

# New York Times: Apologist for Power

**Special Report:** Over the past couple of decades, America's preeminent newspaper, The New York Times, has lost its journalistic way, becoming a propaganda platform and an apologist for the powerful, writes Robert Parry.

By Robert Parry

In recent years, The New York Times has behaved as if whatever the Establishment claims is true must be true, failing to show thoughtful skepticism whether the findings are coming from a congressional report, an intelligence assessment, a criminal investigation or even an outfit as disreputable as the National Football League.

If some powerful institution asserts a conclusion, the Times falls in line and expects everyone else to do so as well. Yet, that is not journalism; it is mindless submission to authority; and it indirectly pushes many people into the swamps of conspiracy theories. After all, if professional journalists simply ratify whatever dubious claims are coming from powerful institutions, inquisitive citizens will try to fill in the blanks themselves and sometimes buy into outlandishly false speculations.

In my journalistic career, I have found both extremes troubling: the Times' assumption that the authorities are almost always right and the conspiracy theorists who follow up some "what I can't understand" comment with a patently absurd explanation and then get angry when rational people won't go along.

Though both attitudes have become dangerous for a functioning democracy, the behavior of the Times deserves the bulk of the blame, since the "newspaper of record" carries far more weight in setting public policy and also is partly to blame for creating this blight of conspiracism.

Some of the Times' failures are well known, such as its 2002 front-page acceptance of claims from officials and allies of George W. Bush's administration that Iraq was reconstituting its nuclear weapons program and had purchased some aluminum tubes to do so. The Times' bogus story allowed Bush's top aides to go on Sunday talk shows to warn that "we must not allow the smoking gun to be a mushroom cloud."

But the "aluminum tube" story was only part of a long-developing pattern. As an investigative reporter in Washington since 1980, I had seen the Times engage in similar publications of false stories planted by powerful insiders.

For instance, based on self-serving information from Ronald Reagan's Justice

Department in the mid-1980s, the Times knocked down the original reporting that my Associated Press colleague Brian Barger and I did on Nicaraguan Contra rebels getting involved in cocaine smuggling.

And, once the Times got snookered by its official sources, it and other mainstream publications carried on vendettas against anyone who contradicted the accepted wisdom, unwilling to admit that they were wrong even at the expense of historical truth.

So, when San Jose Mercury News reporter Gary Webb revived the Contra-cocaine story in 1996 – with evidence that some of that cocaine had fed into the “crack epidemic” – the Times (along with other major newspapers) savaged Webb’s articles and destroyed his career.

Finally, in 1998 when the CIA’s Inspector General Frederick Hitz confirmed that the Contras indeed had engaged in extensive cocaine trafficking, the Times only published a grudging and limited admission that maybe there was a bit more to the story than the vaunted Times had previously accepted. But Webb’s career and life remained in ruins. He eventually committed suicide in 2004 (and please, conspiracists, don’t go on about how he was “murdered” by the CIA).

[For details, see Consortiumnews.com’s [“The Sordid Contra-Cocaine Saga.”](#)]

### **Hiding Gore’s Victory**

By the time of Webb’s destruction, the Times was neck-deep in a troubling pattern of getting virtually every major story wrong or sitting on important information that some of its own journalists had dug up.

In 2000, after five partisan Republicans on the U.S. Supreme Court shut down the vote count in Florida to ensure George W. Bush’s “election,” Times executives resisted calls from lower-level editors to join in a media counting of the discarded votes, only grumpily agreeing to take part.

However, when that vote count was completed in November 2001, the Times executives decided to misreport the findings, which revealed that if all legal votes in Florida had been counted Al Gore would have won (because the so-called “over-votes” – when a voter both marks and writes in the same name – broke heavily for Gore and are legal under Florida law which is based on the clear intent of the voter).

You might have thought that the obvious lede would be that the wrong guy was in the White House, but the 9/11 attacks had intervened between the start and the end of the media recount. So, the Times and other major news organizations buried their own findings so as not to undermine Bush’s authority amid a crisis.

The big media focused on various hypotheticals of partial counts that still had Bush “winning.”

While one might sympathize with the Times’ reasons for misleading the public, what the Times did was not journalism, nor was it a case of treating the American citizens as the true sovereigns of the nation who have a right to know the truth. It was a case of protecting the legitimacy of the Establishment. Those of us who noted the actual vote tabulations were dismissed as “conspiracy theorists,” though we were not.

[For the details of how a full Florida recount would have given Gore the White House, see Consortiumnews.com’s [“Gore’s Victory,”](#) [“So Bush Did Steal the White House,”](#) and [“Bush v. Gore’s Dark American Decade.”](#)]

### **Rationalizing War**

So, when we got to Bush’s plans for invading Iraq in 2002, the Times had already shown its commitment to play ball with whatever the government was saying, no matter how dubious the claims. And, even the humiliation of having been caught publishing a false story about aluminum tubes being evidence of Iraq reconstituting its nuclear weapons program didn’t get the Times to change course.

Although one of the reporters on that story, Judy Miller, eventually did leave the newspaper (and landed on her feet at Fox News), the lead author, Michael Gordon, continued as the Times’ national security correspondent. Even more stunning, columnist Bill Keller, who wrote an influential article rallying “liberals” to the cause of invading Iraq, was elevated to the top job of [executive editor after his Iraq gullibility](#) had been exposed.

Even in the rare moments when the Times claimed it was standing up to the Bush administration, such as publishing James Risen’s article in December 2005 exposing the warrantless wiretapping of Americans, the reality was not exactly a new chapter in Profiles in Courage.

It turned out that the Times had been sitting on Risen’s story for more than a year – it could have been published before the 2004 election – but Bush demanded the story’s suppression. The [information was finally shared](#) with the public in late 2005 only because Risen’s book, *State of War*, was scheduled for publication in January 2006 and included the disclosure, a prospective embarrassment for the Times.

The pattern of the Times bowing down to the White House continued into the Obama administration. Whenever there has been a dubious claim that the U.S. government directs against some foreign “adversary,” the Times dutifully takes the side of

Official Washington, rather than applying the objectivity and impartiality that are supposed to be at the heart of U.S. journalism.

For instance, on Aug. 21, 2013, when a mysterious sarin gas attack outside Damascus, Syria, killed several hundred people, the Times simply fell in line behind the U.S.-driven rush to judgment blaming the government of Syrian President Bashar al-Assad.

There were immediate reasons to doubt that conclusion – Assad had just invited in United Nations inspectors to investigate cases of Syrian jihadists using chemical weapons – but the Times and other major Western outlets simply fingered the already demonized Assad.

Though we now know that U.S. intelligence analysts did not consider Assad's guilt a "slam dunk" – and later key elements of the case against Assad collapsed, such as the Times' miscalculation of the maximum range of the sarin-laden rocket – the Assad-did-it stampede almost led to a major U.S. military retaliation against what now appears to have been the wrong people.

Current evidence points to a likely provocation by radical jihadists trying to trick the West into entering the war in a big way on their side, but the Times has never fully retracted its false claim that the rocket was fired from a Syrian military base, which was four times outside the rocket's range.

Indeed, to this day, Times' columnists and other Western journalists routinely cite Assad's guilt – and President Obama's supposed failure to enforce his "red line" against chemical attacks – as flat fact.

### **The MH-17 Case**

There has been a similar lack of skepticism toward the propaganda case that has been built around the July 17, 2014 shoot-down of Malaysia Airlines Flight 17 over eastern Ukraine killing 298 people. We saw another rush to judgment, this time blaming ethnic Russian rebels and Russian President Vladimir Putin, but there were problems with that claim from the start.

I was told by a source briefed by U.S. intelligence analysts that their evidence pointed to a rogue element of the Ukrainian military under the direction of a hard-line, anti-Russian Ukrainian oligarch with the hoped-for goal of shooting down Putin's plane returning from a state visit to South America. According to this account, MH-17 just became the substitute target.

But the international investigation was put under the effective control of Ukraine's unsavory SBU intelligence service, although technically called "Dutch-led." As the Joint Investigation Team's own progress report noted this year, the

inquiry relied both on the Ukrainian government's hospitality and "evidence" supplied by the SBU, which has been implicated in concealing Ukrainian torture centers. Far from objective, the investigation became part of the West's anti-Russian propaganda war.

So, when the JIT issued its initial findings in September 2016, skepticism should have been in order. Indeed, there wasn't really a "report" as such, more a brief summary accompanied by several videos that used computer-generated graphics and cryptic telephone intercepts, provided by the SBU, to create the impression of Russian guilt.

A critical examination of the material revealed that the inquiry ignored evidence that went against the desired conclusion, including intercepts revealing that a Ukrainian convoy was pressing deep inside what was called "rebel-controlled" territory, an important point because it showed that a Ukrainian missile battery could have traveled eastward toward the alleged firing point since rebel forces were mostly massed to the north fighting a government offensive.

The alleged route of the supposed Russian Buk battery also made no sense because there was a much more direct and discreet route from the Russian border to the alleged firing location in the southeast than the circuitous wandering all the way west to Donetsk before backtracking to the east. But the SBU-dominated investigation needed to explain why all the "social media" photos showed a Buk battery traveling east toward Russia, not westward from Russia.

And, there was the JIT's silence on a Dutch intelligence report from October 2015 saying that the only powerful anti-aircraft missiles in eastern Ukraine on July 17, 2014, were under the control of the Ukrainian military. Plus, the supposed firing location for the alleged purpose of protecting rebel fighters operating far to the north made no sense from a tactical perspective either. Placing a Buk battery far to the southeast would not help shoot down Ukraine's military planes firing missiles into the rebel lines.

Indeed, much of the evidence fit better with what I had been told, second-hand, from those U.S. intelligence analysts – because any scheme to shoot down Putin's plane would need the deniability that would come from pushing the battery as far into "rebel-controlled" territory as possible so as to manage the political fallout by creating a cover story that Putin was killed by his own supporters. The same cover story also would work for killing the passengers on MH-17 and blaming it on Russia.

But whatever you might think about who was responsible for the MH-17 atrocity – and I agree that the mystery has not been solved – the job of a professional

news organization is to examine skeptically the various accounts and the available pieces of evidence, not just embrace the “official” version. But that is what the Times has done regarding MH-17 and pretty much every other case.

### **Concealing History**

The Times’ journalistic negligence does not only affect current issues of war and peace, but how the American people understand their recent history. In effect, the false “group thinks” – accepted by the Times – have a long after-life of decay contaminating the public’s thinking whenever the Times recycles a bogus account as historical narrative.

For instance, in a recent summary of “October Surprise” cases, the Times misled its readers on two of the most important incidents, 1968 and 1980.

Regarding the election of 1968 between Richard Nixon and Hubert Humphrey, the evidence is now overwhelming that Nixon’s operatives went behind President Lyndon Johnson’s back to sabotage the Paris peace talks that Johnson felt could end the Vietnam War, a development that also would likely have helped fellow Democrat Humphrey.

That evidence now includes declassified FBI wiretaps of Nixon’s conspirators and Johnson’s own taped phone conversations – as well as various admissions and other corroborations from participants – but the Times has always turned up its nose toward this important story. So, the history doesn’t exist in New York Times World.

Thus, when the Times addressed this 1968 episode in a Nov. 1, 2016 review of past “October Surprise” cases – in the context of FBI Director James Comey telling Congress that the FBI had reopened its investigation of Hillary Clinton’s emails – the Times offered this summary:

“President Lyndon Baines Johnson announced a halt to bombing of North Vietnam, based on his claim that peace talks had ‘entered a new and a very much more hopeful phase,’ and he invited the government of South Vietnam and the Viet Cong to take part in negotiations. Raising hopes that the war might end soon, the announcement appeared to bolster the standing in the polls of Vice President Hubert H. Humphrey, the Democratic presidential nominee, but Humphrey still fell short in the election against former Vice President Richard M. Nixon, the Republican.”

In other words, the Times treated Johnson’s bombing halt and claim of peace-talk progress as the “October Surprise” to try to influence the election in favor of Humphrey. But the evidence now is clear that a peace agreement was within reach and that the “October Surprise” was Nixon’s sabotage of the negotiations by

persuading South Vietnamese President Nguyen van Thieu to boycott the Paris meeting.

The Times got the story upside-down and inside-out by failing to reexamine this case in light of convincing evidence now available in the declassified record. [For details, see Consortiumnews.com's "[LBJ's 'X-File' on Nixon's 'Treason'](#)" and "[The Heinous Crime Behind Watergate.](#)"]

## **Reagan's Victory**

The Times botched the 1980 "October Surprise" case even worse. The currently available evidence supports the case that Ronald Reagan's campaign – mostly through its director (and future CIA Director) William Casey and its vice presidential nominee (and former CIA Director) George H.W. Bush – went behind President Jimmy Carter's back and undermined his negotiations to free 52 American hostages then held in Iran.

Carter's failure became a central factor in his repudiation for reelection and a core reason for Reagan's landslide victory – that also carried the Republicans to control of the U.S. Senate. But the later congressional investigation into the 1980 October Surprise case – a follow-on to the Iran-Contra scandal which exposed the Reagan-Bush secret dealings with Iran – was stymied in 1992.

Naively, the inquiry trusted President George H.W. Bush's administration to collect the evidence and provide the witnesses for what would amount to Bush's political suicide. Documents from Bush's presidential library reveal that his White House quickly set out to "kill/spike this story" in order to protect his reelection chances.

For instance, a memo by one of Bush's lawyers revealed that the White House had received confirmation of a key October Surprise allegation – a secret trip by Casey to Madrid – but then withheld that information from congressional investigators. Documents also show the White House frustrating attempts to interview a key witness.

After I discovered the Madrid confirmation several years ago – and sent the document to former Rep. Lee Hamilton, who had headed the House inquiry which concluded that there was no credible evidence supporting the allegations – he was stunned by the apparent betrayal of his trust.

"The [Bush-41] White House did not notify us that he [Casey] did make the trip" to Madrid, Hamilton told me in an interview. Asked if knowledge that Casey had traveled to Madrid might have changed the investigation's dismissive October Surprise conclusion, Hamilton said yes, because the question of the Madrid trip was central to the inquiry.

So, a great deal is now known about the 1980 October Surprise case since the Times accepted the misguided conclusion of Hamilton's inquiry. But none of that is reflected in how the Times recounted the history in its review of past October Surprise cases:

"The Republican nominee, Ronald Reagan, and his aides repeatedly warned that President Jimmy Carter, a Democrat, would try an October surprise, probably in the form of winning the release of American hostages held for more than a year in Iran. The Reagan campaign's frequent use of the term helped popularize it. Some people have since charged that Reagan aides actually tried to prevent a hostage release before the election, through back-channel communications with Iran, a claim that has been widely refuted. The hostages were freed in January 1981 – on the day Reagan was inaugurated."

Yet, rather than being "widely refuted," the most recent evidence tends to confirm the allegations that have been made by some two dozen witnesses including a detailed account of the Reagan campaign's interference by then-Iranian President Abolhassan Bani-Sadr. But the Times seems more interested in reinforcing the false conventional wisdom than informing the American people.

[For details, see Robert Parry's *America's Stolen Narrative* or *Trick or Treason: The 1980 October Surprise Mystery* or Consortiumnews.com's "Second Thoughts on October Surprise."]

### **Crazy Deflategate**

Even on more trivial matters, the Times simply can't escape its pattern of accepting the word from the powerful, even when those powers-that-be are as disreputable as the executives of the National Football League.

