Media Serve the Governors, Not the Governed

Since 2006 WikiLeaks has been censuring governments with governments' own words. It has been doing the job the U.S. constitution intended the press to do, says Joe Lauria.

By Joe Lauria
in Sydney, Australia

In his 1971 opinion in the Pentagon Papers case, U.S. Supreme Court Justice Hugo Black wrote: "In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to *censor* the press was abolished so that the press would remain forever free to *censure* the Government."

That's what WikiLeaks and Julian Assange have been doing since 2006: censuring governments with governments' own words pried from secrecy by WikiLeak's sources—whistleblowers. In other words, WikiLeaks has been doing the job the U.S. constitution intended the press to do.

One can hardly imagine anyone sitting on today's U.S. Supreme Court writing such an opinion. Even more troubling is the news media having turned its back on its mission. Today they almost always serve the governors—not the governed.

The question is why.

Consolidation of media ownership has increased obedience of desperate journalists; entertainment divisions have taken over news departments; and careerist reporters live vicariously through the power of those they cover, rejecting the press' unique power to hold those officials to account.

It comes down ultimately to lifestyles. Men go to war to protect and further their lifestyles. The press cheers them on for residual material betterment and increase in status.

Millions of lives erased for lifestyles.

It used to be accepted in television that news departments would lose money and would be supported by the entertainment division. That's because news was considered a public service. TV newsmen—they were almost all men in those days—were former wire service and newspaper reporters. But greed has put the presenters' personalities before public service, as entertainment masquerades as news. Newspapers have sacrificed investigative units to maximize profit. Government is the winner.

The abdication of the mainstream media of their constitutional responsibility to serve the governed and not the governors has left a void filled for more than a decade by WikiLeaks.

No longer do today's Daniel Ellsbergs need to take their chances with editors at *The New York Times* or *The Washington Post,* or with their reporters spinning the damning information they risk their freedom to get to the public—no matter how disinterested and distracted the public may be.

Now the traditional media can be bypassed. WikiLeaks deals

in the raw material—that when revealed—governments hang themselves with. That's why they want Assange's head. They lust for revenge and to stop further leaks that threaten their grip on power. That the corporate media has turned on Assange and WikiLeaks reveals their service to the state and how much they prioritize their style of life—disregarding the carnage they help bring about.

In that Pentagon Papers' decision, the majority of the court ruled that the First Amendment prohibited the government from exercising prior restraint—or censorship—on the media *before* publication of classified information. But the majority of the court also said the government could prosecute journalists *after* publication.

Indeed the U.S. Espionage Act, which has withstood First Amendment challenges, criminalizes a publisher's or journalist's mere possession, as well as dissemination, of classified material. A 1961 amendment to the Act extended U.S. jurisdiction across the world. Assange is threatened by it.

U.S. administrations have been reluctant to take the step of post-publication prosecution, however. Nixon did not prosecute Sen. Mike Gravel, who was constitutionally protected when he read the Papers, given to him by Ellsberg, into the Congressional record. But Gravel could have been prosecuted for publishing the Papers as a book. Barack Obama decided to back off Assange when it was plain *The New York Times* and other corporate media would be as liable as Assange and WikiLeaks for publishing classified information. The virulently anti-media Trump administration, however, may take that step if Assange is arrested.

From their point of view it's easy to understand why the U.S. wants to crush Assange. But what is Australia's excuse? Why is it fighting America's battles? Why has the Australian mainstream media also turned against Assange after an election held in the U.S., not here? What has happened to Australia's sovereignty? That's a question that can be answered by Australians coming into the streets, like today—and staying there until their compatriot is at last free to leave that damned embassy. Free to continue to do the job the media refuses to do.

Joe Lauria gave this speech at a rally for Julian Assange organized by the Socialist Equality Party in Sydney on March 3. You can watch the video of the speech here:

Video by Cathy Vogan

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Brennan and Clapper Should Not Escape Prosecution

Recently declassified documents show that the former CIA director and former director of national intelligence approved illegal spying on Congress and then classified their crime. They need to face punishment, writes John Kiriakou.

