t be charged with sympathy for left-wing ideas, warned recently of the threat economic inequality poses to the political agency of American citizens. The magazine cited studies showing that, despite everything you’ve heard about the power of small donations in recent political campaigns, 1 percent of the population actually provides a quarter of all the money spent on politics by individuals and 80 percent of what the two major political parties raise. Thanks to their wealth, a minuscule economic elite as well as big corporations now shape policies, notably on taxation and expenditure, to their advantage on an unprecedented scale. Polls show that

an overwhelming majority of Americans support stricter laws to prevent wealth from hijacking politics and want the *Citizens United* ruling overturned. But then just how much does the voice of the majority matter? Judging from the many failed efforts to pass such laws, not much.

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