When the NFL decided to accuse New England Patriots quarterback Tom Brady of cheating in a bizarre scheme to slightly deflate footballs in the January 2015 AFC Championship game, the Times again showed no skepticism despite the flimsiness of the accusations as well as the absence of any direct evidence – and the official denials from Brady (under oath) and two equipment employees.

The so-called Deflategate case was also marred by the sloppiness of the halftime measurements of the footballs and the ignorance of many NFL executives about the laws of physics and how weather affects the internal air pressure of footballs, as determined by the Ideal Gas Law.

But the "scandal" took on a life of its own with the NFL leaking exaggerations about the discrepancies in the initial air-pressure measurements and false claims about the proper air pressure in the footballs of the other team, the Indianapolis Colts (the one accurate gauge, used by the NFL officials, showed



that the Colts' footballs were underinflated for both the first half and second half).

Eventually, even NFL Commissioner Roger Goodell recognized many of the flaws in the case as he concluded that the only game where the footballs could have been deflated was the AFC Championship game when the Patriots' ball boy carried the footballs to the field unattended (rather than the normal practice of being accompanied by an official) and stopped briefly in a bathroom.

But this NFL conspiracy theory – that the ball boy used his bathroom break to slightly deflate footballs rather than urinating as he claimed – made no sense because the only reason the ball boy ended up unattended was because the preceding NFC Championship game had gone into overtime and the NFL decided to delay the start of the AFC game so the public could see both games.

The sudden-death ending of the NFC game caused confusion among the officials and the ball boy took it upon himself to take the balls to the field.

To suggest that Brady somehow anticipated that series of unlikely events so a tiny bit of air could be removed from the footballs, which would have no discernible effect except to make the balls travel slightly slower and thus easier to defend, is absurd on its face.

But the NFL would have lost face by admitting that it had acted so absurdly – and rival owners saw a chance to damage the Patriots' ability to compete – so the Deflategate story moved on with Brady suspended for four games and the Patriots stripped of two valuable draft choices.

### **A Puff Piece**

While you might say that this “scandal” surely didn't deserve the attention that it got (and you'd be right), the Times, which treated the NFL claims as fact, didn't let go even after Brady dropped his appeals and accepted his four-game suspension.

The Times devoted 2½ pages on Sept. 25, 2016, to a puff piece by correspondent John Branch about the “Deflategate Scientists” from the corporate-friendly science firm, Exponent, which was hired by the NFL to produce the “science” to justify Brady's punishment.

Though Exponent discovered that all or virtually all the air-pressure drop could be attributable to the cold, wet weather on the night of the game (and the imprecise process of the halftime measurements further muddled the picture), Exponent still composed some scientific-sounding jargon to give the NFL the cover that it needed to go after Brady.

The firm said, “we conclude that within the range of game characteristics most likely to have occurred on Game Day, we have identified no set of credible environmental or physical factors that completely accounts for the additional loss of air pressure exhibited by the Patriots game balls as compared to the loss in air pressure exhibited by the Colts game balls.”

But Exponent’s phrasing obscured the fact that an innocent explanation did exist on Exponent’s range of measurements though the firm ruled it out by applying “accepted error margins” and fudging the facts around the sequence of the football testing at halftime (a key point because in a warmer environment, the air pressure would rise naturally).

Armed with Exponent’s phrasing, NFL investigators then took some unrelated text messages from the two equipment employees describing how NFL officials had over-inflated footballs in a prior game to claim they had the “smoking gun” regarding a plot to under-inflate footballs.

However, rather than show any skepticism about this “evidence” and the larger absurdity of the Deflategate claims, the Times simply treated the NFL’s case as solid and fawned over Exponent as if it were a temple of noble scientists seeking nothing but the truth. The Times dismissed critics who cited the firm’s reputation as a hired-gun to give powerful industries useful conclusions, such as disparaging the danger from second-hand cigarette smoke.

Instead of any serious journalism examining Deflategate’s logical flaws and Exponent’s dubious role in the scandal-mongering, the Times presented Exponent as the real martyrs in the case, reporting “Exponent still receives emails from adamant critics, and its role in Deflategate has cost it several prospective clients, the company said.”

### **A Troubling Pattern**

Granted, the Deflategate silliness is minor compared to other cases when the Times misrepresented key chapters of U.S. history, concealed government wrongdoing and generated propaganda used to justify wars. But all these examples point to a pattern of journalistic behavior that is not journalistic.

Today’s Times is not the brave newspaper that published the Pentagon Papers, the secret history of the Vietnam War. It is no longer the place where a Seymour Hersh could expose the CIA’s “crown jewels” of scandals or where a Raymond Bonner could reveal massacres of civilians by U.S.-backed militaries in Central America.

Not that those earlier days were by any means perfect – and not that there isn’t some quality journalism that still appears in the newspaper – but it is hard to

imagine the Times today going against the grain in any significant or consistent way.

Instead, the Times has become an apologist for the powerful, conveying to its readers and to the world a dangerous and dubious insistence that the Establishment knows best.

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

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## The Modern History of 'Rigged' US Elections

**Special Report:** Donald Trump claims the U.S. presidential election is "rigged," drawing condemnation from the political/media establishment which accuses him of undermining faith in American democracy. But neither side understands the real problem, says Robert Parry.

By Robert Parry

The United States is so committed to the notion that its electoral process is the world's "gold standard" that there has been a bipartisan determination to maintain the fiction even when evidence is overwhelming that a U.S. presidential election has been manipulated or stolen. The "wise men" of the system simply insist otherwise.

We have seen this behavior when there are serious questions of vote tampering (as in Election 1960) or when a challenger apparently exploits a foreign crisis to create an advantage over the incumbent (as in Elections 1968 and 1980) or when the citizens' judgment is overturned by judges (as in Election 2000).

Strangely, in such cases, it is not only the party that benefited which refuses to accept the evidence of wrongdoing, but the losing party and the establishment news media as well. Protecting the perceived integrity of the U.S. democratic process is paramount. Americans must continue to believe in the integrity of the system even when that integrity has been violated.

The harsh truth is that pursuit of power often trumps the principle of an informed electorate choosing the nation's leaders, but that truth simply cannot be recognized.

Of course, historically, American democracy was far from perfect, excluding millions of people, including African-American slaves and women. The compromises needed to enact the Constitution in 1787 also led to distasteful distortions, such as counting slaves as three-fifths of a person for the purpose of representation (although obviously slaves couldn't vote).

That unsavory deal enabled Thomas Jefferson to defeat John Adams in the pivotal national election of 1800. In effect, the votes of Southern slave owners like Jefferson counted substantially more than the votes of Northern non-slave owners.

Even after the Civil War when the Constitution was amended to give black men voting rights, the reality for black voting, especially in the South, was quite different from the new constitutional mandate. Whites in former Confederate states concocted subterfuges to keep blacks away from the polls to ensure continued white supremacy for almost a century.

Women did not gain suffrage until 1920 with the passage of another constitutional amendment, and it took federal legislation in 1965 to clear away legal obstacles that Southern states had created to deny the franchise to blacks.

Indeed, the alleged voter fraud in Election 1960, concentrated largely in Texas, a former Confederate state and home to John Kennedy's vice presidential running mate, Lyndon Johnson, could be viewed as an outgrowth of the South's heritage of rigging elections in favor of Democrats, the post-Civil War party of white Southerners.

However, by pushing through civil rights for blacks in the 1960s, Kennedy and Johnson earned the enmity of many white Southerners who switched their allegiance to the Republican Party via Richard Nixon's Southern strategy of coded racial messaging. Nixon also harbored resentments over what he viewed as his unjust defeat in the election of 1960.

### **Nixon's 'Treason'**

So, by 1968, the Democrats' once solid South was splintering, but Nixon, who was again the Republican presidential nominee, didn't want to leave his chances of winning what looked to be another close election to chance. Nixon feared that – with the Vietnam War raging and the Democratic Party deeply divided – President Johnson could give the Democratic nominee, Vice President Hubert Humphrey, a decisive boost by reaching a last-minute peace deal with North Vietnam.

The documentary and testimonial evidence is now clear that to avert a peace deal, Nixon's campaign went behind Johnson's back to persuade South Vietnamese

President Nguyen van Thieu to torpedo Johnson's Paris peace talks by refusing to attend. Nixon's emissaries assured Thieu that a President Nixon would continue the war and guarantee a better outcome for South Vietnam.

Though Johnson had strong evidence of what he privately called Nixon's "treason" – from FBI wiretaps in the days before the 1968 election – he and his top advisers chose to stay silent. In a Nov. 4, 1968 conference call, Secretary of State Dean Rusk, National Security Advisor Walt Rostow and Defense Secretary Clark Clifford – three pillars of the Establishment – expressed that consensus, with Clifford explaining the thinking:

"Some elements of the story are so shocking in their nature that I'm wondering whether it would be good for the country to disclose the story and then possibly have a certain individual [Nixon] elected," Clifford said. "It could cast his whole administration under such doubt that I think it would be inimical to our country's interests."

Clifford's words expressed the recurring thinking whenever evidence emerged casting the integrity of America's electoral system in doubt, especially at the presidential level. The American people were not to know what kind of dirty deeds could affect that process.

To this day, the major U.S. news media will not directly address the issue of Nixon's treachery in 1968, despite the wealth of evidence proving this historical reality now available from declassified records at the Johnson presidential library in Austin, Texas. In a puckish recognition of this ignored history, the library's archivists call the file on Nixon's sabotage of the Vietnam peace talks their "X-file." [For details, see Consortiumnews.com's "LBJ's 'X-File' on Nixon's 'Treason.'"]

The evidence also strongly suggests that Nixon's paranoia about a missing White House file detailing his "treason" – top secret documents that Johnson had entrusted to Rostow at the end of LBJ's presidency – led to Nixon's creation of the "plumbers," a team of burglars whose first assignment was to locate those purloined papers. The existence of the "plumbers" became public in June 1972 when they were caught breaking into the Democratic National Committee's headquarters at the Watergate in Washington.

Although the Watergate scandal remains the archetypal case of election-year dirty tricks, the major U.S. news media never acknowledge the link between Watergate and Nixon's far more egregious dirty trick four years earlier, sinking Johnson's Vietnam peace talks while 500,000 American soldiers were in the war zone. In part because of Nixon's sabotage – and his promise to Thieu of a more favorable outcome – the war continued for four more bloody years before being

settled along the lines that were available to Johnson in 1968. [See Consortiumnews.com's "[The Heinous Crime Behind Watergate.](#)"]

In effect, Watergate gets walled off as some anomaly that is explained by Nixon's strange personality. However, even though Nixon resigned in disgrace in 1974, he and his National Security Advisor Henry Kissinger, who also had a hand in the Paris peace talk caper, reappear as secondary players in the next well-documented case of obstructing a sitting president's foreign policy to get an edge in the 1980 campaign.

### **Reagan's 'October Surprise' Caper**

In that case, President Jimmy Carter was seeking reelection and trying to negotiate release of 52 American hostages then held in revolutionary Iran. Ronald Reagan's campaign feared that Carter might pull off an "October Surprise" by bringing home the hostages just before the election. So, this historical mystery has been: Did Reagan's team take action to block Carter's October Surprise?

The testimonial and documentary evidence that Reagan's team did engage in a secret operation to prevent Carter's October Surprise is now almost as overwhelming as the proof of the 1968 affair regarding Nixon's Paris peace talk maneuver.

That evidence indicates that Reagan's campaign director William Casey organized a clandestine effort to prevent the hostages' release before Election Day, after apparently consulting with Nixon and Kissinger and aided by former CIA Director George H.W. Bush, who was Reagan's vice presidential running mate.

By early November 1980, the public's obsession with Iran's humiliation of the United States and Carter's inability to free the hostages helped turn a narrow race into a Reagan landslide. When the hostages were finally let go immediately after Reagan's inauguration on Jan. 20, 1981, his supporters cited the timing to claim that the Iranians had finally relented out of fear of Reagan.

Bolstered by his image as a tough guy, Reagan enacted much of his right-wing agenda, including passing massive tax cuts benefiting the wealthy, weakening unions and creating the circumstances for the rapid erosion of the Great American Middle Class.

Behind the scenes, the Reagan administration signed off on secret arms shipments to Iran, mostly through Israel, what a variety of witnesses described as the payoff for Iran's cooperation in getting Reagan elected and then giving him the extra benefit of timing the hostage release to immediately follow his inauguration.

In summer 1981, when Assistant Secretary of State for the Middle East Nicholas Veliotis learned about the arms shipments to Iran, he checked on their origins and said, later in a PBS interview:

“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. ... [This operation] 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. And I understand some contacts were made at that time.”

Those early covert arms shipments to Iran evolved into a later secret set of arms deals that surfaced in fall 1986 as the Iran-Contra Affair, with some of the profits getting recycled back to Reagan’s beloved Nicaraguan Contra rebels fighting to overthrow Nicaragua’s leftist government.

While many facts of the Iran-Contra scandal were revealed by congressional and special-prosecutor investigations in the late 1980s and early 1990s, the origins of the Reagan-Iran relationship was always kept hazy. The Republicans were determined to stop any revelations about the 1980 contacts, but the Democrats were almost as reluctant to go there.

A half-hearted congressional inquiry was launched in 1991 and depended heavily on then-President George H.W. Bush to collect the evidence and arrange interviews for the investigation. In other words, Bush, who was then seeking reelection and who was a chief suspect in the secret dealings with Iran, was entrusted with proving his own guilt.

### **Tired of the Story**

By the early 1990s, the mainstream U.S. news media was also tired of the complex Iran-Contra scandal and wanted to move on. As a correspondent at Newsweek, I had battled senior editors over their disinterest in getting to the bottom of the scandal before I left the magazine in 1990. I then received an assignment from PBS Frontline to look into the 1980 “October Surprise” question, which led to a documentary on the subject in April 1991.

However, by fall 1991, just as Congress was agreeing to open an investigation, my ex-bosses at Newsweek, along with The New Republic, then an elite neoconservative publication interested in protecting Israel’s exposure on those early arms deals, went on the attack. They published matching cover stories deeming the 1980 “October Surprise” case a hoax, but their articles were both based on a misreading of documents recording Casey’s attendance at a conference in London in July 1980, which he seemed to have used as a cover for a side trip

to Madrid to meet with senior Iranians regarding the hostages.

Although the bogus Newsweek/New Republic "London alibi" would eventually be debunked, it created a hostile climate for the investigation. With Bush angrily denying everything and the congressional Republicans determined to protect the President's flanks, the Democrats mostly just went through the motions of an investigation.

Meanwhile, Bush's State Department and White House counsel's office saw their jobs as discrediting the investigation, deep-sixing incriminating documents, and helping a key witness dodge a congressional subpoena.

Years later, I discovered a document at the Bush presidential library in College Station, Texas, confirming that Casey had taken a mysterious trip to Madrid in 1980. The U.S. Embassy's 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 congressional inquiry was taking shape.

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 in a "memorandum for record" dated Nov. 4, 1991.

Two days later, on Nov. 6, Beach's boss, White House counsel C. Boyden Gray, convened 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.

At the meeting, Gray laid out how to thwart the October Surprise inquiry, which was seen as a dangerous expansion of the Iran-Contra investigation. The prospect that the two sets of allegations would merge into a single narrative represented a grave threat to George H.W. Bush's reelection campaign. As assistant White House counsel Ronald vonLembke, put it, the White House goal in 1991 was to "kill/spike this story."