By John Kiriakou

Special to Consortium News

Republican Sen. Chuck Grassley, the longtime chairman of the Judiciary Committee, made a dramatic announcement Nov. 1 that should lead to jail time for both former CIA Director John Brennan and former Director of National Intelligence James Clapper.

As reported, but widely overlooked amid the media focus on the midterm elections, Brennan ordered CIA hackers to intercept the emails of all potential or possible intelligence community whistleblowers who may have been trying to contact the congressional oversight committees, specifically to the Senate Select Committee on Intelligence and the Senate Judiciary Committee.

Hacking the Senate's computer system constitutes illegal use of a government computer, illegal espionage and wire fraud.

Brennan and Clapper, in 2014, ostensibly notified congressional overseers about this, but in a way that either tied senators' hands or kept them in the dark. They classified the notifications.

As a result, Grassley knew of the hacking but couldn't say anything while senators on neither the Intelligence or Judiciary Committees didn't know.

It's a felony to classify a crime. It's also a felony to

classify something solely for the purpose of preventing embarrassment to the CIA.

For all of this—for the hacking in the first place, and then the classification of that criminal deed—both men belong in prison.

This kind of over-classification is illegal, but few Americans know that because this law is not enforced. The Justice Department has never brought over-classification charges against a U.S. spying authority.

But this would be a good place to start.

Brennan has flouted U.S. national security laws with impunity for years. It was Brennan who, as CIA director, ordered CIA computer hackers to break into the computer system of the Senate Intelligence Committee while its investigators were preparing a declassified version of the Senate Torture Report Executive Summary. It was also Brennan who maintained President Obama's "kill list" of people designated for assassination, including American citizens, without the benefit of due process.

Clapper infamously denied to Senator Ron Wyden in an open hearing of the Senate Intelligence Committee that NSA was spying on American citizens. When he was finally challenged on his lie, he said that saying no was "the least dishonest response" he could think of.

There is a strong public interest in [the] content [of the two notifications], Grassley said, adding their content should be released in their entirety. "What sources or methods would be jeopardized by the declassification of

these notifications? After four-and-a-half years of bureaucratic foot-dragging, led by Brennan and Clapper, we finally have the answer: None."

Grassley began trying to get these two notifications declassified four years ago. The Iowa senator said that during the last two years of the Obama administration the Intelligence Community Inspector General—a monitoring entity established in 2010—repeatedly ignored his requests to release the information.

This time, after the exit of the Obama people, the request was approved.

There is hyper-partisan sensitivity around Brennan, who has publicly denounced Trump and is widely understood to be a leading source in the spy community pressing the idea that the Trump colluded with the Russians' interference in 2016 the elections.

Partisan passions, however, should have no place in all this.

What should matter is the law and the efforts by these two men to place themselves above it.

The CIA is required by law to inform congressional oversight committees whenever one of its officers, agents, or administrators breaks the law, when an operation requires congressional approval because it is a "covert action" program, or whenever something happens at the CIA that's potentially controversial and the agency wants to save itself the embarrassment of explaining itself to Congress later.

“I could see no reason to withhold declassification of these documents.” Grassley said. “They contained no information that could be construed as [betraying] sources and methods.”

Brennan was the leading force behind the prosecutions of eight national security whistleblowers during the Obama administration, almost three times the number of whistleblowers charged under the Espionage Act by all previous presidents combined.

Indeed, I was one of the “Obama Eight.” I was charged with five felonies, including three counts of espionage, after I blew the whistle on the CIA’s torture program. Of course, I hadn’t committed espionage and those charges were eventually dropped, but not until I had agreed to take a plea to a lesser charge. I served 23 months in a federal prison.

Brennan and Clapper think the law doesn’t apply to them. But it does. Without the rule of law, we have chaos. The law has to apply equally to all Americans. Brennan and Clapper need to learn that lesson the hard way. They broke the law. They ought to be prosecuted for it.

John Kiriakou is a former CIA counterterrorism officer and a former senior investigator with the Senate Foreign Relations Committee. John became the sixth whistleblower indicted by the Obama administration under the Espionage Act—a law designed to punish spies. He served 23 months in prison as a result of his attempts to oppose the Bush administration’s torture program.

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