Gray explained the stakes at the White House strategy session. "Whatever form they ultimately take, the House and Senate 'October Surprise' investigations, like Iran-Contra, will involve interagency concerns and be of special interest to the President," Gray declared, according to minutes. [Emphasis in original.]

Among "touchstones" cited by Gray were "No Surprises to the White House, and Maintain Ability to Respond to Leaks in Real Time. This is Partisan." White House "talking points" on the October Surprise investigation urged restricting



the inquiry to 1979-80 and imposing strict time limits for issuing any findings.

### **Timid Democrats**

But Bush's White House really had little to fear because whatever evidence that the congressional investigation received – and a great deal arrived in December 1992 and January 1993 – there was no stomach for actually proving that the 1980 Reagan campaign had conspired with Iranian radicals to extend the captivity of 52 Americans in order to ensure Reagan's election victory.

That would have undermined the faith of the American people in their democratic process – and that, as Clark Clifford said in the 1968 context, would not be “good for the country.”

In 2014 when I sent a copy of Beach's memo regarding Casey's trip to Madrid to former Rep. Lee Hamilton, D-Indiana, who had chaired the October Surprise inquiry in 1991-93, he told me that it had shaken his confidence in the task force's dismissive conclusions about the October Surprise issue.

“The [Bush-41] White House did not notify us that he [Casey] did make the trip” to Madrid, Hamilton told me. “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.

“If the White House knew that Casey was there, they certainly should have shared it with us,” Hamilton said, adding that “you have to rely on people” in authority to comply with information requests. But that trust was at the heart of the inquiry's failure. With the money and power of the American presidency at stake, the idea that George H.W. Bush and his team would help an investigation that might implicate him in an act close to treason was naïve in the extreme.

Arguably, Hamilton's timid investigation was worse than no investigation at all because it gave Bush's team the opportunity to search out incriminating documents and make them disappear. Then, Hamilton's investigative conclusion reinforced the “group think” dismissing this serious manipulation of democracy as a “conspiracy theory” when it was anything but. In the years since, Hamilton hasn't done anything to change the public impression that the Reagan campaign was innocent.

Still, among the few people who have followed this case, the October Surprise cover-up would slowly crumble with admissions by officials involved in the investigation that its exculpatory conclusions were rushed, that crucial

evidence had been hidden or ignored, and that some alibis for key Republicans didn't make any sense.

But the dismissive “group think” remains undisturbed as far as the major U.S. media and mainstream historians are concerned. [For details, see Robert Parry’s *America’s Stolen Narrative* or *Trick or Treason: The 1980 October Surprise Mystery* or Consortiumnews.com’s “Second Thoughts on October Surprise.”]

## **Past as Prologue**

Lee Hamilton’s decision to “clear” Reagan and Bush of the 1980 October Surprise suspicions in 1992 was not simply a case of miswriting history. The findings had clear implications for the future as well, since the public impression about George H.W. Bush’s rectitude was an important factor in the support given to his oldest son, George W. Bush, in 2000.

Indeed, if the full truth had been told about the father’s role in the October Surprise and Iran-Contra cases, it’s hard to imagine that his son would have received the Republican nomination, let alone made a serious run for the White House. And, if that history were known, there might have been a stronger determination on the part of Democrats to resist another Bush “stolen election” in 2000.

Regarding Election 2000, the evidence is now clear that Vice President Al Gore not only won the national popular vote but received more votes that were legal under Florida law than did George W. Bush. But Bush relied first on the help of officials working for his brother, Gov. Jeb Bush, and then on five Republican justices on the U.S. Supreme Court to thwart a full recount and to award him Florida’s electoral votes and thus the presidency.

The reality of Gore’s rightful victory should have finally become clear in November 2001 when a group of news organizations finished their own examination of Florida’s disputed ballots and released their tabulations showing that Gore would have won if all ballots considered legal under Florida law were counted.

However, between the disputed election and the release of those numbers, the 9/11 attacks had occurred, so The New York Times, The Washington Post, CNN and other leading outlets did not want the American people to know that the wrong person was in the White House. Surely, telling the American people that fact amid the 9/11 crisis would not be “good for the country.”

So, senior editors at all the top news organizations decided to mislead the public by framing their stories in a deceptive way to obscure the most newsworthy discovery – that the so-called “over-votes” in which voters both checked and wrote in their choices’ names broke heavily for Gore and would have

put him over the top regardless of which kinds of chads were considered for the “under-votes” that hadn’t registered on antiquated voting machines. “Over-votes” would be counted under Florida law which bases its standards on “clear intent of the voter.”

However, instead of leading with Gore’s rightful victory, the news organizations concocted hypotheticals around partial recounts that still would have given Florida narrowly to Bush. They either left out or buried the obvious lede that a historic injustice had occurred.

On Nov. 12, 2001, the day that the news organizations ran those stories, I examined the actual data and quickly detected the evidence of Gore’s victory. In a story that day, I suggested that senior news executives were exercising a misguided sense of patriotism. They had hid the reality for “the good of the country,” much as Johnson’s team had done in 1968 regarding Nixon’s sabotage of the Paris peace talks and Hamilton’s inquiry had done regarding the 1980 “October Surprise” case.

Within a couple of hours of my posting the article at Consortiumnews.com, I received an irate phone call from The New York Times media writer Felicity Barringer, who accused me of impugning the journalistic integrity of then-Times executive editor Howell Raines. I got the impression that Barringer had been on the look-out for some deviant story that didn’t accept the Bush-won conventional wisdom.

However, this violation of objective and professional journalism – bending the slant of a story to achieve a preferred outcome rather than simply giving the readers the most interesting angle – was not simply about some historical event that had occurred a year earlier. It was about the future.

By misleading Americans into thinking that Bush was the rightful winner of Election 2000 – even if the media’s motivation was to maintain national unity following the 9/11 attacks – the major news outlets gave Bush greater latitude to respond to the crisis, including the diversionary invasion of Iraq under false pretenses. The Bush-won headlines of November 2001 also enhanced the chances of his reelection in 2004. [For the details of how a full Florida recount would have given Gore the White House, see Consortiumnews.com’s [“Gore’s Victory,”](#) [“So Bush Did Steal the White House,”](#) and [“Bush v. Gore’s Dark American Decade.”](#)]

### **A Phalanx of Misguided Consensus**

Looking back on these examples of candidates manipulating democracy, there appears to be one common element: after the “stolen” elections, the media and

political establishments quickly line up, shoulder to shoulder, to assure the American people that nothing improper has happened. Graceful “losers” are patted on the back for not complaining that the voters’ will had been ignored or twisted.

Al Gore is praised for graciously accepting the extraordinary ruling by Republican partisans on the Supreme Court, who stopped the counting of ballots in Florida on the grounds, as Justice Antonin Scalia said, that a count that showed Gore winning (when the Court’s majority was already planning to award the White House to Bush) would undermine Bush’s “legitimacy.”

Similarly, Rep. Hamilton is regarded as a modern “wise man,” in part, because he conducted investigations that never pushed very hard for the truth but rather reached conclusions that were acceptable to the powers-that-be, that didn’t ruffle too many feathers.

But the cumulative effect of all these half-truths, cover-ups and lies – uttered for “the good of the country” – is to corrode the faith of many well-informed Americans about the legitimacy of the entire process. It is the classic parable of the boy who cried wolf too many times, or in this case, assured the townspeople that there never was a wolf and that they should ignore the fact that the livestock had mysteriously disappeared leaving behind only a trail of blood into the forest.

So, when Donald Trump shows up in 2016 insisting that the electoral system is rigged against him, many Americans choose to believe his demagoguery. But Trump isn’t pressing for the full truth about the elections of 1968 or 1980 or 2000. He actually praises Republicans implicated in those cases and vows to appoint Supreme Court justices in the mold of the late Antonin Scalia.

Trump’s complaints about “rigged” elections are more in line with the white Southerners during Jim Crow, suggesting that black and brown people are cheating at the polls and need to have white poll monitors to make sure they don’t succeed at “stealing” the election from white people.

There is a racist undertone to Trump’s version of a “rigged” democracy but he is not entirely wrong about the flaws in the process. He’s just not honest about what those flaws are.

The hard truth is that the U.S. political process is not democracy’s “gold standard”; it is and has been a severely flawed system that is not made better by a failure to honestly address the unpleasant realities and to impose accountability on politicians who cheat the voters.

**Investigative reporter Robert Parry broke many of the Iran-Contra stories for**

The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

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## Justice Scalia's 'Originalist' Hypocrisy

**From the Archive:** The death of U.S. Supreme Court Justice Scalia has prompted fawning eulogies about his legal brilliance and his heart-felt faith in constitutional "originalism," but the reality is that he twisted the Framers' thoughts into whatever was politically convenient, as Robert Parry noted in 2011.

By Robert Parry (Originally published on Jan. 5, 2011)

U.S. Supreme Court Justice Antonin Scalia unintentionally revealed the hypocrisy of the Right's rhetoric about "originalist" interpretations of the U.S. Constitution with his comments about how the Fourteenth Amendment's guarantee of "equal protection under the law" doesn't mean equal rights for women.

"In 1868, when the 39th Congress was debating and ultimately proposing the Fourteenth Amendment, I don't think anybody would have thought that equal protection applied to sex discrimination, or certainly not to sexual orientation," Scalia said in [an interview](#) with the legal magazine *California Lawyer*.

"So does that mean that we've gone off in error by applying the Fourteenth Amendment to both? Yes, yes. Sorry, to tell you that."

However, if the "original intent" of the amendment's drafters was so determinative that the Fourteenth Amendment supposedly was only meant to apply to black men at the end of slavery it might be safe to assume that the drafters weren't thinking about protecting a white man like George W. Bush from possibly losing an election in Florida in 2000.

Yet, the Fourteenth Amendment was precisely what Scalia and four other partisan Republicans on the Supreme Court cited to justify shutting down the Florida recount and handing the White House to Bush, despite the fact that he lost the national popular vote and apparently would have come out on the short end of the Florida recount if all legally cast ballots were counted.

To justify their ruling, the five Republican justices cited the Fourteenth Amendment's "equal protection" clause in claiming that Florida's electoral

precincts had failed to apply common standards for counting votes. Then, rather than giving the state time to rectify the situation, the justices set a deadline of two hours, effectively assuring Bush's "victory."

In other words, Scalia and other right-wing justices operate with a situational ethic when it comes to "originalism" and "strict construction." If their partisan and ideological interests require the abandoning of those precepts, the principles are dumped overboard.

That is what most of us would call hypocrisy or dishonesty. But Scalia, like many on the Right, operates with a curious sense of false righteousness, at least when his "principles" match up with his ideology and partisan interests.

In the interview, Scalia packaged his assessment of "originalist" intent on the Fourteenth Amendment as a tough-minded recognition of the facts. Scalia claimed that the amendment's provisions should only relate to the "original" intent of extending legal rights to black men.

He framed his argument as an invitation to state legislatures to grant women, gays and other groups equal rights. But that also suggests that the states would be free to deny these Americans their rights, if the legislatures saw fit.

"If indeed the current society has come to different views [regarding equal rights for women and gays], that's fine," Scalia said. "You do not need the Constitution to reflect the wishes of the current society. Certainly the Constitution does not require discrimination on the basis of sex.

"The only issue is whether it prohibits it. It doesn't. Nobody ever thought that that's what it meant. Nobody ever voted for that. If the current society wants to outlaw discrimination by sex, hey we have things called legislatures, and they enact things called laws. You don't need a constitution to keep things up-to-date. All you need is a legislature and a ballot box."

### **Defending White Plutocrats**

Nevertheless, when the power to appoint future Supreme Court justices was at stake in Election 2000 Scalia signed off on a fully unanticipated application of the "equal protection" language.

In the Bush v. Gore case, Scalia joined in a ruling that blocked the Florida Supreme Court from interpreting statutes passed by the state legislature regarding standards for legally cast votes. Scalia and four other Republican justices stopped Florida's canvassing boards from assessing whether rejected ballots had indeed reflected the clear intent of the voters.

In effect, Scalia and the four other partisan Republican Justices William Rehnquist, Clarence Thomas, Anthony Kennedy and Sandra Day O'Connor were citing the Fourteenth Amendment to overturn a state law regarding how elections should be conducted.

They did so with the expressed intent of protecting the "rights" of George W. Bush and without any concern that the Congress in 1868 never expressed any intent for the amendment to be used as a device to overturn the will of the voters and put a white plutocrat in the White House.

But as the saying goes, necessity is the mother of invention. And Scalia and his cohorts were willing to invent or ignore "originalism" as needed to achieve their partisan ends. They were acting as what they like to condemn, "activist judges."

By the way, the relevant part of the Fourteenth Amendment doesn't make any reference to race or to gender, only to "citizens" and "any person."

It states: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Four decades ago before Scalia's arrival on the scene the U.S. Supreme Court ruled that those provisions do apply to women. More recently, some federal judges have ruled that the language also would prohibit discriminatory laws against gays.

### **Bush v. Gore**

As painful as it might be to some, it's worth reviewing – in the context of Scalia's statement – how the Bush v. Gore ruling came to pass.

The behind-the-scenes court drama began on Dec. 8, 2000. Bush was clinging to an official lead of only a few hundred votes out of six million cast in Florida when the Bush forces were dealt a crushing blow. A divided Florida Supreme Court ordered a statewide review of ballots that had been kicked out by antiquated counting machines.

The recount began on the morning of Dec. 9. Immediately, the canvassers began finding scores of legitimate votes that the machines had rejected.

Despite a supposed reverence for states' rights and a disdain for federal interference, Bush's lawyers raced to the U.S. Appeals Court in Atlanta to stop

the count. Though dominated by Republican conservatives, the appeals court held to established precedents and refused to intervene to stop the recount.

A frantic Bush then turned to the U.S. Supreme Court in Washington. There, in the late afternoon, the high court took the unprecedented step of issuing an injunction to stop the counting of votes cast by American citizens.

In the injunction, Justice Scalia made clear that the purpose of the court's action was to prevent Bush from falling behind in the tally and thus raising questions about his legitimacy should the Supreme Court later declare him the winner.

That outcome would "cast a cloud" over the "legitimacy" of an eventual Bush presidency, explained Scalia. "Count first, and rule upon the legality afterwards, is not a recipe for producing election results that have the public acceptance democratic stability requires," Scalia wrote.

### **Trusting the Law**

Nevertheless, on Dec. 11, 2000, Gore and his lawyers voiced confidence that the rule of law would prevail that the U.S. Supreme Court would rise above any partisan concerns and would insist that the votes be counted and the will of the voters be respected.

Gore was particularly confident that Justice O'Connor would reject partisanship and apply the law fairly. However, on that same day, reporter Mollie Dickenson wrote for Consortiumnews.com that O'Connor, a supposed "swing vote" was "firmly on board for George W. Bush's victory."

Dickenson wrote that "according to a knowledgeable source, O'Connor was visibly upset – indeed furious – when the networks called Florida for Vice President Al Gore on Election Night. 'This is terrible,' she said, giving the impression that she desperately wanted Bush to win.

"Some have heard that one reason why O'Connor was so upset was that the O'Connors want to retire home to Arizona, but will not do so if Gore wins. In that case, O'Connor will remain on the court to deny Gore the opportunity to replace her." (As it turned out, O'Connor did retire with Bush in office, enabling him to appoint right-wing Justice Samuel Alito, who became part of Scalia's faction on the court.)

Yet, the Gore team apparently went before the court not knowing that whatever they argued, the five Republican partisans were determined to make Bush the next president.



The evidence is now clear that the five Republican partisans decided on the outcome first and worked out the rationale second. Indeed, their legal logic flipped from the start of their deliberations to the end, but their pro-Bush verdict remained steadfast.

*USA Today* disclosed this inside story in an article about the strains that the Bush v. Gore ruling created within the court. Though the article was sympathetic to the pro-Bush justices, it disclosed an important fact: that the five were planning to rule for Bush after oral arguments on Dec. 11. The court even sent out for Chinese food for the clerks, so work could be completed that night. [*USA Today*, Jan. 22, 2001]

At that point, the legal rationale for stopping the Florida recount was to have been that the Florida Supreme Court had made “new law” when it referenced the state constitution in an initial recount decision rather than simply interpreting state statutes.

Even though this basis for giving Bush the White House was highly technical, the rationale at least conformed with conservative principles, which are supposedly hostile to judicial “activism.” But the Florida Supreme Court threw a wrench into the plan.

On the evening of Dec. 11, the state court submitted a revised ruling that deleted the passing reference to the state constitution. The revised ruling based its reasoning entirely on state statutes, which permitted recounts in close elections.

This modified state ruling opened a split among the five conservatives. Justices O’Connor and Kennedy no longer felt they could agree with the “new law” rationale for blocking the recount, though Justices Rehnquist, Scalia and Thomas were prepared to stick with the old thinking even though its foundation had been removed.

### **Finding a Reason**

The plans for finishing up the formal opinion on the evening of Dec. 11 were scrapped as O’Connor and Kennedy veered off in a very different direction.

Through the day on Dec. 12, they worked on an opinion arguing that the Florida Supreme Court had failed to set consistent standards for the recount and that the disparate county-by-county standards constituted a violation of the “equal protection” rules of the Fourteenth Amendment.

The logic of this argument was quite thin and Kennedy reportedly had trouble committing it to writing. To anyone who had followed the Florida election, it

was obvious that varied standards already had been applied throughout the state.

Wealthier precincts benefited from optical voting machines that were simple to use and eliminated nearly all errors, while poorer precincts with many African-Americans and retired Jews were stuck with outmoded punch-card systems with far higher error rates. Some counties had conducted manual recounts, too, and those totals already were part of the tallies giving Bush a tiny lead.

The statewide recount ordered by the Florida Supreme Court was designed to reduce those disparities and thus bring the results closer to equality. Applying the "equal protection" provision, as planned by O'Connor and Kennedy, turned the Fourteenth Amendment on its head, guaranteeing less equality than would have occurred by letting the recount go forward.

Indeed, if one were to follow the "logic" of the O'Connor-Kennedy position, the only "fair" conclusion would have been to throw out Florida's presidential election in total. After all, the U.S. Supreme Court was effectively judging Florida's disparate standards to be unconstitutional. But that would have left Gore with a majority of the remaining electoral votes.

Or, more rationally, the U.S. Supreme Court could have given Florida more time to conduct the fuller recount that the O'Connor-Kennedy position envisioned, bringing in not only so-called "under-votes" in which a choice was hard to detect but "over-votes" in which citizens both punched the hole for their choice and wrote his name in.

However, Gore stood to benefit from either approach and that went against the pre-determined outcome to put Bush in the White House, whatever the legal excuse had to be.

Even more telling than the stretched logic of the O'Connor-Kennedy faction was the readiness of Rehnquist, Scalia and Thomas to sign on to a ruling that was almost completely at odds with their initial legal rationale for blocking the recount – and in violation of their supposedly "strict constructionist" beliefs.

On the night of Dec. 11, that trio was ready to bar the recount because the Florida Supreme Court had created "new law." On Dec. 12, the same three justices were voting to block the recount because the Florida Supreme Court had not created "new law" by establishing precise statewide recount standards.

The five conservatives had devised their own Catch-22. If the Florida Supreme Court set clearer standards, that would be struck down as creating "new law." If the state court didn't set clearer standards, that would be struck down as violating the "equal protection" principle. Heads Bush wins; tails Gore loses.

There was one other clever twist to the conservative majority's maneuvering. When the ruling was issued at around 10 p.m. on Dec. 12, the Republican majority's rationale asserted that the Fourteenth Amendment required a recount with equal standards applied statewide, but then gave Florida only two hours to complete the process before a deadline of midnight.

Because this two-hour window was absurdly unrealistic, the result of the ruling was to give Bush the White House based on a 537-vote lead in the "official" Florida results, as overseen by the state administration of his brother, Gov. Jeb Bush.

### **Denying Politics**

After the court's ruling and Gore's gracious-but-pained concession speech the next day, Justice Thomas told a group of high school students that partisan considerations played "zero" part in the court's decisions. Later, asked whether Thomas's assessment was accurate, Rehnquist answered, "Absolutely."

In later comments about the court's role in the case, Rehnquist seemed unfazed by the inconsistency of the court's logic. His overriding rationale seemed to be that he viewed Bush's election as good for the country whether most voters thought so or not.

In a speech on Jan. 7, 2001, Rehnquist said sometimes the U.S. Supreme Court needed to intervene in politics to extricate the nation from a crisis. His remarks were made in the context of the Hayes-Tilden race in 1876, when another popular vote loser, Rutherford B. Hayes, was awarded the presidency after justices participated in a special election commission.

"The political processes of the country had worked, admittedly in a rather unusual way, to avoid a serious crisis," Rehnquist said. Scholars interpreted Rehnquist's remarks as shedding light on his thinking during the Bush v. Gore case as well.

"He's making a rather clear statement of what he thought the primary job of our governmental process was," said Michael Les Benedict, a history professor at Ohio State University. "That was to make sure the conflict is resolved peacefully, with no violence." [Washington Post, Jan. 19, 2001]

But where were the threats of violence and acts of disruption in the 2000 election? Gore had reined in his supporters, urging them to avoid confrontations and to trust in the "rule of law." The only violence had come from the Bush side, when the Bush campaign flew protesters from Washington to Miami to put pressure on local election boards.

On Nov. 22, 2000, as the Miami-Dade canvassing board was preparing to examine ballots, a well-dressed mob of Republican operatives charged the office, roughed up some Democrats and pounded on the walls. The canvassing board promptly reversed itself and decided to forego the recount.

The next night, the Bush-Cheney campaign feted the rioters at a hotel party in Fort Lauderdale. Starring at the event was crooner Wayne Newton singing "Danke Schoen," but the highlight for the operatives was a thank-you call from George W. Bush and his running mate, Dick Cheney, both of whom joked about the Miami-Dade incident, the Wall Street Journal reported.

The Journal noted that "behind the rowdy rallies in South Florida this past weekend was a well-organized effort by Republican operatives to entice supporters to South Florida," with House Majority Whip Tom DeLay's Capitol Hill office taking charge of the recruitment. [WSJ, Nov. 27, 2000. For more details, see Consortiumnews.com's "[Bush's Conspiracy to Riot.](#)"]

### **Republican Defiance**

In other less violent ways, Bush-Cheney operatives signaled that they would not accept an unfavorable vote total in Florida. In the chance that Gore pulled ahead, the Republican-controlled state legislature was preparing to void the results. In Washington, the Republican congressional leadership also was threatening to force a constitutional crisis if Gore prevailed in Florida.

If one takes Rehnquist's "good-for-the-country" rationale seriously, that means the U.S. Supreme Court was ready to award the presidency to the side most willing to use violence and other anti-democratic means to overturn the will of the voters.

Rehnquist's approach suggested that since Gore and his supporters were less likely to resort to violence while Bush and his backers were ready to provoke a crisis if they didn't get their way that the high court should give the presidency to the side most committed to disruption.

A far more democratic and rational approach would have been for the Supreme Court to accept the O'Connor-Kennedy logic and simply extend the deadline for Florida to turn in its results. The court could have ordered the fullest and fairest possible recount with the winner being whichever candidate ended up with the most votes.

However, if that had occurred, the almost certain winner would have been Gore. When a group of news organizations conducted an unofficial recount of Florida's disputed ballots in 2001, Gore came out narrowly on top regardless of what standards were applied to the famous chads dimpled, hanging or punched-through.

Gore's victory would have been assured by the so-called "over-votes" in which a voter both punched through a candidate's name and wrote it in. Under Florida law, such "over-votes" are legal and they broke heavily in Gore's favor. [See Consortiumnews.com's "[So Bush Did Steal the White House.](#)"]

In other words, the wrong candidate had been awarded the presidency. However, this startling fact was an unpleasant reality that the mainstream U.S. news media decided to obscure.

The tally wasn't completed until after the terrorist attacks on 9/11 and the prevailing view among senior news executives became that it would be harmful to the nation's need for unity if the press reported that Gore was the rightful winner of Election 2000.

So, the major newspapers and TV networks hid their own scoop when the results were published on Nov. 12, 2001. Instead of stating clearly that Florida's legally cast votes favored Gore, the mainstream media bent over backwards to concoct hypothetical situations in which Bush might still have won the presidency, such as if the recount were limited to only a few counties or if the legal "over-votes" were excluded.

The discovery of Gore's rightful victory was buried deep in the stories or relegated to charts that accompanied the articles.

### **Misleading the Readers**

Any casual reader would have come away from reading The New York Times or The Washington Post with the conclusion that Bush really had won Florida and thus was the legitimate president after all. The Post's headline read, "Florida Recounts Would Have Favored Bush." The Times ran the headline: "Study of Disputed Florida Ballots Finds Justices Did Not Cast the Deciding Vote."

Some columnists, such as the Post's media analyst Howard Kurtz, even launched preemptive strikes against anyone who would read the fine print and spot the hidden "lede" of Gore's victory. Kurtz labeled such people "conspiracy theorists." [Washington Post, Nov. 12, 2001]

After reading these slanted "Bush Won" stories, I wrote an article for Consortiumnews.com noting that the obvious "lede" should have been that the recount revealed that Gore had won. I suggested that the news judgments of senior editors might have been influenced by a desire to appear patriotic only two months after 9/11. [See Consortiumnews.com's "[Gore's Victory.](#)"]

My article had been up for only a couple of hours when I received an irate phone call from New York Times media writer Felicity Barringer, who accused me of

impugning the journalistic integrity of then-Times executive editor Howell Raines. I got the impression that Barringer had been on the look-out for some deviant story that didn't accept the pro-Bush conventional wisdom.

Today, the dominant conventional wisdom appears to be that while the Bush v. Gore decision was a case of politicized justice, it's not something that Americans should get too upset about. There is even a school of thought that asserts that it was encouraging that U.S. citizens did not take to the streets to protest this overturning of their democratic judgment.

In a Sept. 13, 2010, interview with NBC's Brian Williams, Justice Stephen Breyer, one of the dissenters in the Bush v. Gore ruling, said he still believed the majority was wrong, but added that he found the aftermath remarkable in a positive way.

"That remarkable thing, is even though more than half the public strongly disagreed with it [Bush v. Gore], thought it was really wrong, they followed it," Breyer said. "And the alternative, using guns, having revolutions, is a worse alternative.

"And it's taken quite a long time, many, many years, decades and decades for Americans to come to that understanding. And that fact, that America will follow court decisions made by fallible human beings, even when those decisions are very unpopular, has not always been true."

In other words, Breyer believes it is preferable for Americans to accept an anti-democratic judgment made by five partisans in black robes than to rise up in outrage against a powerful institution that has usurped the role of the voters and overturned the consent of the governed.

Yet, is that acquiescence really preferable to the courageous actions by people all over the world who have staged protests and risked their lives in defense of democracy when autocratic rulers have refused to accept the results of an election?

A decade after the fateful court ruling with the results of Bush's presidency now painfully apparent and his appointed justices helping to open the floodgates of special-interest money to further distort the democratic process Bush v. Gore must be viewed as a moment when the United States started down a very dark road.

It also is a reminder that for Justice Scalia and his cohorts, a stated devotion to "originalism" and "strict construction" is more a propaganda exercise designed to fool the gullible than a bedrock principle that must be followed even when it doesn't work in favor of a politically desired outcome.

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

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## The Progressives' Green Party Dilemma

Many progressives struggle with the "lesser-evil" dilemma. They may sympathize with Green Party positions but fear that voting for Green candidates will give right-wing Republicans control of the U.S. government, as in getting George W. Bush close enough to steal Election 2000 from Al Gore, notes Lawrence Davidson.

By Lawrence Davidson

The presumptive presidential candidate for the U.S. Green Party, Dr. Jill Stein, [has long held definite ideas](#) of what the party's position should be on the Israeli-Palestinian conflict. And, despite [some past skepticism](#) from Palestinian advocates, Stein's position is, from the progressive point of view, as near perfect as one is likely to get from an American politician. She has stated in a position paper the following:

"United States policy regarding Israel and Palestine must be revised to make international law, peace and human rights the central priorities. The United States has encouraged the worst tendencies of the Israeli government as it pursues policies of occupation, apartheid, assassination, illegal settlements, blockades, building nuclear bombs, indefinite detention, collective punishment, and defiance of international law. We must reset U.S. policy regarding Israel and Palestine, as part of a broader revision of U.S. policy towards the Middle East."

Stein has government actions in mind to make this policy change real, including the withholding of material support and the diplomatic and economic isolation of those who consistently violate human rights and international law.

If Stein prevails as the party leader and carries through her position into the party platform, it should be enough to cause every supporter of justice in the Middle East (and in other areas as well, for the party's positions on many issues, domestic and foreign, are consistently progressive) to give serious consideration to supporting the Green Party's national candidates.

Certainly the Greens deserve to be on the ballot in every state and have enough supporters to make their candidacy a serious one.

Of course, the actual election of the Green Party, with or without Stein, is an unlikely event. Modern American politics has never been congenial for third parties. On a national level the best the U.S. Greens have done was 2.74 percent of the vote when Ralph Nader ran as their presidential candidate in 2000, a result I will consider more closely below.

The mass media gives the party almost no attention and, while the Green Party presidential candidate in 2012, Stein was not invited to any of the televised debates.

Even so, it is interesting to speculate what would happen if American progressives and others rallied around the Green Party and it actually attained power and moved to implement Jill Stein's position paper on the Israeli-Palestinian conflict.

### **What If?**

First, we have to mention the actual role of position papers as well as party platforms. They are statements of "what we *might* do if we had sufficient power." And indeed, it is rare that presidents are elected with such power – that is, with their party also in control of both houses of Congress. Nonetheless, Stein is a principled person and I have no doubt that, given the opportunity, she would attempt to turn these theoretical positions into practice.

Second, the Green Party president would have to monitor carefully the government bureaucracy attached to the Executive Branch to make sure its leaders actually did what she instructed it to do. This would require a lot of shifting around at the upper levels, where the State Department (including some embassy staff), Department of the Treasury, Department of Defense and some others are staffed with pro-Israeli appointees. After these reassignments are carried through the middle-echelon civil service bureaucrats would probably be fairly reliable and responsive.

Third, the Green Party president would find herself in a battle royal with Congress (assuming the Greens did not take control here too) over questions of aid and structurally created ties with Israel that lay outside of the president's hands. For instance, much of the infamous \$3 billion "aid" package given to the Zionist state yearly can only be altered by Congress. I think such a battle, carried out publicly, would be very beneficial for the country as a whole, but it also might end with a Green Party president having to compromise.

### **The Progressive's Dilemma**

The dream of a successful Green Party sounds great and it is heartening that



there is actually a political party out there with the courage and wisdom to take a stand for international law, peace and justice. But, given the present political state of things, Jill Stein may run for office, but she really cannot win.

And, that sets up the progressive's dilemma – the question whether, under these circumstances, progressives should actually vote for the Green Party's national ticket candidates.

The dilemma was first made apparent in the year 2000 when Ralph Nader, running for president on the Green Party ticket, got close to 3 million votes. The other two candidates in that race were the Democrat Al Gore and the Republican George W. Bush. The race proved close enough that some have seen Nader's campaign as a "spoiler" drawing off enough otherwise Democratic votes to throw the race to Bush.

Actually, I cannot resolve this dilemma, but I can tell you that it begs the question of why the most reasonable and rational political party, the one with positions that actually deal with both the nation's and the planet's worsening problems, remains at best a marginal player here in the United States.

The answer to this question probably has to do with the way most Americans, confined as they are within their local venues, have been acculturated to see the world – a range of perception that, over the decades, has melded with the range of propaganda put out by the two major parties.

This has left the more rational positions expressed by the Green Party vulnerable to the charge of naive idealism. In other words, most Americans, at least those who bother to vote, see the world through indoctrinated eyes and this makes it psychologically comfortable to vote for Democrats or Republicans even though doing so perpetuates old and deepening problems.

Heading off in new directions means going beyond politically conditioned perceptual views. And, even if it is demonstrably more reasonable and promising to do so, such a change causes a lot of discomfort.

So are we stuck in a self-destructive rut here? Quite likely. And, if history acts as a guide, the most likely thing to kick the U.S. out of the rut is catastrophe – something even worse than the fiascos of Vietnam and Iraq, and the economic time-bombs of ongoing bank scandals.

That is a really sad conclusion, especially since such a catastrophe could lead the nation toward the hard right rather than the progressive left. However, it just may be the truth of the matter.

Lawrence Davidson is a history professor at West Chester University in Pennsylvania. He is the author of *Foreign Policy Inc.: Privatizing America's National Interest*; *America's Palestine: Popular and Official Perceptions from Balfour to Israeli Statehood*; and *Islamic Fundamentalism*.

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## Explaining Myself

**Exclusive:** U.S. government propagandists know that the best way to get Americans to support a war is to get them despising and laughing at some “designated villain,” though the technique applies to more mundane cases, too. That’s when journalists should step in but often they just pile on, says Robert Parry.

By Robert Parry

In my four decades in national journalism I started at the Associated Press in 1974 I have grown increasingly concerned about how Americans respond to information, or put differently, how propagandists package their messaging to elicit the desired response. In an age of cynicism, the trick is to get the “big ha-ha!” convincing you to laugh at the target whether deserved or not.

The way the process works is to first generate hatred or contempt toward a person or group and then produce “themes” that make the target a subject of ridicule and derision, demonized to such an extent that pretty much anything goes. Some of this behavior might seem relatively harmless but it can lead to serious unfairness, injustice, even war.

In 2000, I took heat from some colleagues for objecting to the “big ha-ha!” being directed at Vice President Al Gore. It had reached the point where the mainstream media even made up fictional quotes to put in Gore’s mouth like “I invented the Internet” so he could be mocked in favor of the much cooler George W. Bush, who rewarded favored journalists with pet nicknames.

This media hazing of wonky Al Gore carried over to the election in which Gore not only won the national popular vote but if all legal ballots in Florida had been counted, he would have carried that swing state and thus won the White House. But the mainstream U.S. media acted as if the idea of counting the votes and thus denying Bush the presidency was somehow dirty pool.

Very quickly, the conventional wisdom solidified behind the idea that Gore was a “sore loser” who should just get out of the way. That prevailing attitude created political space for five Republican justices on the U.S. Supreme Court to halt the counting of votes in Florida, giving the state and the White House

to George W. Bush. The conventional wisdom quickly morphed into the conviction that the media had to protect Bush's "legitimacy."

The consequences of that shoddy and biased journalism are hard to quantify. History might have gone off in a much less bloody direction if the U.S. media big shots had stuck up for the basic idea that the American voters should decide who becomes president. But it was so much easier for everyone to go with the flow. Al Gore was such a stiff. Ha-ha! [For details, see [Neck Deep](#).]

## **Reagan's World**

By 2000, I had already seen this pattern take shape and take control of American journalism. President Ronald Reagan and his skilled team of propagandists were masters at shaping the narrative and, via the media, convincing Americans that impoverished peasants in Central America were a grave threat to the United States and thus needed to be repressed.

Nicaraguan President Daniel Ortega became "the dictator in designer glasses" and Sandinista-ruled Nicaragua was "a totalitarian dungeon." Conversely, U.S. allies no matter how corrupt and cruel were placed on a pedestal. The cocaine-tainted Nicaraguan Contras were the "moral equal of the Founding Fathers." The blood-soaked dictator of Guatemala Efraín Ríos Montt was a good Christian getting "a bum rap." [See Consortiumnews.com's ["The Victory of Perception Management"](#).]

As the years went by, each international crisis became a replay. Iraq's dictator Saddam Hussein was "worse than Hitler." His troops pulled new-born infants out of incubators and smashed them to the floor. Today, it's Russian President Vladimir Putin riding shirtless. What a macho jerk! Ha-ha!

So, when "white papers" or other government reports detail the offenses of these reviled leaders, who inside the mainstream U.S. media would risk his or her career by checking out the facts and challenging the accusations?

Indeed, you could build your career by going along, maybe becoming the "star reporter" who gets the latest approved "leak" from the U.S. intelligence community "confirming" how terrible the designated villain is. Or you could portray yourself as a "citizen journalist" and use Internet research to vindicate exactly what the U.S. government was claiming. Maybe a mainstream job or a U.S. AID grant awaits.

But I opted out of that game. For many years, I battled inside mainstream news organizations the AP, Newsweek and PBS Frontline trying to get reluctant, hostile or frightened editors to challenge the U.S. government's propaganda as well as the media's conventional wisdom. Eventually, I turned to the Internet and founded a Web site, which became Consortiumnews.com.

My job as I saw it was to do what I thought journalism was always supposed to do, i.e., look skeptically at whatever any government or powerful institution claimed to be true. I felt this was particularly important during international crises that carried the potential of war or in the current case of Ukraine the possibility of exterminating all life on the planet.

That doesn't mean that governments and powerful institutions always lie. But it should mean that journalists demand hard facts and evidence before accepting what they're told. Sadly, that attitude has become rare as the years have gone by.

It's now almost expected that the New York Times and Washington Post will march in lockstep with the U.S. government on foreign policy, except perhaps when they bait a leader who shows some geopolitical restraint and doesn't swagger aggressively into an international conflict. It also goes without saying that mainstream journalists are virtually immune from accountability if they run with the pack and later turn out to be wrong even if a catastrophic war is the result.

Yet, despite the depths that journalism has reached in the United States and across the Western world, I still believe in its principles. Indeed, the only ism that I do believe in is journalism, which you might define as the assembling of facts within a framework of common sense and presented in a way that the average person can understand.

But I especially don't like the piling-on "ha-ha" tendencies of today's media. Whenever someone gets demonized and that demonization influences how information is handled, that's where the worst violations of journalistic principles usually occur.

Recently, I've applied that skepticism in evaluating claims about Russian guilt in the 2014 shoot-down of Malaysia Airlines Flight 17 from British blogger Eliot Higgins and Australia's "60 Minutes" or in assessing the extravagant accusations about the Ukraine crisis from U.S. Ambassador to the United Nations Samantha Power.

But the same journalistic principles apply in more mundane matters like the NFL's harsh punishment of New England Patriots quarterback Tom Brady in the overblown "Deflategate" case. Many Americans hate Brady and the Patriots, creating an atmosphere in which accusations are readily accepted even if the evidence is weak or manipulated.

While I would argue that my journalism is consistent in this way, I know it tends to offend people who have reached contrary conclusions and don't want to

rethink them or others who have a stake in the conventional wisdom. Then, I usually get accused of being someone's apologist a "Sandinista apologist"; an "Al Gore apologist"; a "Saddam apologist"; a "Putin apologist"; or a "Brady apologist."

But it's really that I just don't like the "big ha-ha!"

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

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## Howard Kurtz's Belated Comeuppance

**Exclusive:** Media critic Howard Kurtz has lost his job as Washington bureau chief for Newsweek/Daily Beast after a blog post in which he falsely accused basketball player Jason Collins of hiding his past engagement to a woman while coming out as gay. But Kurtz's journalistic abuses have a much longer history, writes Robert Parry.

By Robert Parry

For nearly a quarter century, Howard Kurtz has served as hall monitor for Washington's conventional wisdom, handing out demerits to independent-minded journalists who don't abide by the mainstream rules. So, there is some understandable pleasure seeing Kurtz face some accountability in his ouster as bureau chief for Newsweek and The Daily Beast.

However, the more salient point is that Kurtz, who continues to host CNN's "Reliable Sources" show, should never have achieved the level of influence in journalism that he did. Throughout his career, he has consistently and unfairly punished journalists who had the courage to ask tough questions and pursue truly important stories.

When one looks at the mess that is modern journalism in the United States, a chief culprit has been Howard Kurtz. Yet, his downfall did not come because of his smearing of fellow journalists like Gary Webb and Helen Thomas but rather from a blog post that unfairly criticized basketball player Jason Collins after

he revealed that he was gay.

Kurtz faulted Collins for supposedly not revealing that he had once been engaged to a woman, but Collins had mentioned those marriage plans. Twitter exploded with comments about Kurtz's sloppy error. On Thursday, The Daily Beast retracted the post, and the Web site's editor-in-chief Tina Brown announced that Kurtz would be departing.

However, Kurtz has committed far more serious offenses during his years destroying the careers of journalists who dared make life a bit uncomfortable for Official Washington's powerful elites. For instance, Kurtz played a key role in the destruction of investigative reporter Gary Webb, who had the courage to revive the long-suppressed Contra-cocaine story in the mid-1990s.

Working at the San Jose Mercury-News, Webb produced a multi-part series in 1996 revealing how cocaine that was smuggled into the United States by operatives connected to the Nicaraguan Contra war of the 1980s had contributed to the "crack cocaine" epidemic that ravaged U.S. cities. Webb's articles put the major U.S. news media on the spot because most mainstream outlets had dismissed the Contra-cocaine allegations when they first surfaced in the mid-1980s.

My Associated Press colleague Brian Barger and I wrote the first story about the Contra-cocaine scandal in 1985 and our work was met with a mix of condescension and contempt from the New York Times and the Washington Post, where Kurtz worked for many years. Even after an investigation by Sen. John Kerry confirmed and expanded upon our work, the big newspapers continued to dismiss and downplay the stories.

It didn't matter how much evidence was developed on the Contra-cocaine smuggling or on the Reagan administration's role covering up the crimes; the conventional wisdom was that the scandal must be a "conspiracy theory." Journalists or government investigators who did their job, looking at the problem objectively, risked losing their job.

### **Career Consequences**

Journalistic up-and-comers, such as Michael Isikoff (then at the Washington Post), advanced their careers by focusing on minor flaws in Kerry's investigation rather than on major disclosures of high-level government complicity with drug trafficking. Newsweek's "conventional wisdom watch" mocked Kerry as "a randy conspiracy buff."

So, when Gary Webb revived the Contra-cocaine scandal in 1996 by pointing out its real-world impact on the emergence of crack cocaine that ravaged inner

cities across the United States in the 1980s, his stories were most unwelcome.

At first, the mainstream news media tried to ignore Webb's work, but African-American lawmakers demanded investigations into the scandal. That prompted a backlash from the major news organizations. Webb's articles were dissected looking for tiny flaws that could be exploited to again discredit the whole issue.

On Oct. 4, 1996, the Washington Post published a front-page article knocking down Webb's series, although acknowledging that some Contra operatives indeed did help the cocaine cartels.

The Post's approach was twofold: first, the Post presented the Contra-cocaine allegations as old news, "even CIA personnel testified to Congress they knew that those covert operations involved drug traffickers," the Post sniffed, and second, the Post minimized the importance of the one Contra smuggling channel that Webb had highlighted in his series, saying that it had not "played a major role in the emergence of crack." A Post sidebar dismissed African-Americans as prone to "conspiracy fears."

Next, the New York Times and the Los Angeles Times weighed in with lengthy articles castigating Webb and his "Dark Alliance" series. The big newspapers made much of the CIA's internal reviews in 1987 and 1988, almost a decade earlier, that supposedly had cleared the spy agency of any role in Contra-cocaine smuggling.

But the CIA's cover-up began to unravel on Oct. 24, 1996, when CIA Inspector General Frederick Hitz conceded before the Senate Intelligence Committee that the first CIA probe had lasted only 12 days, and the second only three days. He promised a more thorough review.

### **Sealing Webb's Fate**

By then, however, Webb had already crossed over from being a serious journalist to an object of ridicule. Washington Post media critic Kurtz effectively sealed Webb's fate with a series of articles confirming Webb's new status as a laughable pariah.

For instance, Kurtz mocked Webb for saying in a book proposal that he would explore the possibility that the Contra war was primarily a business to its participants. "Oliver Stone, check your voice mail," Kurtz chortled.

However, Webb's suspicion was no conspiracy theory. Indeed, White House aide Oliver North's chief Contra emissary, Robert Owen, had made the same point in a March 17, 1986, message about the Contras leadership. "Few of the so-called

leaders of the movement . . . really care about the boys in the field," Owen wrote. "THIS WAR HAS BECOME A BUSINESS TO MANY OF THEM." [Emphasis in original.]

In other words, Webb was right and Kurtz was wrong. Even Oliver North's emissary had reported that many Contra leaders treated the conflict as "a business." But accuracy had ceased to be relevant in the media's bashing of Gary Webb.

While Webb was held to the strictest standards of journalism, it was entirely all right for Kurtz, the supposed arbiter of journalistic standards, to make judgments based on ignorance. Kurtz faced no repercussions for disparaging an embattled journalist who was factually correct. (Kurtz's sloppiness regarding Webb was similar to Kurtz's cavalier approach to Collins's brave announcement as the first player in a major U.S. team sport to declare that he is gay.)

Yet, with Kurtz's imprimatur, the Big Three's assault on Webb, combined with their derogatory tone, had a predictable effect on the executives of the *Mercury-News*. By early 1997, executive editor Jerry Ceppos, who had his own corporate career to worry about, was in retreat.

Webb was forced out of his job to the satisfaction of Kurtz and many in the mainstream media. Webb's humiliation served as a vindication to their longstanding dismissive treatment of the Contra-cocaine story.

Even when CIA Inspector General Hitz determined that, indeed, the Contra movement had been permeated with cocaine traffickers and that the CIA had shielded them from law enforcement, the mainstream media's focus remained the alleged shortcomings in Webb's journalism. [For details, see Robert Parry's *Lost History*.]

So, while Kurtz and other Contra-cocaine "debunkers" saw their careers soar, Webb couldn't find decent-paying work in his profession. Finally, in December 2004, despondent and in debt, Webb took his own life. Even after his death, the Los Angeles Times, the Washington Post and other major news outlets continued disparaging him. [See Consortiumnews.com's "The Warning in Gary Webb's Death."] ]

### **Hooting at Democracy**

As the 1990s ground to a close with the Washington news media obsessing over "important" issues like President Bill Clinton's failed Whitewater real-estate deal and his sex life, Kurtz and his fellow-travelers were setting the sorry standards for modern U.S. journalism. Many were swooning over the manly man George W. Bush and happily hazing the wonky Al Gore.

Though Gore won the national popular vote in Election 2000 and would have prevailed in the swing state of Florida if all the legal ballots had been



counted, five Republicans on the U.S. Supreme Court stopped that counting and installed George W. Bush in the White House with little protest from the national news media.

That pro-Bush/anti-Gore attitude grew stronger after the 9/11 attacks when a group of news organizations completed an unofficial tally of the ignored Florida ballots, which showed that Gore would have carried that key state. Yet, instead of simply telling the American people that the wrong guy was in the White House, the major U.S. news outlets twisted their own findings to protect Bush's fragile "legitimacy."

Out front defending that journalistic malfeasance was Howard Kurtz. He rallied behind the decision of the Washington Post, New York Times, CNN and other heavy-hitters to focus on hypothetical partial recounts rather than what the Florida voters actually voted for, i.e., a Gore victory.

On Nov. 12, 2001, the Post's headline was "Florida Recounts Would Have Favored Bush" and Kurtz backed that judgment up by dismissing anyone who actually looked at the statistical findings of the recount as a kook. Kurtz's sidebar headlined, "George W. Bush, Now More Than Ever" ridiculed as "conspiracy theorists" those who thought Gore had won.

"The conspiracy theorists have been out in force, convinced that the media were covering up the Florida election results to protect President Bush," Kurtz wrote. "That gets put to rest today, with the finding by eight news organizations that Bush would have beaten Gore under both of the recount plans being considered at the time."

Kurtz also mocked those who believed that winning an election fairly, based on the will of the voters, was important in a democracy. "Now the question is: How many people still care about the election deadlock that last fall felt like the story of the century and now faintly echoes like some distant Civil War battle?" he wrote.

After reading Kurtz's dismissive tone, it was a bit jarring to examine the actual results of the statewide review of 175,010 disputed ballots. "Full Review Favors Gore," the Washington Post admitted in a box buried on page 10, showing that under all standards applied to the ballots, Gore came out on top. The New York Times' graphic revealed the same outcome.

However, based on the "journalism" promoted by Howard Kurtz, any reporter who actually read and reacted to the real findings would be risking his or her career. Thus, millions of Americans continued to believe that Bush was the legitimate winner in Florida when the facts showed otherwise. [See

Consortiumnews.com's ["Sandra Day O'Connor's 'Maybe' Regret."](#)]

## **Demonizing Helen Thomas**

Given Kurtz's history as hall monitor for the conventional wisdom, it surely should come as no surprise that he would join in the demonization of longtime White House correspondent Helen Thomas, known for her courage in asking uncomfortable questions and for her critical views toward Israel's treatment of the Palestinians.

When Thomas made an impolitic remark about Israelis leaving what had been Palestine, her mainstream media colleagues joined the loud calls for her career to be brought to an ignominious end, her apology notwithstanding.

Kurtz penned a harsh [retrospective](#) on Thomas's sudden retirement from journalism, giving Thomas's critics a free shot at denouncing her for an alleged lack of "objectivity" and her supposedly off-the-wall questions to politicians.

"She asked questions no hard-news reporter would ask, that carried an agenda and reflected her point of view and there were some reporters who felt that was inappropriate," CBS correspondent Mark Knoller was quoted as saying. "Sometimes her questions were embarrassing to others."

"She's always said crazy stuff," added National Review Online columnist Jonah Goldberg, whose "journalism" career was launched as a defender of his mother, Lucianne Goldberg, after she advised disgruntled federal employee Linda Tripp to tape her conversations with President Clinton's girlfriend Monica Lewinsky and to save the semen-stained blue dress.

"I did my bit in the trenches of Clinton's trousers," Goldberg once wrote. So, in the funhouse-mirror world of today's Washington news media, Goldberg parlayed his time in Clinton's trousers into a slot as a frequent guest on high-profile TV news shows, such as ABC's "Good Morning America," "Nightline," MSNBC's "Hardball with Chris Matthews," CNN's "Larry King Live," and, of course, many Fox News programs.

As examples of Helen Thomas's "crazy stuff," Kurtz cited some of her questions as if the very words proved her unfitness to work as a national journalist. For instance, he wrote: "In 2002, Thomas asked [White House press secretary Ari] Fleischer: 'Does the president think that the Palestinians have a right to resist 35 years of brutal military occupation and suppression?'"

Apparently, no further comment was needed for Washington Post readers to understand how outlandish such a question was. Kurtz continued: "Four years later, Thomas told Fleischer's successor, Tony Snow, that the United States

'could have stopped the bombardment of Lebanon' by Israel, but instead had 'gone for collective punishment against all of Lebanon and Palestine.' Snow tartly thanked her for 'the Hezbollah view.'"

### **Praise for Critics**

Kurtz also praised some of Thomas's colleagues who alerted the world to the dangers of Helen Thomas earlier. He wrote: "A handful of journalists questioned her role over the years. In a 2006 New Republic piece, Jonathan Chait accused Thomas of 'unhinged rants,' noting that she had asked such questions as: 'Why are we killing people in Iraq? Men, women, and children are being killed there It's outrageous.'"

Again, Kurtz appeared to believe that the absurdity of Thomas's statement was self-evident.

Yet, as President George W. Bush's unprovoked invasion and bloody occupation of Iraq claimed the lives of thousands of U.S. soldiers and hundreds of thousands of Iraqis, perhaps the greater absurdity was that Helen Thomas was often alone in asking such impertinent questions.

Thomas also had the integrity to refuse to allow her name and reputation to be used by South Korean theocrat (and right-wing funder) Sun Myung Moon when he took over United Press International in 2000. Then the best-known journalist at UPI, she resigned as an act of principle.

Though Moon was a notorious propagandist who had founded the Washington Times in 1982 as a vehicle for supporting some American politicians (such as Ronald Reagan and George H.W. Bush) and for tearing down others (such as John Kerry, Bill Clinton and Al Gore), much of the "objective" Washington press corps tolerated and even promoted Moon's curious newspaper.

In the mid-1980s, after Moon's newspaper signed up for the Associated Press wire service, AP executives told AP staffers, including me, that we were no longer allowed to mention Moon's connection to the newspaper when we cited the Washington Times' reporting in AP copy. That policy change meant that readers of AP stories around the world wouldn't be alerted to the propaganda element of Moon's operation.

Other respected Washington news figures, such as C-SPAN's Brian Lamb, actively promoted Moon's newspaper by hoisting up its articles before viewers, many of whom had no idea that the Times' owner was a religious cult leader with mysterious ties to foreign intelligence services and to international crime syndicates. [For details, see Robert Parry's [Secrecy & Privilege](#).]

So, while Moon's newspaper was influencing the U.S. political debate with propagandistic articles and while Moon was spreading around money for political and journalism conferences Helen Thomas was one of the few prominent figures in the Washington press corps to object. (After resigning from UPI, she took a job as a columnist for the Hearst newspapers.)

Nevertheless, at the end of her long and groundbreaking career as one of the first women to operate in the male-dominated Washington press corps, Helen Thomas was the one pilloried as crazy and unprofessional by the arbiter of all that is good in journalism, Howard Kurtz.

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

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## Sandra Day O'Connor's 'Maybe' Regret

**Exclusive:** Ex-Supreme Court Justice Sandra Day O'Connor, who normally ducks questions about overturning Al Gore's election in 2000 and putting George W. Bush in the White House, admits that "maybe" a mistake was made. But she still won't accept the magnitude of her judicial crime, says Robert Parry.

By Robert Parry

Even as an investigative reporter experienced in writing about terrible decisions that lead to horrible results, I find it galling that former U.S. Supreme Court Justice Sandra Day O'Connor now grudgingly concedes that "maybe" she shouldn't have joined four other Republicans to hand the White House to George W. Bush in 2000.

In [an interview](#) with the Chicago Tribune editorial board last Friday, the 83-year-old O'Connor acknowledged that "maybe the court should have said, 'We're not going to take it [Bush's appeal of a lower court ruling], goodbye.'"

Yet, perhaps even more galling, O'Connor didn't try to defend her reasoning in the decision, that the Florida State Supreme Court's mandate to count ballots that were kicked out by antiquated voting machines but still revealed how citizens intended to vote was somehow a violation of the Fourteenth Amendment's requirement of equal protection under the law.

The amendment was passed after the Civil War to protect the legal rights of former African-American slaves, but in the hands of O'Connor and four other Republicans it was turned inside-out, used to disenfranchise blacks and other Floridians living in poorer districts lacking the newer voting machines of whiter and richer communities.

O'Connor, who for more than a dozen years has resisted discussing the 2000 decision that overturned the will of the American voters, suggested in her comments to the Tribune that the court's legal reasoning was only a facade anyway. She noted that the disputed election had "stirred up the public" and "obviously the court did reach a decision and thought it had to reach a decision."

She added, "It turned out the election authorities in Florida hadn't done a real good job there and kind of messed it up. And probably the Supreme Court added to the problem at the end of the day."

O'Connor lamented, too, that the ruling "gave the court a less-than-perfect reputation." Of course, more significantly, it gave the United States "a less-than-perfect" leader who proceeded to blunder the nation into a series of catastrophes that cost the lives of hundreds of thousands, threw the global economy into a depression, and left the U.S. government deeply in debt.

Though the mainstream press typically treats O'Connor with kid gloves, the hard truth is that she bears a great deal of responsibility for all that human suffering because she was the pivotal vote that overturned the collective judgment of the American people who had favored Vice President Al Gore both nationally and in Florida.

Not only did Al Gore win the national popular vote in Election 2000 but if all ballots legal under Florida law had been counted, he would have prevailed in that swing state, too, and thus become the 43<sup>rd</sup> U.S. President. However, instead of giving Florida canvassing boards the chance to tally the ballots, O'Connor and four other Republicans simply stopped the count.

In siding with Bush, the U.S. Supreme Court also rewarded the Bush campaign for all the obstructions it had placed in the way of a full-and-fair vote count, including flying in rioters from Washington to disrupt the work of the Miami canvassing board. [For details on the election battle, see [Neck Deep](#).]

### **Stopping the Recount**

Finally, the Florida Supreme Court ordered a state-wide recount to determine if legally cast ballots had been missed. In response, Bush's team of lawyers rushed into federal court seeking to stall the recount until after Dec. 12, 2000, when

Bush's 537-vote victory, as certified by Republican Secretary of State Katherine Harris, was scheduled to become official and render any recount meaningless.

In demanding the stay, Bush's lawyers argued that the vote counting was a threat to "the integrity of the electoral process" and could cause Bush "irreparable injury." But there would have been nothing irreparable about conducting the recount and then, if the U.S. Supreme Court agreed with Bush, to throw out the newly discovered votes.

On the other hand, there would be irreparable harm to Gore's campaign if an injunction blocked the counting of the votes and the Dec. 12 deadline preserved Bush's margin which by then had shrunk to 154 votes. When Bush's legal arguments were presented to the conservative-dominated U.S. Court of Appeals in Atlanta, the case was promptly rejected. But Bush's lawyers then hastened to a friendlier venue, the U.S. Supreme Court.

Meanwhile, in Florida, the state-court-ordered recount was underway. County by county, election canvassing boards were moving smoothly through the machine-rejected ballots, discovering hundreds that clearly had registered choices for presidential candidates. Gore gained some and Bush gained some.

When there was a dispute, the ballots were set aside for later presentation to Leon County Circuit Judge Terry Lewis, who had been named by the Florida Supreme Court to oversee the process and was given wide leeway to make judgments about which ballots should be counted.

"The Circuit Court is directed to enter such orders as are necessary to add any legal votes to the total statewide certifications and to enter any orders necessary," the Florida Supreme Court ruling stated. "In tabulating the ballots and in making a determination of what is a 'legal' vote, the standard to be employed is that established by the Legislature in our election code which is that the vote shall be counted as a 'legal' vote if there is 'clear indication of the intent of the voter.'"

As the recount proceeded, the chairman of the Charlotte County canvassing board posed a question to Judge Lewis: what should be done with ballots in which a voter both punched the name of a presidential candidate and wrote the name in? These so-called "over-votes" containing two entries for President although for the same candidate had been kicked out of the counting machines, too, along with the "under-votes," those where the machine couldn't discern a vote for President.

The Florida Supreme Court ruling had only specified tallying the under-votes, but the ruling also had instructed Judge Lewis to count every vote where there

was a “clear indication of the intent of the voter.” The over-votes demonstrated even more clearly than the under-votes who the voter wanted.

So Lewis sent a memo to the state canvassing boards, instructing them to collect these over-votes and send them along with under-votes still in dispute. “If you would segregate ‘over-votes’ as you describe and indicate in your final report how many where you determined the clear intent of the voter,” Judge Lewis wrote, “I will rule on the issue for all counties.”

Lewis’s memo a copy of which was later obtained by *Newsweek* magazine might not have seemed very significant at the time, but it would grow in importance because the over-votes were discovered to heavily favor Gore.

If they were counted as they almost surely would have been under Lewis’s instructions Gore would have carried Florida regardless of what standard was applied to the “chads,” the tiny pieces of paper that were not completely dislodged from the punch-through ballots that were then kicked out by the counting machines.

After the Lewis memo surfaced almost a year later, the *Orlando Sentinel* of Florida was virtually alone in asking the judge what he would have done with the over-votes if the Florida recount had been permitted to go forward. Lewis said that while he had not fully made up his mind about counting the over-votes in December 2000, he added: “I’d be open to that.”

In effect, Lewis’s instructions had signaled an obvious decision to count the over-votes because once the votes that were legal under Florida law had been identified and collected there would be no legal or logical reason to throw them out, especially since some counties had already included over-votes in their counts.

### **A Heart-Stopping Decision**

But only hours after Lewis issued his instructions, five Republicans on the U.S. Supreme Court did something unprecedented. The narrow court majority ordered a halt in the counting of ballots cast by citizens for the election of the President of the United States.

It was a heart-stopping moment in the history of a democratic Republic. It carried the unmistakable odor of a new order imposing itself in defiance of the popular will. There were no tanks in the streets, but the court’s ruling was as raw an imposition of political power as the United States had seen in modern times.

In the 5-4 decision, the highest court in the land told vote-counters across

Florida to stop the recount out of fear that it would show that Gore got more votes in Florida than Bush did. Such an outcome would “cast a cloud” over the “legitimacy” of an eventual Bush presidency if the U.S. Supreme Court later decided to throw out the Gore gains as illegal, explained Justice Antonin Scalia in an opinion speaking for the majority, which included Justices William Rehnquist, Anthony Kennedy, Clarence Thomas and O’Connor.

“Count first, and rule upon the legality afterwards, is not a recipe for producing election results that have the public acceptance democratic stability requires,” wrote Scalia, an appointee of President Ronald Reagan. In other words, it was better for the U.S. public not to know for sure that Gore got the most votes if as expected the Supreme Court later decided simply to award the presidency to Bush.

In a sharply worded dissent, Justice John Paul Stevens took Scalia’s reasoning to task. Stevens, a moderate who was appointed by Republican President Gerald Ford, said the injunction against the vote tally violated the traditions of “judicial restraint that have guided the Court throughout its history.” Stevens complained that the high court’s action overrode the judgment of a state supreme court, took sides on a constitutional question before that issue was argued to the justices, and misinterpreted the principles of “irreparable harm.”

“Counting every legally cast vote cannot constitute irreparable harm,” Stevens argued. “On the other hand, there is a danger that a stay may cause irreparable harm to the respondents [the Gore side] and, more importantly, the public at large” because the stay could prevent a full tally of the votes before the impending deadline of Dec. 12 for selecting Florida’s electors.

As for the “legitimacy” issue, Stevens answered Scalia’s rhetoric directly. “Preventing the recount from being completed will inevitably cast a cloud on the legitimacy of the election,” Stevens wrote.

### **Dangerous Journey**

Immediately after the U.S. Supreme Court’s unprecedented injunction, I wrote at Consortiumnews.com that if the high court insisted “on stopping the vote count and handing the presidency to George W. Bush, the United States will have embarked upon a dangerous political journey whose end could affect the future of all mankind.

“For American political institutions to ignore the will of the voters and to wrap partisanship in the judicial robes of the nation’s highest court will almost certainly be followed by greater erosion of political freedom in the United States and eventually elsewhere.



“Illegitimacy and repression are two of history’s most common bedfellows. Perhaps most chilling, at least for the moment, is the now-unavoidable recognition that the U.S. Supreme Court, the country’s final arbiter of justice, has transformed itself into the right wing’s ultimate political weapon. A dark cloud is descending over the nation.”

Three days later, the other shoe from the U.S. Supreme Court was expected to drop. There should have been no real doubt how O’Connor and the other four would rule they clearly had decided that George W. Bush should be President but it was less certain what legal reasoning they would employ.

The mainstream press regarded O’Connor as a sort of “wise woman” beyond the taint of partisanship, but she had a personal as well as political reason for putting Bush in the White House. With her husband ailing from Alzheimer’s disease, O’Connor was contemplating retiring and wanted a Republican appointed as her successor.

Consortiumnews.com political reporter Mollie Dickenson reported that “one of the court’s supposed ‘swing votes,’ Justice Sandra Day O’Connor, is firmly on board for George W. Bush’s victory. According to a knowledgeable source, O’Connor was visibly upset indeed furious when the networks called Florida for Vice President Al Gore on Election Night. ‘This is terrible,’ she said, giving the impression that she desperately wanted Bush to win.”

But one optimist who thought that O’Connor would demand a ruling respectful of democratic principles was Al Gore. Dickenson reported that as late as 4 p.m. on Dec. 12, Gore was making campaign thank-you calls, including one to Sarah Brady, the gun-control advocate whose husband James Brady had been wounded in the 1981 assassination attempt against President Ronald Reagan.

“We’re going to win this thing, Sarah,” Gore said. “I just have all the faith in the world that Sandra Day O’Connor is going to be with us on this one.”

### **An Acrobatic Ruling**

As it turned out, Gore’s confidence in O’Connor was misplaced. As the clock ticked toward a midnight deadline for Florida to complete any recount, O’Connor was working with Justice Kennedy to fashion a ruling that would sound principled but still would prevent a full recount and thus guarantee both George W. Bush’s inauguration and Republican control over the appointment of future federal judges.

Yet, behind the closed doors of the court chambers, O’Connor and the other four pro-Bush justices were having a harder time than expected coming up with even a marginally plausible legal case. Indeed, outside public view, the five justices

tentatively decided on one set of arguments on Dec. 11 but then reversed their thinking nearly 180 degrees heading into the evening of Dec. 12.

*USA Today* disclosed the inside story in a later article that focused on the stress that the *Bush v. Gore* ruling had caused within the court. While sympathetic to the pro-Bush majority, the article by reporter Joan Biskupic explained the court's flip-flop in legal reasoning.

The five justices had been planning to rule for Bush after oral arguments on Dec. 11. The court even sent out for Chinese food for the clerks, so the work could be completed that night, but events took a different turn.

The Dec. 11 legal rationale for stopping the recount was to have been that the Florida Supreme Court had made "new law" when it referenced the state constitution in an initial recount decision rather than simply interpreting state statutes. Even though this pro-Bush argument was highly technical, the rationale at least conformed with conservative principles, supposedly hostile to "judicial activism."

But the Florida Supreme Court threw a wrench into the plan. On the evening of Dec. 11, the state court submitted a revised ruling that deleted the passing reference to the state constitution. The revised state ruling based its reasoning entirely on state statutes that permitted recounts in close elections.

The revision drew little attention from the national press, but it created a crisis within the U.S. Supreme Court's majority. Justices O'Connor and Kennedy no longer felt they could agree with the "new law" rationale for striking down the recount, though Rehnquist, Scalia and Thomas still were prepared to use that argument despite the altered reasoning from the state court.

Searching for a new rationale, O'Connor and Kennedy veered off in a different direction. Through the day of Dec. 12, the pair worked on an opinion arguing that the Florida Supreme Court had failed to set consistent standards for the recount and that the disparate county-by-county standards constituted a violation of the "equal protection" rules of the Fourteenth Amendment. But this argument was so thin and so tendentious that Kennedy reportedly had trouble committing it to writing with good reason.

To anyone who had followed the Florida election, it was clear that varied standards already had been applied throughout the state. Wealthier precincts had benefited from optical voting machines that were simple to use and eliminated nearly all errors, while poorer precincts where many African-Americans and retired Jews lived were stuck with outmoded punch-card systems with far higher error rates. Some Republican counties also had conducted manual recounts on

their own and those totals were part of the tallies giving Bush a tiny lead.

The suspended statewide recount, even if there were slight variations of standards regarding "intent of the voters," was designed to reduce these disparities and thus bring the results closer to equality.

Applying the "equal protection" provision, as planned by O'Connor and Kennedy, turned the Fourteenth Amendment on its head, guaranteeing less equality than would occur if the recount went forward. Plus, the losers in this perverse application of the Fourteenth Amendment would include African-Americans whose legal rights the amendment had been created to protect.

Further, if one were to follow the O'Connor-Kennedy position to its logical conclusion, the only fair outcome would have been to throw out Florida's presidential election in total. After all, Florida's disparate standards were being judged unconstitutional, and without some form of recount to eliminate those disparities, the entire statewide results would violate the Fourteenth Amendment.

That, however, would have left Al Gore with a majority of the remaining electoral votes nationwide. Clearly, the five pro-Bush justices had no intention of letting their "logic" lead to that result.

### **A Catch-22**

Beyond the stretched logic of O'Connor-Kennedy was the readiness of Rehnquist, Scalia and Thomas to sign on to the revamped opinion that was almost completely at odds with their own legal rationale for blocking the recount in the first place. On the night of Dec. 11, that trio was ready to bar the recount because the Florida Supreme Court had created "new law." A day later, they agreed to bar the recount because the Florida Supreme Court had *not* created "new law," the establishment of precise statewide recount standards.

The pro-Bush justices had devised a Catch-22. If the Florida Supreme Court set clearer standards, they would be struck down as creating "new law." Yet, if the state court didn't set clearer standards, that would be struck down as violating the "equal protection" principle. Heads Bush wins; tails Gore loses.

Never before in American history had U.S. Supreme Court justices exploited their extraordinary powers as brazenly to advance such clearly partisan interests as did these five justices.

The *Bush v. Gore* decision was finally released at 10 p.m., Dec. 12, just two hours before the deadline for completing the recount. After having delayed any remedy up to the deadline, the five pro-Bush justices then demanded that any

revised plan and recount be finished in 120 minutes, a patently impossible task.

In a dissenting opinion, Justice Stevens said the majority's action in blocking the Florida recount "can only lend credence to the most cynical appraisal of the work of judges throughout the land."

Justices Stephen Breyer and Ruth Bader Ginsburg, appointees of President Bill Clinton, said in another dissent, "Although we may never know with complete certainty the identity of the winner of this year's presidential election, the identity of the loser is perfectly clear. It is the nation's confidence in the judge as an impartial guardian of the rule of law."

Tacitly recognizing the nonsensical nature of its own ruling, the majority barred the *Bush v. Gore* decision from ever being cited as a precedent in any other case. It was a one-time deal to put Bush in the White House.

The next day, Al Gore whose final national plurality by then had grown to about 540,000 votes, more than the winning margins for Kennedy in 1960 or Nixon in 1968 conceded Election 2000 to George W. Bush.

After Gore's concession, Justice Thomas told a group of high school students that partisan considerations played a "zero" part in the court's decisions. Later, asked whether Thomas's assessment was accurate, Rehnquist answered, "Absolutely."

### **Shielding Bush**

Once those five Republican justices handed the White House to their fellow Republican the poorly qualified Bush other representatives of the Establishment stepped in to shield Bush's fragile "legitimacy." Major U.S. news outlets did their part to conceal the reality of the electoral fraud. Especially after the 9/11 attacks, senior editors closed ranks around the bumbling Bush and even misreported the findings of their own recount of the disputed Florida ballots.

When the news outlets finally got around to publishing their findings in November 2001, they intentionally buried the lede, i.e. that the wrong guy was in the White House. Instead, they focused on two hypothetical partial recounts that would have still left Bush with a tiny plurality. Yet, the only tally that should have mattered was the will of the Florida voters as reflected in the ballots considered legal under state law.

So, not only was history altered by the unjustified intervention of O'Connor and her four collaborators, but history was then willfully miswritten by the New York Times, the Washington Post, CNN and other news heavyweights. "Study of Disputed Florida Ballots Finds Justices Did Not Cast the Deciding Vote," the New

York Times declared. "Florida Recounts Would Have Favored Bush" exclaimed the Washington Post.

The Post's Page One article was followed by a sidebar from media critic Howard Kurtz, who took the Bush-victory spin one cycle further, with a story headlined, "George W. Bush, Now More Than Ever." Kurtz ridiculed as "conspiracy theorists" those who had expected to learn that Gore had actually won.

"The conspiracy theorists have been out in force, convinced that the media were covering up the Florida election results to protect President Bush," Kurtz wrote. "That gets put to rest today, with the finding by eight news organizations that Bush would have beaten Gore under both of the recount plans being considered at the time."

Kurtz also mocked those who believed that winning an election fairly, based on the will of the voters, was all that important in a democracy. "Now the question is: How many people still care about the election deadlock that last fall felt like the story of the century and now faintly echoes like some distant Civil War battle?" he wrote.

But, Kurtz's sarcasm aside, a close reading of the actual findings buried by the big newspapers on inside pages or included as part of a statistical chart revealed that the Page One stories were misleading, if not outright false. The reality was that Al Gore actually had been the choice of Florida's voters if all legally cast votes were counted. By any chad measure hanging, dimpled or fully punched through Gore would have won Florida and thus the White House.

Gore won even if one ignored the 15,000 to 25,000 votes that *USA Today* estimated Gore lost because of illegally designed "butterfly ballots," or the hundreds of predominantly African-American voters who were falsely identified by the state as felons and turned away from the polls. Gore won even if there were no adjustment for Bush's windfall of about 290 votes from improperly counted military absentee ballots where lax standards were applied to Republican counties and strict standards to Democratic ones.

Put differently, George W. Bush was not the choice of Florida's voters anymore than he had been the choice of the American people who cast a half million more ballots for Gore than Bush nationwide. Yet, possibly for reasons of patriotism or out of fear of criticism if they had written "Gore Won" leads, the news organizations that financed the Florida ballot study structured their stories on the ballot review to indicate that Bush was the legitimate winner.

In effect, the elite media's judgment was "Bush won, get over it." Only "Gore partisans" as both the Washington Post and the New York Times called critics of

the official Florida election tallies would insist on looking at the fine print.

### **Seeing the Numbers**

While “Bush Won” was the short-hand theme of nearly all the news stories on Nov. 12, 2001, it was still a bit jarring to go beyond the Page One articles or CNN’s headlines and read the actual results of the statewide review of 175,010 disputed ballots. “Full Review Favors Gore,” the Washington Post stated in a box on Page 10, showing that under all standards applied to the ballots, Gore came out on top. The New York Times’ graphic revealed the same outcome.

Counting fully punched chads and limited marks on optical ballots, Gore won by 115 votes. With any dimple or optical mark, Gore won by 107 votes. With one corner of a chad detached or any optical mark, Gore won by 60 votes. Applying the standards set by each county, Gore won by 171 votes.

Beyond getting the story wrong, the major U.S. newspapers acted as if it was their duty to convince the American people that Bush really was elected legitimately. Within one or two hours of posting a story at Consortiumnews.com challenging the big media’s version of the recount, I received an irate phone call from New York Times media writer Felicity Barringer.

In an “interview” which was more like a cross-examination, Barringer argued that my story had unfairly impugned the journalistic integrity of then-Times executive editor Howell Raines. Barringer seemed to have been on the lookout for any deviant point of view that questioned the “Bush Won” conventional wisdom.

Now, more than a decade later, after the calamity of George W. Bush’s presidency should be apparent to any thinking human being, the “swing vote” on the U.S. Supreme Court the supposedly fair-minded justice whom Gore had expected to stand up for the democratic process admits that “maybe” a mistake was made.

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

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## **Second-Guessing George W. Bush**

**Exclusive:** At the heart of the new George W. Bush Presidential Library and the Bush Family’s frantic efforts to rehabilitate its image is a novel approach toward putting visitors on the spot by putting them in Bush’s shoes as he faced

tough choices, a challenge that Robert Parry agrees to take on.

By Robert Parry

The strategy at George W. Bush's presidential library for fending off criticism of Bush's controversial indeed criminal decisions is to put a visitor on the defensive with the question: "Well, what would you have done?" The idea is to get the average person to sympathize with the 43<sup>rd</sup> president's predicament and thus judge him more leniently.

The New York Times reported that "the hypothetical exercise, which includes touch screens that let users watch videos of 'advisers' before voting on whether they would make the same choices that Mr. Bush did, revisits the most consequential moments of his administration."

So, let me take a crack at what I would have done if I were in Bush's shoes or what I think he should have done.

First, if my primary qualification to be president was that my dad had held the job, if I had failed at nearly every job I ever had because I was a throwing-up drunk through my 40<sup>th</sup> birthday, if I were thoroughly unprepared in my understanding of American constitutional principles and in my knowledge of world events, I would never have run for such a powerful office.

To do so would be reckless and irresponsible. Who knows? I might have ended up getting a lot of innocent people killed, driving the United States deeply into debt, and wrecking the world's economy.

Second, if I did run for the office and lost the national popular vote by more than a half million ballots, I would have let the local officials in Florida do their job and count all the votes in that swing state as accurately as they could. I would not have turned to my brother's cronies in Florida and my dad's friends on the U.S. Supreme Court to thwart the will of the American people.

As we now know, a full count of Florida votes that were regarded as legal under state law would have given Florida narrowly to Al Gore. I would have accepted that judgment rather than dispatching rioters to block a recount in Miami and then getting five Republican partisans on the Supreme Court to block the state from completing its vote count. [For details, see Neck Deep.]

### **Taking Advice**

Third, if I had run despite my lack of qualifications and if I had stolen the election, I would have listened to the advice of outgoing President Bill Clinton who urged that the federal budget surplus be safeguarded to assure Social

Security and Medicare for the Baby Boomer generation. Or at least we could have continued paying down the debt, which was projected to completely disappear over the next decade.

I wouldn't have blundered forward with an ideological plan to slash taxes mostly to benefit the rich and to throw the federal government back into an ocean of red ink. I also wouldn't have followed right-wing orthodoxy and cut back on regulation of banks and other major economic institutions.

Fourth, I would have listened to professional counterterrorism experts who warned about a growing threat from al-Qaeda terrorists. I wouldn't have blown off increasingly dire CIA threat analyses like the one delivered to my ranch in Texas on Aug. 6, 2001, the one that read: "Bin Laden Determined to Strike in U.S." I would have ordered an all-hands-on-deck assessment of the risk and what to do to stop the impending attack.

Fifth, if the 9/11 attacks occurred anyway, I would have concentrated on bringing the perpetrators to justice with a minimal level of additional violence. If the Afghan government was willing to turn over Osama bin Laden and other conspirators and would agree to shut down al-Qaeda bases, I would have pursued that possibility.

If there was no way to get bin Laden and his terrorist associates through traditional legal channels and an invasion became necessary, I would have stuck to the goal of effecting their capture. If bin Laden and his men were cornered in the mountains of Tora Bora, I would have provided the military resources (requested by U.S. Special Forces) to finish the job then and there, rather than abruptly diverting the Pentagon brass toward planning for an invasion of Iraq, which had nothing to do with 9/11.

Sixth, under no circumstance would I have drummed up a fake case for invading Iraq. Not only was Iraq innocent of 9/11 and unconnected with al-Qaeda, but an unprovoked invasion of a country is a violation of international law.

At the Nuremberg Tribunal after World War II, U.S. prosecutors proclaimed aggressive war "the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole." I would not have mocked international law, but rather embraced it as the most effective way to build real peace and cooperation in the world, including addressing the existential threat of global warming.

Seventh, I would have trusted FBI interrogators to extract useful intelligence from al-Qaeda detainees without resorting to the disgraceful practice of torture. I would have slammed the door on the psycho babble from CIA contractors



about “learned dependency” and shown the door to John Yoo and anyone else spouting legal mumbo-jumbo justifying “enhanced interrogation techniques.”

As President of the United States a nation that has a proud history of rejecting the barbaric practice of torture, even enshrining in the Constitution a prohibition against “cruel and unusual punishments” I would have summarily fired anyone suggesting such a thing and ordered the prosecution of anyone who committed such a crime.

Eighth, I also would have sent packing anyone who suggested that the President has “plenary” or unlimited powers during wartime, even a “war” as amorphous as the “war on terror.” And I never would have used such an imprecise and insidious phrase, since it suggests a never-ending war against an emotion or a tactic, not some definable enemy.

Ninth, I wouldn’t have allowed my political operatives to attack the patriotism of fellow Americans just for disagreeing with me. On the contrary, I would have insisted on a full and free debate on an issue as weighty as going to war. I would have repudiated any suggestion that the debate should be constrained through intimidation.

There would have been no winking at supporters who threatened the Dixie Chicks nor nodding toward subordinates who leaked the identity of CIA officer Valerie Plame as part of a whispering campaign to discredit her husband for questioning one of the false claims about Iraq (a lie about Iraq seeking uranium in Africa that I would not have included in my 2003 State of the Union speech in the first place).

Tenth, having stumbled through the first four years of my presidency with nearly 3,000 Americans dead from a preventable terrorist attack, with two open-ended wars bleeding the U.S. military, with tens of thousands of Iraqis and Afghans dead and many more grievously injured, with scandals over torture, with the federal surplus transformed into a huge deficit, and with the economy on increasingly shaky ground I would have proved beyond a doubt my initial observation about my unfitness for the office.

Thus, I would announce that I would not seek reelection. In that way, I would be spared my later decisions about how to respond to Hurricane Katrina, how to oversee the worsening violence in Iraq and Afghanistan, and how to regulate the Wall Street banks.

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## Obama's Annoyance with Media

The U.S. news media typically applies hackneyed or partisan templates to political issues, often distorting rather than informing the public debate. In a recent interview, President Obama mildly challenged some of that media behavior, reports Danny Schechter.

By Danny Schechter

There is one subject that most politicians avoid: talking about the media. Most spend most of their time positioning themselves for media attention because most seem to **need** and rely on media visibility. The media provides their political oxygen and, hence, explains why they spend so much time spinning their words with hired press secretaries, advisers and consultants.

In many ways, being on the air validates a politician's role if not his or her existence. Hence, many scramble to be interviewed for TV news and on Sunday shows. Media visibility is a key tool in the permanent campaigns most pols run for their reelections and to move up the political ladder. Much of the money they spend so much time raising also goes right back into the media for commercials.

As a result, politicians usually don't discuss their experiences with the media or their opinions about the media, perhaps out of fear of antagonizing media outlets by suggesting that they don't operate responsibly. As is, most fear media retaliation if they step out of line or say "the wrong thing."

President Barack Obama has become the latest politician to put his toe in the raging waters of the media debate, with some mild observations about the powerful role that media outlets play in reporting and often distorting political events.

In [an interview](#) with The New Republic, Obama stated the obvious: "One of the biggest factors is going to be how the media shapes debates. If a Republican member of Congress is not punished on Fox News or by Rush Limbaugh for working with a Democrat on a bill of common interest, then you'll see more of them doing it."

"The same dynamic happens on the Democratic side," he said. "I think the

difference is just that the more left-leaning media outlets recognize that compromise is not a dirty word. And I think at least leaders like myself, and I include Harry Reid and Nancy Pelosi in this, are willing to buck the more absolutist-wing elements in our party to try to get stuff done.”

Obama also criticized mainstream media outlets for their adherence to “journalism, which places equal blame on Democrats and Republicans when, according to the president, Republicans should bear more blame.”

“[T]hat’s one of the biggest problems we’ve got in how folks report about Washington right now, because I think journalists rightly value the appearance of impartiality and objectivity,” Obama observed.

“And so the default position for reporting is to say, ‘A plague on both their houses.’ On almost every issue, it’s, ‘Well, Democrats and Republicans can’t agree’, as opposed to looking at why is it that they can’t agree. Who exactly is preventing us from agreeing?”

He faults what he saw as an obsession with confrontation that contributes to the stalemate we see on Capitol Hill.

“Some of [the institutional barriers] have to do with our media and what gets attention,” he said. “Nobody gets on TV saying, ‘I agree with my colleague from the other party.’ People get on TV for calling each other names and saying the most outlandish things.”

Now this is pretty mild criticism. It does not examine why a calculated form of formulaic polarization is used to benefit the media itself by stoking ratings and eventually revenues.

Dylan Beyers of Politico notes that all media does not have an equal impact and “that right-wing media, especially Fox and Limbaugh, have an outsized influence on Republicans and are arguably more powerful than most members of Congress.”

Much of our political discourse also takes place on cable channels that do not have the audience that networks traditionally enjoyed. Everyone who works in media knows that pro wrestling was one of the most popular formats on cable with outsized almost cartoon like characters getting all the attention. Politics is just another form of wrestling with smack-downs and bitter fights increasingly common.

Former Vice President Al Gore who has been showered with media criticism for his role in selling the cable channel Current to AlJazeera, and profiting from the sale, has in the past been more insightful. (When was the last time you saw the media attack other media executives and companies for enriching themselves in

media deals?)

A former journalist, Gore wrote in his 2007 book, *The Assault on Reason*, "In practice, what television's dominance has come to mean is that the inherent value of political propositions put forward by candidates is now largely irrelevant compared with the image-based ad campaigns they use to shape the perceptions of voters. The high cost of these commercials has radically increased the role of money in politics, and the influence of those who contribute it.

"That is why campaign finance reform, however well drafted, often misses the main point: so long as the dominant means of engaging in political dialogue is through purchasing expensive television advertising, money will continue in one way or another to dominate American politics. And as a result, ideas will continue to play a diminished role."

As reported on "Lost Remote," Gore "goes on to cite the news media's fascination over the years with O.J. Simpson, Chandra Levy, Britney Spears and Paris Hilton, among others."

Gore writes: "In the world of television, the massive flows of information are largely in only one direction, which makes it virtually impossible for individuals to take part in what passes for a national conversation. Individuals receive, but they cannot send. They hear, but they do not speak. The 'well-informed citizenry' is in danger of becoming the 'well-amused audience.'"

This is derivative of the far more trenchant TV critique called "Amusing Ourselves to Death" by the late media critic Neil Postman whose ideas, among many from media critics, are rarely seen or heard on the air.

Responding to Gore's book in 2007, the industry magazine *Broadcasting & Cable* spanked the former Vice President for "groaning" and daring to blame any of our social/cultural problems on TV, writing:

"Television didn't create this situation. It is there to be watched, or not. It can be tuned to Spike or PBS. Al Gore concludes that the 'well-informed citizenry' is in danger of becoming the 'well-amused audience.' There are some 'inconvenient truths' in Gore's media screed. There's also a load of hyperbole."

How profound (or not)! But saying Gore is "groaning" is just a way of deriding and dismissing his critique. He tried but failed to build Current into a channel that could challenge our mediaocracy, but maybe just by being there, he helped create the possibility that its successor, the forthcoming "AlJazeera, America" can do a better job.

News Dissector Danny Schechter edits [Mediachannel.org](http://mediachannel.org), the media watch network that goes back on line this week. He blogs at [Newsdissector.net](http://newsdissector.net). He also hosts a show on [ProgressiveRadioNetwork.com](http://ProgressiveRadioNetwork.com) (PRN.fm) Comments to [dissector@mediachannel.org](mailto:dissector@mediachannel.org)

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## Al Gore's 'Current TV' Debacle

**Exclusive:** Current TV's core failure was the choice by its founder Al Gore to avoid political conflict in 2005 when President George W. Bush was near the height of his powers. That act of cowardice made the "progressive" network largely irrelevant to the biggest battles of the last decade, says Robert Parry.

By Robert Parry

Al Gore's soon-to-be-defunct Current TV should serve as a case study for American progressives on how not to construct a media outlet. It was a failure in nearly all respects, with possibly its only lasting contribution the fact that its sale to Al Jazeera may finally give that important media voice from the Islamic world a foothold in the United States.

The biggest error committed by Gore and his partner Joel Hyatt occurred at Current's founding in 2004-05 when the project intentionally ducked what was then the most important fight underway for the future of America, whether President George W. Bush's strategy for a permanent Republican majority would go unchallenged.

Gore specifically swore off any political leanings for the new network, vowing that it would be an "independent voice" focused on the 18-to-34 demographic by giving them "a voice they recognize and a view they recognize as their own." The idea was to present an MTV with a little more social conscience.

Gore and Hyatt also located their new network in San Francisco, a pleasant place to live but, frankly, a news backwater, 3,000 miles away from and three hours behind the news centers of New York and Washington. In placing its headquarters in the Bay Area, Current TV followed the tendency of other progressive outlets to choose that gentler location at the rear rather than to fight it out in the trenches on the front lines.

So, as the American people were facing one of the most severe threats to their political future a brazen strategy by Karl Rove and other Republican operatives to seize total control and to veer the country off in a violent and cruel right-

wing direction the former Vice President and Democratic standard-bearer from 2000 consciously sought to avoid political conflict for his fledgling network.

Even if that had been a sound business strategy, which it wasn't, it represented an act of cowardice. In 2005, when Current went on the air, the American people desperately needed a courageous voice to challenge Bush's abuses of power, including his neoconservative war of aggression in Iraq and his assault on fundamental constitutional protections, such as the right of habeas corpus and prohibitions against "cruel and unusual punishments," i.e. torture. Bush and the Right also were contemptuous about the science of global warming and other reality-based threats.

Not only could Gore's network have engaged aggressively on those political battle fronts, it could have provided important historic information, including evidence about broader Republican abuses of political power, from the days of Sen. Joe McCarthy through President Richard Nixon to the crimes of Ronald Reagan and George H.W. Bush, such as their tolerance of cocaine trafficking by the Nicaraguan Contra rebels.

Gore also could have demonstrated a meaningful independence by showing how Democrats contributed to those and similar offenses during the post-World War II years by commission and omission. [For details, see Robert Parry's *America's Stolen Narrative.*]

Indeed, a youthful audience might have found such evidence revelatory and useful in assessing what is needed to put U.S. politics back on a sound course. Certainly, these young people would have gotten a better sense of the battle they're in, against a power structure that won't simply budge because of some idealistic mini-documentaries about caring for the planet.

### **The All-Powerful Bush**

It may seem odd today, since President George W. Bush is widely reviled as a dismal failure, a politician not even welcome at the Republican National Convention. But eight years ago, he headed a fearsome political juggernaut that scared many people into silence, especially anyone who wished to maintain "credibility" within the mainstream.

So, it was left to a handful of underfunded Internet sites, including our own Consortiumnews.com, to explain what was happening within the U.S. political structure, to challenge the conventional wisdom on the Iraq War, and to provide the necessary historical context on how the country had lost its way. In those crucial years, Gore's Current TV siphoned off millions of dollars in scarce media money while producing very little that was cutting edge regarding the

fight for America's political future.

Ironically, it was an outlet of General Electric, a founding member of the Military-Industrial Complex, that seized on the media opening that Gore had disdained.

MSNBC, another struggling cable outlet, had tried for a while to out-fox Fox News from the Right. In the run-up to the Iraq War in 2003, MSNBC dumped the popular Phil Donahue, who had dared to allow some anti-war voices on his talk show. Then, during the invasion, MSNBC produced glowing propaganda videos of American troops "liberating" Iraq, just like Fox was doing.

MSNBC, like other mainstream outlets, carefully censored out images of dead Iraqi civilians and wounded children at overflowing hospitals, so as not to dampen the jingoistic hysteria that was considered ratings gold. However, MSNBC executives soon learned that Fox had cornered the market on conservative viewers, leaving the wannabe super-patriots at MSNBC looking for another strategy.

That strategy emerged through the singular voice of Keith Olbermann, a former sports broadcaster who transformed his MSNBC show "Countdown," which premiered almost at the same time as the Iraq War, into must-see TV for Americans uneasy about the direction that Bush was taking the country.

Though a temperamental personality, Olbermann demonstrated the courage to take on the Bush administration and Fox News and showed that his pugnacious though erudite style could work even amid the political conformity that dominated the early-to-mid part of the last decade. Every night, Olbermann chided Bush's triumphant "Mission Accomplished" declaration by counting how many days the war had continued after that moment of bravado.

Olbermann's ratings success convinced NBC Universal to expand its liberal-oriented evening programming, making MSNBC a counterpoint to Fox News and leaving CNN's attempts at "even-handedness" looking wimpy and irrelevant.

Repeated clashes with management led Olbermann to depart MSNBC in January 2011, but his legacy was lasting and profound. By then, Bush was considered one of the worst presidents in U.S. history, the Iraq War was acknowledged to be a disaster, and MSNBC was the clear choice for millions of Americans tired of Fox's right-wing propaganda and CNN's phony "balance."

It was only after Olbermann left MSNBC and after the ugly trench warfare with the Bush-Rove-Fox machine was largely over that Gore and Current TV decided to abandon their MTV-with-a-conscience format and opt for more hard-edged political programming. Current hired Olbermann to head its news division and to continue

hosting his show, but he quickly grew alienated by the poor production values and left in a huff in March 2012.

The hard truth about Gore's Current TV is that it missed its historic moment, a chance to truly fight for America's political future. Gore and the network thought they could do good by not engaging the powerful forces that were intent on crushing the nation's progressive tendencies and its democratic principles.

The idea was that Current could distance itself from such nastiness both politically and geographically, getting as far from the Washington Beltway as possible and focusing on the positive, not the negative.

That was a gross miscalculation, a failure of political courage and business acumen. Current will now disappear from America's media landscape having accomplished very little and with very few lamenting or even noticing its departure.

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

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